

By: Representative Weathersby

To: Ways and Means

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 535

1 AN ACT TO AMEND SECTION 67-1-5, MISSISSIPPI CODE OF 1972, TO  
2 REVISE THE DEFINITION OF THE TERM "QUALIFIED RESORT AREA" UNDER  
3 THE LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL LAW; TO AMEND SECTION  
4 67-1-16, MISSISSIPPI CODE OF 1972, TO REQUIRE AN ELECTION TO BE  
5 HELD BEFORE CERTAIN MUNICIPALITIES MAY BE DESIGNATED A QUALIFIED  
6 RESORT AREA UNDER THE LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL LAW;  
7 AND FOR RELATED PURPOSES.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

9 **SECTION 1.** Section 67-1-5, Mississippi Code of 1972, is  
10 amended as follows:

11 67-1-5. For the purposes of this article and unless  
12 otherwise required by the context:

13 (a) "Alcoholic beverage" means any alcoholic liquid,  
14 including wines of more than five percent (5%) of alcohol by  
15 weight, capable of being consumed as a beverage by a human being,  
16 but shall not include light wine, light spirit product and beer,  
17 as defined in Section 67-3-3, Mississippi Code of 1972, but shall  
18 include native wines and native spirits. The words "alcoholic  
19 beverage" shall not include ethyl alcohol manufactured or  
20 distilled solely for fuel purposes or beer of an alcoholic content



21 of more than eight percent (8%) by weight if the beer is legally  
22 manufactured in this state for sale in another state.

23 (b) "Alcohol" means the product of distillation of any  
24 fermented liquid, whatever the origin thereof, and includes  
25 synthetic ethyl alcohol, but does not include denatured alcohol or  
26 wood alcohol.

27 (c) "Distilled spirits" means any beverage containing  
28 more than six percent (6%) of alcohol by weight produced by  
29 distillation of fermented grain, starch, molasses or sugar,  
30 including dilutions and mixtures of these beverages.

31 (d) "Wine" or "vinous liquor" means any product  
32 obtained from the alcoholic fermentation of the juice of sound,  
33 ripe grapes, fruits, honey or berries and made in accordance with  
34 the revenue laws of the United States.

35 (e) "Person" means and includes any individual,  
36 partnership, corporation, association or other legal entity  
37 whatsoever.

38 (f) "Manufacturer" means any person engaged in  
39 manufacturing, distilling, rectifying, blending or bottling any  
40 alcoholic beverage.

41 (g) "Wholesaler" means any person, other than a  
42 manufacturer, engaged in distributing or selling any alcoholic  
43 beverage at wholesale for delivery within or without this state  
44 when such sale is for the purpose of resale by the purchaser.



45           (h) "Retailer" means any person who sells, distributes,  
46 or offers for sale or distribution, any alcoholic beverage for use  
47 or consumption by the purchaser and not for resale.

48           (i) "State Tax Commission," "commission" or  
49 "department" means the Department of Revenue of the State of  
50 Mississippi, which shall create a division in its organization to  
51 be known as the Alcoholic Beverage Control Division. Any  
52 reference to the commission or the department hereafter means the  
53 powers and duties of the Department of Revenue with reference to  
54 supervision of the Alcoholic Beverage Control Division.

55           (j) "Division" means the Alcoholic Beverage Control  
56 Division of the Department of Revenue.

57           (k) "Municipality" means any incorporated city or town  
58 of this state.

59           (l) "Hotel" means an establishment within a  
60 municipality, or within a qualified resort area approved as such  
61 by the department, where, in consideration of payment, food and  
62 lodging are habitually furnished to travelers and wherein are  
63 located at least twenty (20) adequately furnished and completely  
64 separate sleeping rooms with adequate facilities that persons  
65 usually apply for and receive as overnight accommodations. Hotels  
66 in towns or cities of more than twenty-five thousand (25,000)  
67 population are similarly defined except that they must have fifty  
68 (50) or more sleeping rooms. Any such establishment described in  
69 this paragraph with less than fifty (50) beds shall operate one or



70 more regular dining rooms designed to be constantly frequented by  
71 customers each day. When used in this article, the word "hotel"  
72 shall also be construed to include any establishment that meets  
73 the definition of "bed and breakfast inn" as provided in this  
74 section.

75 (m) "Restaurant" means:

76 (i) A place which is regularly and in a bona fide  
77 manner used and kept open for the serving of meals to guests for  
78 compensation, which has suitable seating facilities for guests,  
79 and which has suitable kitchen facilities connected therewith for  
80 cooking an assortment of foods and meals commonly ordered at  
81 various hours of the day; the service of such food as sandwiches  
82 and salads only shall not be deemed in compliance with this  
83 requirement. Except as otherwise provided in this paragraph, no  
84 place shall qualify as a restaurant under this article unless  
85 twenty-five percent (25%) or more of the revenue derived from such  
86 place shall be from the preparation, cooking and serving of meals  
87 and not from the sale of beverages, or unless the value of food  
88 given to and consumed by customers is equal to twenty-five percent  
89 (25%) or more of total revenue; or

90 (ii) Any privately owned business located in a  
91 building in a historic district where the district is listed in  
92 the National Register of Historic Places, where the building has a  
93 total occupancy rating of not less than one thousand (1,000) and  
94 where the business regularly utilizes ten thousand (10,000) square



95 feet or more in the building for live entertainment, including not  
96 only the stage, lobby or area where the audience sits and/or  
97 stands, but also any other portion of the building necessary for  
98 the operation of the business, including any kitchen area, bar  
99 area, storage area and office space, but excluding any area for  
100 parking. In addition to the other requirements of this  
101 subparagraph, the business must also serve food to guests for  
102 compensation within the building and derive the majority of its  
103 revenue from event-related fees, including, but not limited to,  
104 admission fees or ticket sales to live entertainment in the  
105 building, and from the rental of all or part of the facilities of  
106 the business in the building to another party for a specific event  
107 or function.

108 (n) "Club" means an association or a corporation:

109 (i) Organized or created under the laws of this  
110 state for a period of five (5) years prior to July 1, 1966;

111 (ii) Organized not primarily for pecuniary profit  
112 but for the promotion of some common object other than the sale or  
113 consumption of alcoholic beverages;

114 (iii) Maintained by its members through the  
115 payment of annual dues;

116 (iv) Owning, hiring or leasing a building or space  
117 in a building of such extent and character as may be suitable and  
118 adequate for the reasonable and comfortable use and accommodation  
119 of its members and their guests;



120 (v) The affairs and management of which are  
121 conducted by a board of directors, board of governors, executive  
122 committee, or similar governing body chosen by the members at a  
123 regular meeting held at some periodic interval; and

124 (vi) No member, officer, agent or employee of  
125 which is paid, or directly or indirectly receives, in the form of  
126 a salary or other compensation any profit from the distribution or  
127 sale of alcoholic beverages to the club or to members or guests of  
128 the club beyond such salary or compensation as may be fixed and  
129 voted at a proper meeting by the board of directors or other  
130 governing body out of the general revenues of the club.

131 The department may, in its discretion, waive the five-year  
132 provision of this paragraph. In order to qualify under this  
133 paragraph, a club must file with the department, at the time of  
134 its application for a license under this article, two (2) copies  
135 of a list of the names and residences of its members and similarly  
136 file, within ten (10) days after the election of any additional  
137 member, his name and address. Each club applying for a license  
138 shall also file with the department at the time of the application  
139 a copy of its articles of association, charter of incorporation,  
140 bylaws or other instruments governing the business and affairs  
141 thereof.

142 (o) "Qualified resort area" means any area or locality  
143 outside of the limits of incorporated municipalities in this state  
144 commonly known and accepted as a place which regularly and



145 customarily attracts tourists, vacationists and other transients  
146 because of its historical, scenic or recreational facilities or  
147 attractions, or because of other attributes which regularly and  
148 customarily appeal to and attract tourists, vacationists and other  
149 transients in substantial numbers; however, no area or locality  
150 shall so qualify as a resort area until it has been duly and  
151 properly approved as such by the department. The department may  
152 not approve an area as a qualified resort area after July 1, 2018,  
153 if any portion of such proposed area is located within two (2)  
154 miles of a convent or monastery that is located in a county  
155 traversed by Interstate 55 and U.S. Highway 98. A convent or  
156 monastery may waive such distance restrictions in favor of  
157 allowing approval by the department of an area as a qualified  
158 resort area. Such waiver shall be in written form from the owner,  
159 the governing body, or the appropriate officer of the convent or  
160 monastery having the authority to execute such a waiver, and the  
161 waiver shall be filed with and verified by the department before  
162 becoming effective.

163 (i) The department may approve an area or locality  
164 outside of the limits of an incorporated municipality that is in  
165 the process of being developed as a qualified resort area if such  
166 area or locality, when developed, can reasonably be expected to  
167 meet the requisites of the definition of the term "qualified  
168 resort area." In such a case, the status of qualified resort area  
169 shall not take effect until completion of the development.



170 (ii) The term includes any state park which is  
171 declared a resort area by the department; however, such  
172 declaration may only be initiated in a written request for resort  
173 area status made to the department by the Executive Director of  
174 the Department of Wildlife, Fisheries and Parks, and no permit for  
175 the sale of any alcoholic beverage, as defined in this article,  
176 except an on-premises retailer's permit, shall be issued for a  
177 hotel, restaurant or bed and breakfast inn in such park.

178 (iii) The term includes:

179 1. The clubhouses associated with the state  
180 park golf courses at the Lefleur's Bluff State Park, the John Kyle  
181 State Park, the Percy Quin State Park and the Hugh White State  
182 Park;

183 2. The clubhouse and associated golf course,  
184 tennis courts and related facilities and swimming pool and related  
185 facilities where the golf course, tennis courts and related  
186 facilities and swimming pool and related facilities are adjacent  
187 to one or more planned residential developments and the golf  
188 course and all such developments collectively include at least  
189 seven hundred fifty (750) acres and at least four hundred (400)  
190 residential units;

191 3. Any facility located on property that is a  
192 game reserve with restricted access that consists of at least  
193 three thousand (3,000) contiguous acres with no public roads and





194 that offers as a service hunts for a fee to overnight guests of  
195 the facility;

196                   4. Any facility located on federal property  
197 surrounding a lake and designated as a recreational area by the  
198 United States Army Corps of Engineers that consists of at least  
199 one thousand five hundred (1,500) acres;

200                   5. Any facility that is located in a  
201 municipality that is bordered by the Pearl River, traversed by  
202 Mississippi Highway 25, adjacent to the boundaries of the Jackson  
203 International Airport and is located in a county which has voted  
204 against coming out from under the dry law; however, any such  
205 facility may only be located in areas designated by the governing  
206 authorities of such municipality;

207                   6. Any municipality with a population in  
208 excess of ten thousand (10,000) according to the latest federal  
209 decennial census that is located in a county that is bordered by  
210 the Pearl River and is not traversed by Interstate Highway 20,  
211 with a population in excess of forty-five thousand (45,000)  
212 according to the latest federal decennial census;

213                   7. The West Pearl Restaurant Tax District as  
214 defined in Chapter 912, Local and Private Laws of 2007;

215                   8. a. Land that is located in any county in  
216 which Mississippi Highway 43 and Mississippi Highway 25 intersect  
217 and:



218 A. Owned by the Pearl River Valley  
219 Water Supply District, and/or

220 B. Located within the Reservoir  
221 Community District, zoned commercial, east of Old Fannin Road,  
222 north of Regatta Drive, south of Spillway Road, west of Hugh Ward  
223 Boulevard and accessible by Old Fannin Road, Spillway Road, Spann  
224 Drive and/or Lake Vista Place, and/or

225 C. Located within the Reservoir  
226 Community District, zoned commercial, west of Old Fannin Road,  
227 south of Spillway Road and extending to the boundary of the  
228 corporate limits of the City of Flowood, Mississippi;

229 b. The board of supervisors of such  
230 county, with respect to B and C of item 8.a., may by resolution or  
231 other order:

232 A. Specify the hours of operation  
233 of facilities that offer alcoholic beverages for sale,

234 B. Specify the percentage of  
235 revenue that facilities that offer alcoholic beverages for sale  
236 must derive from the preparation, cooking and serving of meals and  
237 not from the sale of beverages, and

238 C. Designate the areas in which  
239 facilities that offer alcoholic beverages for sale may be located;

240 9. Any facility located on property that is a  
241 game reserve with restricted access that consists of at least  
242 eight hundred (800) contiguous acres with no public roads, that



243 offers as a service hunts for a fee to overnight guests of the  
244 facility, and has accommodations for at least fifty (50) overnight  
245 guests;

246 10. Any facility that:

247 a. Consists of at least six thousand  
248 (6,000) square feet being heated and cooled along with an  
249 additional adjacent area that consists of at least two thousand  
250 two hundred (2,200) square feet regardless of whether heated and  
251 cooled,

252 b. For a fee is used to host events such  
253 as weddings, reunions and conventions,

254 c. Provides lodging accommodations  
255 regardless of whether part of the facility and/or located adjacent  
256 to or in close proximity to the facility, and

257 d. Is located on property that consists  
258 of at least thirty (30) contiguous acres;

259 11. Any facility and related property:

260 a. Located on property that consists of  
261 at least one hundred twenty-five (125) contiguous acres and  
262 consisting of an eighteen-hole golf course, and/or located in a  
263 facility that consists of at least eight thousand (8,000) square  
264 feet being heated and cooled,

265 b. Used for the purpose of providing  
266 meals and hosting events, and



267 c. Used for the purpose of teaching  
268 culinary arts courses and/or turf management and grounds keeping  
269 courses, and/or outdoor recreation and leadership courses;

270 12. Any facility and related property that:

271 a. Consist of at least eight thousand  
272 (8,000) square feet being heated and cooled,

273 b. For a fee is used to host events,

274 c. Is used for the purpose of culinary  
275 arts courses, and/or live entertainment courses and art  
276 performances, and/or outdoor recreation and leadership courses;

277 13. The clubhouse and associated golf course  
278 where the golf course is adjacent to one or more residential  
279 developments and the golf course and all such developments  
280 collectively include at least two hundred (200) acres and at least  
281 one hundred fifty (150) residential units and are located a. in a  
282 county that has voted against coming out from under the dry law;  
283 and b. outside of but in close proximity to a municipality in such  
284 county which has voted under Section 67-1-14, after January 1,  
285 2013, to come out from under the dry law;

286 14. The clubhouse and associated  
287 eighteen-hole golf course located in a municipality traversed by  
288 Interstate Highway 55 and U.S. Highway 51 that has voted to come  
289 out from under the dry law;

290 15. a. Land that is planned for mixed-use  
291 development and consists of at least two hundred (200) contiguous



292 acres with one or more planned residential developments  
293 collectively planned to include at least two hundred (200)  
294 residential units when completed, and also including a facility  
295 that consists of at least four thousand (4,000) square feet that  
296 is not part of such land but is located adjacent to or in close  
297 proximity thereto, and which land is located:

298                   A. In a county that has voted to  
299 come out from under the dry law,

300                   B. Outside the corporate limits of  
301 any municipality in such county and adjacent to or in close  
302 proximity to a golf course located in a municipality in such  
303 county, and

304                   C. Within one (1) mile of a state  
305 institution of higher learning;

306                   b. The board of supervisors of such  
307 county may by resolution or other order:

308                   A. Specify the hours of operation  
309 of facilities that offer alcoholic beverages for sale,

310                   B. Specify the percentage of  
311 revenue that facilities that offer alcoholic beverages for sale  
312 must derive from the preparation, cooking and serving of meals and  
313 not from the sale of beverages, and

314                   C. Designate the areas in which  
315 facilities that offer alcoholic beverages for sale may be located;



316                   16. Any facility with a capacity of five  
317 hundred (500) people or more, to be used as a venue for private  
318 events, on a tract of land in the Southwest Quarter of Section 33,  
319 Township 2 South, Range 7 East, of a county where U.S. Highway 45  
320 and U.S. Highway 72 intersect and that has not voted to come out  
321 from under the dry law;

322                   17. One hundred five (105) contiguous acres,  
323 more or less, located in Hinds County, Mississippi, and in the  
324 City of Jackson, Mississippi, whereon are constructed a variety of  
325 buildings, improvements, grounds or objects for the purpose of  
326 holding events thereon to promote agricultural and industrial  
327 development in Mississippi;

328                   18. Land that is owned by a state institution  
329 of higher learning, and:

330                   a. Located entirely within a county that  
331 has elected by majority vote not to permit the transportation,  
332 storage, sale, distribution, receipt and/or manufacture of light  
333 wine and beer pursuant to Section 67-3-7, and

334                   b. Adjacent to but outside the  
335 incorporated limits of a municipality that has elected by majority  
336 vote to permit the sale, receipt, storage and transportation of  
337 light wine and beer pursuant to Section 67-3-9.

338                   If any portion of the land described in this item 18 has been  
339 declared a qualified resort area by the department before July 1,



340 2020, then that qualified resort area shall be incorporated into  
341 the qualified resort area created by this item 18;

342 19. Any facility and related property:

343 a. Used as a flea market or similar  
344 venue during a weekend (Saturday and Sunday) immediately preceding  
345 the first Monday of a month and having an annual average of at  
346 least one thousand (1,000) visitors for each such weekend and five  
347 hundred (500) vendors for Saturday of each such weekend, and

348 b. Located in a county that has not  
349 voted to come out from under the dry law and outside of but in  
350 close proximity to a municipality located in such county and which  
351 municipality has voted to come out from under the dry law;

352 20. Blocks 1, 2 and 3 of the original town  
353 square in any municipality with a population in excess of one  
354 thousand five hundred (1,500) according to the latest federal  
355 decennial census and which is located in:

356 a. A county traversed by Interstate 55  
357 and Interstate 20, and

358 b. A judicial district that has not  
359 voted to come out from under the dry law;

360 21. Any municipality with a population in  
361 excess of two thousand (2,000) according to the latest federal  
362 decennial census and in which is located a part of White's Creek  
363 Lake and in which U.S. Highway 82 intersects with Mississippi



364 Highway 9 and located in a county that is partially bordered on  
365 one (1) side by the Big Black River;

366                   22. A restaurant located on a two-acre tract  
367 adjacent to a five-hundred-fifty-acre lake in the northeast corner  
368 of a county traversed by U.S. Interstate 55 and U.S. Highway 84;

369                   23. Any tracts of land in Oktibbeha County,  
370 situated north of Bailey Howell Drive, Lee Boulevard and Old  
371 Mayhew Road, east of George Perry Street and south of Mississippi  
372 Highway 182, and not located on the property of a state  
373 institution of higher learning; however, the board of supervisors  
374 of such county may by resolution or other order:

375                   a. Specify the hours of operation of  
376 facilities that offer alcoholic beverages for sale;

377                   b. Specify the percentage of revenue  
378 that facilities that offer alcoholic beverages for sale must  
379 derive from the preparation, cooking and serving of meals and not  
380 from the sale of beverages; and

381                   c. Designate the areas in which  
382 facilities that offer alcoholic beverages for sale may be located;

383                   24. A municipality in which Mississippi  
384 Highway 27 and Mississippi Highway 28 intersect;

385                   25. A municipality through which run  
386 Mississippi Highway 35 and Interstate 20;

387                   26. A municipality in which Mississippi  
388 Highway 16 and Mississippi Highway 35 intersect;





389                   27. A municipality in which U.S. Highway 82  
390 and Old Highway 61 intersect;

391                   28. A municipality in which Mississippi  
392 Highway 8 meets Mississippi Highway 1;

393                   29. A municipality in which U.S. Highway 82  
394 and Mississippi Highway 1 intersect;

395                   30. A municipality in which Mississippi  
396 Highway 50 meets Mississippi Highway 9;

397                   31. An area bounded on the north by Pearl  
398 Street, on the east by West Street, on the south by Court Street  
399 and on the west by Farish Street, within a municipality bordered  
400 on the east by the Pearl River and through which run Interstate 20  
401 and Interstate 55;

402                   32. Any facility and related property that:

403                   a. Is contracted for mixed-use  
404 development improvements consisting of office and residential  
405 space and a restaurant and lounge, partially occupying the  
406 renovated space of a four-story commercial building which  
407 previously served as a financial institution; and adjacent  
408 property to the west consisting of a single-story office building  
409 that was originally occupied by the Brotherhood of Carpenters and  
410 Joiners of American Local Number 569; and

411                   b. Is situated on a tract of land  
412 consisting of approximately one and one-tenth (1.10) acres, and  
413 the adjacent property to the west consisting of approximately 0.5



414 acres, located in a municipality which is the seat of county  
415 government, situated south of Interstate 10, traversed by U.S.  
416 Highway 90, partially bordered on one (1) side by the Pascagoula  
417 River and having its most southern boundary bordered by the Gulf  
418 of Mexico, with a population greater than twenty-two thousand  
419 (22,000) according to the 2010 federal decennial census; however,  
420 the governing authorities of such a municipality may by ordinance:

421           A. Specify the hours of operation  
422 of facilities that offer alcoholic beverages for sale;

423           B. Specify the percentage of  
424 revenue that facilities that offer alcoholic beverages for sale  
425 must derive from the preparation, cooking and serving of meals and  
426 not from the sale of beverages; and

427           C. Designate the areas within the  
428 facilities in which alcoholic beverages may be offered for sale;

429           33. Any facility with a maximum capacity of  
430 one hundred twenty (120) people that consists of at least three  
431 thousand (3,000) square feet being heated and cooled, has a  
432 commercial kitchen, has a pavilion that consists of at least nine  
433 thousand (9,000) square feet and is located on land more  
434 particularly described as follows:

435           All that part of the East Half of the Northwest Quarter of  
436 Section 21, Township 7 South, Range 4 East, Union County,  
437 Mississippi, that lies South of Mississippi State Highway 348  
438 right-of-way and containing 19.48 acres, more or less.



439           ALSO,  
440           The Northeast 38 acres of the Southwest Quarter of Section  
441 21, Township 7 South, Range 4 East, Union County, Mississippi.

442           ALSO,  
443           The South 81 1/2 acres of the Southwest Quarter of Section  
444 21, Township 7 South, Range 4 East, Union County, Mississippi;

445                       34. A municipality in which U.S. Highway 51  
446 and Mississippi Highway 16 intersect;

447                       35. A municipality in which Interstate 20  
448 passes over Mississippi Highway 15;

449                       36. Any municipality that is bordered in its  
450 northwestern boundary by the Pearl River, traversed by U.S.  
451 Highway 49 and Interstate 20, and is located in a county which has  
452 voted against coming out from under the dry law;

453                       37. A municipality in which Mississippi  
454 Highway 28 and Mississippi Highway 29 North intersect;

455                       38. An area bounded as follows within a  
456 municipality through which run Interstate 22 and Mississippi  
457 Highway 15: Beginning at a point at the intersection of Bankhead  
458 Street and Tallahatchie Trails; then running to a point at the  
459 intersection of Tallahatchie Trails and Interstate 22; then  
460 running to a point at the intersection of Interstate 22 and Carter  
461 Avenue; then running to a point at the intersection of Carter  
462 Avenue and Camp Avenue; then running to a point at the  
463 intersection of Camp Avenue and King Street; then running to a



464 point at the intersection of King Street and E. Main Street; then  
465 running to a point at the intersection of E. Main Street and Camp  
466 Avenue; then running to a point at the intersection of Camp Avenue  
467 and Highland Street; then running to a point at the intersection  
468 of Highland Street and Adams Street; then running to a point at  
469 the intersection of Adams Street and Cleveland Street; then  
470 running to a point at the intersection of Cleveland Street and N.  
471 Railroad Avenue; then running to a point at the intersection of N.  
472 Railroad Avenue and McGill Street; then running to a point at the  
473 intersection of McGill Street and Snyder Street; then running to a  
474 point at the intersection of Snyder Street and Bankhead Street;  
475 then running to a point at the intersection of Bankhead Street and  
476 Tallahatchie Trails and the point of the beginning;

477                   39. A municipality through which run  
478 Mississippi Highway 43 and U.S. Highway 80;

479                   40. The coliseum in a municipality in which  
480 U.S. Highway 72 passes over U.S. Highway 45;

481                   41. A piece of property on the northeast  
482 corner of the T-intersection where Builders Square Drive meets  
483 Mississippi Highway 471;

484                   42. The clubhouse and associated golf course,  
485 tennis courts and related facilities and swimming pool and related  
486 facilities located on Oaks Country Club Road less than one-half  
487 (1/2) mile to the east of Mississippi Highway 15;



488                   43. Any facility located on land more  
489 particularly described as follows:

490           The East Half (E 1/2) of the Southwest Quarter (SW 1/4) of  
491 Section 15, Township 3 North, Range 2 East; a 4 acre parcel in the  
492 Southwest Corner of the Southwest Quarter (SW 1/4) of the  
493 Southeast Quarter (SE 1/4), Section 15, Township 3 North, Range 2  
494 East, running 210 feet east and west and 840 feet running north  
495 and south; the Northeast Quarter (NE 1/4) of the Northwest Quarter  
496 (NW 1/4) of Section 22, Township 3 North, Range 2 East, all in  
497 Rankin County, Mississippi;

498                   44. Any facility located on land more  
499 particularly described as follows:

500           Beginning at a point 1915 feet west and 2171 feet north of  
501 southeast corner, Section 11, Township 24 North, Range 2 West,  
502 Second Judicial District, Tallahatchie County, Mississippi, which  
503 point is the southwest corner of J.C. Section Lot mentioned in  
504 deed recorded in Book 50, page 34, in the records of the Chancery  
505 Clerk's Office at Sumner, in said District of said County; thence  
506 South 80° West, 19 feet to the east boundary of United States  
507 Highway 49-E, thence East along the east boundary of said Highway  
508 270 feet to point of beginning of Lot to be conveyed; thence  
509 southeast along the east boundary of said Highway 204 feet to a  
510 concrete post at the intersection of the east boundary of said  
511 Highway with the west boundary of gravel road from Sumner to Webb,  
512 known as Oil Mill Road, thence Northwest along west boundary of



513 said Oil Mill Road 194 feet to center of driveway running  
514 southwest from said Oil Mill Road to U.S. Highway 49-E; thence  
515 South 66° West along center of said driveway 128 feet to point of  
516 beginning, being situated in Northwest Quarter of Southeast  
517 Quarter of Section 11, together with all improvements situated  
518 thereon;

519 45. Any facility that:

520 a. Consists of at least five thousand  
521 six hundred (5,600) square feet being heated and cooled along with  
522 a lakeside patio that consists of at least two thousand two  
523 hundred (2,200) square feet, regardless of whether such patio is  
524 part of the facility and/or located adjacent to or in close  
525 proximity to the facility;

526 b. Includes a caterer's kitchen and  
527 green room for entertainment preparation;

528 c. For a fee is used to host events; and

529 d. Is located adjacent to or in close  
530 proximity to an approximately nine (9) acre lake on property that  
531 consists of at least one hundred twenty (120) acres in a county  
532 traversed by Mississippi Highway 15 and U.S. Highway 278;

533 46. Any municipality with a population in  
534 excess of one thousand (1,000) according to the 2010 federal  
535 decennial census and which is located in a county that is  
536 traversed by U.S. Highways 84 and 98 and has not voted to come out  
537 from under the dry law;



538                   47. The clubhouse and associated nine-hole  
539 golf course, tennis courts and related facilities and swimming  
540 pool and related facilities located on or near U.S. Highway 82  
541 between Mississippi Highway 15 and Mississippi Highway 9;

542                   48. The downtown square area bound by East  
543 Service Drive, Commerce Street, Second Street and Court Street and  
544 adjacent properties in a municipality through which run Interstate  
545 55, U.S. Highway 51 and Mississippi Highway 306;

546                   49. All parcels zoned for mixed-use  
547 development located west of Mississippi Highway 589, more than  
548 four hundred (400) feet north of Old Highway 24, east of  
549 Parkers Creek and Black Creek, and south of J M Burge  
550 Road; \* \* \*

551                   50. Any facility used by a soccer club and  
552 located on Old Highway 11 between one-tenth (0.1) and two-tenths  
553 (0.2) of a mile from its intersection with Oak Grove Road, in a  
554 county in which U.S. Highway 98 and Mississippi Highway 589  
555 intersect; and

556                   51. A municipality in which U.S. Highway 49  
557 and Mississippi Highway 469 intersect.

558                   The status of these municipalities, districts, clubhouses,  
559 facilities, golf courses and areas described in this paragraph  
560 (o)(iii) as qualified resort areas does not require any  
561 declaration of same by the department.



562           The governing authorities of a municipality described, in  
563 whole or in part, in item 6, 21, 24, 25, 26, 27, 28, 29, 30, 31,  
564 34, 35, 36, 37, 38, 39, 46 \* \* \*, 48 or 51 of this paragraph  
565 (o)(iii) may by ordinance: specify the hours of operation of  
566 facilities offering alcoholic beverages for sale; specify the  
567 percentage of revenue that facilities offering alcoholic beverages  
568 for sale must derive from the preparation, cooking and serving of  
569 meals and not from the sale of beverages; and designate the areas  
570 in which facilities offering alcoholic beverages for sale may be  
571 located.

572           (p) "Native wine" means any product, produced in  
573 Mississippi for sale, having an alcohol content not to exceed  
574 twenty-one percent (21%) by weight and made in accordance with  
575 revenue laws of the United States, which shall be obtained  
576 primarily from the alcoholic fermentation of the juice of ripe  
577 grapes, fruits, berries, honey or vegetables grown and produced in  
578 Mississippi; provided that bulk, concentrated or fortified wines  
579 used for blending may be produced without this state and used in  
580 producing native wines. The department shall adopt and promulgate  
581 rules and regulations to permit a producer to import such bulk  
582 and/or fortified wines into this state for use in blending with  
583 native wines without payment of any excise tax that would  
584 otherwise accrue thereon.





585           (q) "Native winery" means any place or establishment  
586 within the State of Mississippi where native wine is produced, in  
587 whole or in part, for sale.

588           (r) "Bed and breakfast inn" means an establishment  
589 within a municipality where in consideration of payment, breakfast  
590 and lodging are habitually furnished to travelers and wherein are  
591 located not less than eight (8) and not more than nineteen (19)  
592 adequately furnished and completely separate sleeping rooms with  
593 adequate facilities, that persons usually apply for and receive as  
594 overnight accommodations; however, such restriction on the minimum  
595 number of sleeping rooms shall not apply to establishments on the  
596 National Register of Historic Places. No place shall qualify as a  
597 bed and breakfast inn under this article unless on the date of the  
598 initial application for a license under this article more than  
599 fifty percent (50%) of the sleeping rooms are located in a  
600 structure formerly used as a residence.

601           (s) "Board" shall refer to the Board of Tax Appeals of  
602 the State of Mississippi.

603           (t) "Spa facility" means an establishment within a  
604 municipality or qualified resort area and owned by a hotel where,  
605 in consideration of payment, patrons receive from licensed  
606 professionals a variety of private personal care treatments such  
607 as massages, facials, waxes, exfoliation and hairstyling.

608           (u) "Art studio or gallery" means an establishment  
609 within a municipality or qualified resort area that is in the sole



610 business of allowing patrons to view and/or purchase paintings and  
611 other creative artwork.

612 (v) "Cooking school" means an establishment within a  
613 municipality or qualified resort area and owned by a nationally  
614 recognized company that offers an established culinary education  
615 curriculum and program where, in consideration of payment, patrons  
616 are given scheduled professional group instruction on culinary  
617 techniques. For purposes of this paragraph, the definition of  
618 cooking school shall not include schools or classes offered by  
619 grocery stores, convenience stores or drugstores.

620 (w) "Campus" means property owned by a public school  
621 district, community or junior college, college or university in  
622 this state where educational courses are taught, school functions  
623 are held, tests and examinations are administered or academic  
624 course credits are awarded; however, the term shall not include  
625 any "restaurant" or "hotel" that is located on property owned by a  
626 community or junior college, college or university in this state,  
627 and is operated by a third party who receives all revenue  
628 generated from food and alcoholic beverage sales.

629 (x) "Native spirit" shall mean any beverage, produced  
630 in Mississippi for sale, manufactured primarily by the  
631 distillation of fermented grain, starch, molasses or sugar  
632 produced in Mississippi, including dilutions and mixtures of these  
633 beverages. In order to be classified as "native spirit" under the  
634 provisions of this article, at least fifty-one percent (51%) of



635 the finished product by volume shall have been obtained from  
636 distillation of fermented grain, starch, molasses or sugar grown  
637 and produced in Mississippi.

638 (y) "Native distillery" shall mean any place or  
639 establishment within this state where native spirit is produced in  
640 whole or in part for sale.

641 (z) "Warehouse operator" shall have the meaning  
642 ascribed in Section 67-1-201.

643 **SECTION 2.** Section 67-1-16, Mississippi Code of 1972, is  
644 amended as follows:

645 67-1-16. (1) (a) Before an area may be designated by the  
646 governing authorities of a municipality as an area in which  
647 facilities which are defined as qualified resort areas in Section  
648 67-1-5(o)(iii)5 may be located, an election shall be held, under  
649 the election laws applicable to the municipality, on the question  
650 of whether qualified resort areas shall be allowed in the  
651 municipality. An election to determine whether qualified resort  
652 areas shall be allowed in the municipality shall be ordered by the  
653 municipal governing authorities, upon presentation to the  
654 governing authorities of a petition containing the names of at  
655 least twenty percent (20%) of the duly qualified voters of the  
656 municipality asking for the election. An election on the question  
657 may not be held by the municipality more often than once each  
658 year.



659           (b) Thirty (30) days' notice shall be given to the  
660 qualified electors of the municipality, in the manner prescribed  
661 by law, on the question of allowing qualified resort areas to be  
662 established. The notice shall contain a statement of the question  
663 to be voted on at the election. The ballots used in the election  
664 shall have the following words printed thereon: "FOR THE  
665 ESTABLISHMENT OF QUALIFIED RESORT AREAS," and next below, "AGAINST  
666 THE ESTABLISHMENT OF QUALIFIED RESORT AREAS." In marking his  
667 ballot, the voter shall make a cross (X) opposite the words of his  
668 choice.

669           (c) Qualified resort areas may be established if a  
670 majority of the qualified electors voting in the election vote for  
671 such establishment. A qualified resort area may not be  
672 established if a majority of the qualified electors voting in the  
673 election vote against such establishment.

674           (2) (a) Before a municipality may be designated as a  
675 qualified resort area as defined in Section 67-1-5(o)(iii)6, an  
676 election shall be held, under the election laws applicable to the  
677 municipality, on the question of whether the municipality shall be  
678 a qualified resort area. An election to determine whether the  
679 municipality shall be a qualified resort area shall be ordered by  
680 the municipal governing authorities, upon presentation to the  
681 governing authorities of a petition containing the names of at  
682 least twenty percent (20%) of the duly qualified voters of the  
683 municipality asking for the election. An election on the question



684 may not be held by the municipality more often than once each  
685 year.

686 (b) Thirty (30) days' notice shall be given to the  
687 qualified electors of the municipality, in the manner prescribed  
688 by law, on the question of allowing qualified resort areas to be  
689 established. The notice shall contain a statement of the question  
690 to be voted on at the election. The ballots used in the election  
691 shall have the following words printed thereon: "FOR THE  
692 ESTABLISHMENT OF A QUALIFIED RESORT AREA," and next below,  
693 "AGAINST THE ESTABLISHMENT OF A QUALIFIED RESORT AREA." In  
694 marking his ballot, the voter shall make a cross (X) opposite the  
695 words of his choice.

696 (c) The municipality may be established as a qualified  
697 resort area if a majority of the qualified electors voting in the  
698 election vote for such establishment. A qualified resort area may  
699 not be established if a majority of the qualified electors voting  
700 in the election vote against such establishment.

701 (3) (a) Before an area may be designated a qualified resort  
702 area as defined in Section 67-1-5(o)(iii)7, an election shall be  
703 held in the municipality in which the area is located under the  
704 election laws applicable to the municipality, on the question of  
705 whether the area shall be a qualified resort area. An election to  
706 determine whether the area shall be a qualified resort area shall  
707 be ordered by the municipal governing authorities, upon  
708 presentation to the governing authorities of a petition containing



709 the names of at least twenty percent (20%) of the duly qualified  
710 voters of the municipality asking for the election. An election  
711 on the question may not be held by the municipality more often  
712 than once each year.

713 (b) Thirty (30) days' notice shall be given to the  
714 qualified electors of the municipality, in the manner prescribed  
715 by law, on the question of allowing qualified resort areas to be  
716 established. The notice shall contain a statement of the question  
717 to be voted on at the election. The ballots used in the election  
718 shall have the following words printed thereon: "FOR THE  
719 ESTABLISHMENT OF A QUALIFIED RESORT AREA," and next below,  
720 "AGAINST THE ESTABLISHMENT OF A QUALIFIED RESORT AREA." In  
721 marking his ballot, the voter shall make a cross (X) opposite the  
722 words of his choice.

723 (c) The area may be established as a qualified resort  
724 area if a majority of the qualified electors voting in the  
725 election vote for such establishment. A qualified resort area may  
726 not be established if a majority of the qualified electors voting  
727 in the election vote against such establishment.

728 (4) (a) Before a municipality may be designated as a  
729 qualified resort area as defined in item 21, 35 \* \* \*, 36 or 51 of  
730 Section 67-1-5(o)(iii), an election shall be held, under the  
731 election laws applicable to the municipality, on the question of  
732 whether the municipality shall be a qualified resort area. An  
733 election to determine whether the municipality shall be a



734 qualified resort area shall be ordered by the municipal governing  
735 authorities. An election on the question may not be held by the  
736 municipality more often than once each year.

737 (b) Thirty (30) days' notice shall be given to the  
738 qualified electors of the municipality, in the manner prescribed  
739 by law, on the question of allowing qualified resort areas to be  
740 established. The notice shall contain a statement of the question  
741 to be voted on at the election. The ballots used in the election  
742 shall have the following words printed thereon: "FOR THE  
743 ESTABLISHMENT OF A QUALIFIED RESORT AREA," and next below,  
744 "AGAINST THE ESTABLISHMENT OF A QUALIFIED RESORT AREA." In  
745 marking his ballot, the voter shall make a cross (X) opposite the  
746 words of his choice.

747 (c) The municipality may be established as a qualified  
748 resort area if a majority of the qualified electors voting in the  
749 election vote for such establishment. A qualified resort area may  
750 not be established if a majority of the qualified electors voting  
751 in the election vote against such establishment.

752 **SECTION 3.** This act shall take effect and be in force from  
753 and after July 1, 2023, and shall stand repealed on June 30, 2023.

