

By: Representative Weathersby

To: Ways and Means

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.

