

By: Representatives Holden, Perkins, Bailey, Banks, Chaney, Clark, Coleman (29th), Flaggs, Franks, Fredericks, Green (34th), Grist, Howell, Martinson, McElwain, Middleton, Miller, Myers, Nettles, Peranich, Perry, Reynolds, Smith (27th), Straughter, Thornton, Walker, Wallace, West, Williams, Roberson

To: Ways and Means; Game and Fish

HOUSE BILL NO. 668

1 AN ACT TO AUTHORIZE THE ISSUANCE OF GENERAL OBLIGATION BONDS
2 OF THE STATE OF MISSISSIPPI FOR THE PURPOSE OF CONSTRUCTION AND
3 DEVELOPMENT OF A GOLF COURSE AND RELATED FACILITIES AT THE HUGH
4 WHITE STATE PARK; TO ALLOW LOCAL GOVERNMENTS TO PARTICIPATE IN THE
5 GOLF COURSE PROJECT AT THE HUGH WHITE STATE PARK, AS PROVIDED IN
6 THIS ACT; TO AMEND SECTION 67-1-5, MISSISSIPPI CODE OF 1972, TO
7 PROVIDE THAT THE GOLF COURSE CLUBHOUSE AT THE HUGH WHITE STATE
8 PARK SHALL BE A QUALIFIED RESORT AREA FOR PURPOSES OF THE STATE
9 LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL LAW; AND FOR RELATED
10 PURPOSES.

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

12 SECTION 1. As used in Sections 1 through 16 of this act, the
13 following words shall have the meanings ascribed herein unless the
14 context clearly requires otherwise:

15 (a) "Commission" means the Commission on Wildlife,
16 Fisheries and Parks.

17 (b) "Department" means the Department of Finance and
18 Administration.

19 SECTION 2. (1) (a) A special fund, to be designated as the
20 "1999 Hugh White Golf Course Construction Fund" is created within
21 the State Treasury. The fund shall be maintained by the State
22 Treasurer as a separate and special fund, separate and apart from
23 the General Fund of the state and investment earnings on amounts
24 in the fund shall be deposited into such fund.

25 (b) Monies deposited into the fund shall be disbursed,
26 in the discretion of the Commission on Wildlife, Fisheries and
27 Parks, to pay the costs of construction and development of a golf
28 course and related facilities at Hugh White State Park as
29 described in Section 3 of this act.

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31 (2) Amounts deposited into such special fund shall be

32 disbursed to pay the costs of the project described in Section 3
33 of this act. Promptly after the commission has certified, by
34 resolution duly adopted, that the projects described in Section 3
35 of this act have been completed, abandoned or cannot be completed
36 in a timely fashion, any amounts remaining in such special fund
37 shall be applied to pay debt service on the bonds issued under
38 this act, in accordance with the proceedings authorizing the
39 issuance of such bonds and as directed by the State Bond
40 Commission.

41 (3) The Department of Wildlife, Fisheries and Parks may
42 receive and expend any local or other source funds in connection
43 with the expenditure of funds provided for in this section. The
44 expenditure of monies deposited into the special fund shall be
45 under the direction of the Commission on Wildlife, Fisheries and
46 Parks, and such funds shall be paid by the State Treasurer upon
47 warrants issued by such commission, which warrants shall be issued
48 upon requisitions signed by the Executive Director of the
49 Department of Finance and Administration or his designee.

50 SECTION 3. (1) (a) Before the issuance of any of the bonds
51 authorized under Sections 1 through 16 of this act, the
52 commission shall forward to the State Bond Commission its
53 resolution declaring the necessity for the issuance of general
54 obligation bonds as authorized by Sections 1 through 16 of this
55 act for the purpose of development and construction at the Hugh
56 White State Park of the following: an eighteen-hole golf course,
57 a driving range, practice areas, a clubhouse facility which shall
58 include service of food and beverages, a cart storage facility,
59 maintenance areas and equipment, any other appurtenances related
60 to the operation of such golf facilities and all furnishings and
61 equipment.

62 (b) All clubhouse facilities, cart storage facilities,
63 maintenance areas and equipment, and any other appurtenances
64 related to the operation of the golf course and all furnishings
65 and equipment described in paragraph (a) of this subsection (1)

66 shall be of similar design, size, and specifications as those at
67 the Mallard Pointe Golf Course at John Kyle State Park.

68 (2) All contracts for construction performed or related to
69 the projects authorized under Sections 1 through 16 of this act
70 shall be advertised, bid and accepted by the commission in
71 accordance with the same procedure as prescribed for the
72 advertisement and acceptance of bids for the purchase of
73 commodities and contracts for public construction under Section
74 31-7-1 et seq. Contracts for professional services shall be in
75 accordance with a fair and open procedure similar to that used by
76 the Department of Finance and Administration.

77 SECTION 4. Upon receipt of a certified copy of a resolution
78 of the commission declaring the necessity for the issuance of any
79 part or all of the bonds authorized by Sections 1 through 16 of
80 this act, the State Bond Commission is authorized and empowered,
81 at one time or from time to time, to declare the necessity for
82 issuance of, and to sell and issue general obligation bonds of the
83 State of Mississippi in the principal amount requested, not to
84 exceed an aggregate principal amount of Five Million Dollars
85 (\$5,000,000.00), for the purposes hereinabove set forth. The
86 State Bond Commission is authorized and empowered to pay the costs
87 that are incident to the sale, issuance and delivery of the bonds
88 authorized under Sections 1 through 16 of this act, from the
89 proceeds derived from the sale of such bonds.

90 SECTION 5. The principal of and interest on the bonds
91 authorized under Sections 1 through 16 of this act shall be
92 payable in the manner provided in this section. Such bonds shall
93 bear such date or dates, be in such denomination or denominations,
94 bear interest at such rate or rates (not to exceed the limit set
95 forth in Section 8 of this act), be payable at such place or
96 places within or without the State of Mississippi, shall mature
97 absolutely at such time or times not to exceed twenty-five (25)
98 years from date of issue, be redeemable before maturity at such
99 time or times and upon such terms, with or without premium, shall

100 bear such registration privileges, and shall be substantially in
101 such form, all as shall be determined by resolution of the State
102 Bond Commission.

103 SECTION 6. The bonds authorized by Section 4 of this act
104 shall be signed by the Chairman of the State Bond Commission, or
105 by his facsimile signature, and the official seal of the State
106 Bond Commission shall be affixed thereto, attested by the
107 Secretary of the State Bond Commission. The interest coupons, if
108 any, to be attached to such bonds may be executed by the facsimile
109 signatures of such officers. Whenever any such bonds shall have
110 been signed by the officials herein designated to sign the bonds,
111 who were in office at the time of such signing but who may have
112 ceased to be such officers before the sale and delivery of such
113 bonds, or who may not have been in office on the date such bonds
114 may bear, the signatures of such officers upon such bonds and
115 coupons shall nevertheless be valid and sufficient for all
116 purposes and have the same effect as if the person so officially
117 signing such bonds had remained in office until the delivery of
118 the same to the purchaser, or had been in office on the date such
119 bonds may bear. However, notwithstanding anything herein to the
120 contrary, such bonds may be issued as provided in the Registered
121 Bond Act of the State of Mississippi.

122 SECTION 7. All bonds and interest coupons issued under
123 Sections 1 through 16 of this act, have all the qualities and
124 incidents of negotiable instruments under the provisions of the
125 Mississippi Uniform Commercial Code and in exercising the powers
126 granted by Sections 1 through 16 of this act, the State Bond
127 Commission shall not be required to and need not comply with the
128 provisions of the Mississippi Uniform Commercial Code. Such bonds
129 and income therefrom shall be exempt from all taxation within the
130 State of Mississippi.

131 SECTION 8. The State Bond Commission shall act as the
132 issuing agent for the bonds authorized under Sections 1 through 16
133 of this act, prescribe the form of the bonds, advertise for and

134 accept bids, issue and sell the bonds so authorized to be sold,
135 pay all fees and costs incurred in such issuance and sale, and do
136 any and all other things necessary and advisable in connection
137 with the issuance and sale of such bonds. The State Bond
138 Commission may pay the costs that are incident to the sale,
139 issuance and delivery of the bonds authorized under Sections 1
140 through 16 of this act from the proceeds derived from the sale of
141 the bonds. The State Bond Commission shall sell such bonds on
142 sealed bids at public sale and for such price as it may determine
143 to be for the best interest of the State of Mississippi, but no
144 such sale shall be made at a price less than par plus accrued
145 interest to date of delivery of the bonds to the purchaser. All
146 bonds shall bear interest at such rate or rates not exceeding the
147 limits set forth in Section 75-17-101. All interest accruing on
148 such bonds so issued shall be payable semiannually or annually,
149 except that the first interest payment may be for any period of
150 not more than one (1) year.

151 Notice of the sale of any such bond shall be published at
152 least one (1) time, not less than ten (10) days before the date of
153 sale, and shall be so published in one or more newspapers having a
154 general circulation in the City of Jackson, Mississippi, and in
155 one or more other newspapers or financial journals with a national
156 circulation, to be selected by the State Bond Commission.

157 The State Bond Commission, when issuing any bonds under the
158 authority of Sections 1 through 16 of this act, may provide that
159 bonds, at the option of the State of Mississippi, may be called in
160 for payment and redemption at the call price named therein and
161 accrued interest on such date or dates named therein.

162 SECTION 9. The bonds issued under the provisions of Sections
163 1 through 16 of this act are general obligations of the State of
164 Mississippi, and for the payment thereof the full faith and credit
165 of the State of Mississippi is hereby irrevocably pledged. If the
166 funds appropriated by the Legislature are insufficient to pay the
167 principal of and the interest on such bonds as they become due,

168 then the deficiency shall be paid by the State Treasurer from any
169 funds in the State Treasury not otherwise appropriated. All such
170 bonds shall contain recitals on their faces substantially covering
171 the provisions of this section.

172 SECTION 10. The State Treasurer is authorized to certify to
173 the Executive Director of the Department of Finance and
174 Administration the necessity for warrants, and the executive
175 director is authorized and directed to issue such warrants, in
176 such amounts as may be necessary to pay when due the principal of
177 and interest on all bonds issued under the provisions of Sections
178 1 through 16 of this act; and the State Treasurer shall forward
179 the necessary amount to the designated place or places of payment
180 of such bonds in ample time to discharge such bonds, or the
181 interest thereon, on the due dates thereof.

182 SECTION 11. The bonds authorized under Sections 1 through 16
183 of this act may be issued without any other proceedings or the
184 happening of any other conditions or things other than those
185 proceedings, conditions and things which are specified or required
186 by Sections 1 through 16 of this act. Any resolution providing
187 for the issuance of general obligation bonds under the provisions
188 of Sections 1 through 16 of this act shall become effective
189 immediately upon its adoption by the State Bond Commission, and
190 any such resolution may be adopted at any regular or special
191 meeting of the State Bond Commission by a majority of its members.

192 SECTION 12. The bonds authorized under the authority of
193 Sections 1 through 16 of this act may be validated in the Chancery
194 Court of the First Judicial District of Hinds County, Mississippi,
195 in the manner and with the force and effect provided by Chapter
196 13, Title 31, Mississippi Code of 1972, for the validation of
197 county, municipal, school district and other bonds. The notice to
198 taxpayers required by such statutes shall be published in a
199 newspaper published or having a general circulation in the City of
200 Jackson, Mississippi.

201 SECTION 13. The proceeds of the bonds authorized in Sections

202 1 through 16 of this act shall be deposited in a special fund
203 created in the State Treasury to be known as the "1999 Hugh White
204 Golf Course Construction Fund." The proceeds of such bonds shall
205 be used solely for the purposes provided in Sections 1 through 16
206 of this act, including the costs incident to the issuance and sale
207 of such bonds. The costs incident to the issuance and sale of
208 such bonds shall be disbursed by warrant upon requisition of the
209 State Bond Commission, signed by the Governor. The expenditure of
210 the remaining money shall be under the direction of the Commission
211 on Wildlife, Fisheries and Parks, and such funds shall be paid by
212 the State Treasurer upon warrants issued by the Executive Director
213 of the Department of Finance and Administration.

214 SECTION 14. Any holder of bonds issued under the provisions
215 of Sections 1 through 16 of this act, or of any of the interest
216 coupons pertaining thereto may, either at law or in equity, by
217 suit, action, mandamus or other proceeding, protect and enforce
218 any and all rights granted under Sections 1 through 16 of this
219 act, or under such resolution, and may enforce and compel
220 performance of all duties required by Sections 1 through 16 of
221 this act to be performed, in order to provide for the payment of
222 bonds and interest thereon.

223 SECTION 15. All bonds issued under the provisions of
224 Sections 1 through 16 of this act shall be legal investments for
225 trustees and other fiduciaries, and for savings banks, trust
226 companies and insurance companies organized under the laws of the
227 State of Mississippi, and such bonds shall be legal securities
228 which may be deposited with and shall be received by all public
229 officers and bodies of this state and all municipalities and
230 political subdivisions for the purpose of securing the deposit of
231 public funds.

232 SECTION 16. The provisions of Sections 1 through 16 of this
233 act shall be deemed to be full and complete authority for the
234 exercise of the powers therein granted, but Sections 1 through 16
235 of this act shall not be deemed to repeal or to be in derogation

236 of any existing law of this state.

237 SECTION 17. For the purpose of aiding in the planning,
238 design, undertaking and carrying out of the project specified in
239 Section 3 of this act, any county or municipality, or governmental
240 subdivision thereof, is authorized to contribute funds or property
241 to defray any expenses of the specified project; to furnish or
242 pledge public resources to the project, including but not limited
243 to, buildings, facilities, equipment and employees; or to
244 participate in the effectuation of the specified project in any
245 manner.

246 SECTION 18. After authorization by the commission, any
247 person who is employed by the Department of Wildlife, Fisheries
248 and Parks as a golf professional at the Hugh White State Park golf
249 course may charge and collect fees for teaching golf lessons at
250 the park in reasonable amounts that have been approved in advance
251 by the commission. Any such person who charges and collects fees
252 for teaching golf lessons shall be authorized to keep those fees
253 as personal income in addition to his regular salary from the
254 Department of Wildlife, Fisheries and Parks. Such fees shall not
255 be considered to be public funds. However, each person who
256 charges and collects such fees shall keep a detailed record of all
257 fees collected and shall report to the commission on a regular
258 basis, as prescribed by the commission, the amount of all fees
259 collected during the preceding reporting period.

260 SECTION 19. Section 67-1-5, Mississippi Code of 1972, is
261 amended as follows:

262 67-1-5. For the purposes of this chapter and unless
263 otherwise required by the context:

264 (a) The words "alcoholic beverage" mean any alcoholic
265 liquid, including wines of more than five percent (5%) of alcohol
266 by weight, capable of being consumed as a beverage by a human
267 being, but shall not include wine containing five percent (5%) or
268 less of alcohol by weight and shall not include beer containing
269 not more than five percent (5%) of alcohol by weight, as provided

270 for in Section 67-3-5, Mississippi Code of 1972, but shall include
271 native wines. The words "alcoholic beverage" shall not include
272 ethyl alcohol manufactured or distilled solely for fuel purposes.

273 (b) The word "alcohol" means the product of
274 distillation of any fermented liquid, whatever the origin thereof,
275 and includes synthetic ethyl alcohol, but does not include
276 denatured alcohol or wood alcohol.

277 (c) The words "distilled spirits" mean any beverage
278 containing more than four percent (4%) of alcohol by weight
279 produced by distillation of fermented grain, starch, molasses or
280 sugar, including dilutions and mixtures of these beverages.

281 (d) The words "wine" or "vinous liquor" mean any
282 product obtained from the alcoholic fermentation of the juice of
283 sound, ripe grapes, fruits or berries and made in accordance with
284 the revenue laws of the United States.

285 (e) The word "person" means and includes any
286 individual, partnership, corporation, association or other legal
287 entity whatsoever.

288 (f) The word "manufacturer" means any person engaged in
289 manufacturing, distilling, rectifying, blending or bottling any
290 alcoholic beverage.

291 (g) The word "wholesaler" means any person, other than
292 a manufacturer, engaged in distributing or selling any alcoholic
293 beverage at wholesale for delivery within or without this state
294 when such sale is for the purpose of resale by the purchaser.

295 (h) The word "retailer" means any person who sells,
296 distributes, or offers for sale or distribution, any alcoholic
297 beverage for use or consumption by the purchaser and not for
298 resale.

299 (i) The word "commission" means the State Tax
300 Commission of the State of Mississippi, which shall create a
301 division in its organization to be known as the Alcoholic Beverage
302 Control Division. Any reference to the commission hereafter means
303 the powers and duties of the State Tax Commission with reference

304 to supervision of the Alcoholic Beverage Control Division.

305 (j) The word "division" means the Alcoholic Beverage
306 Control Division of the State Tax Commission.

307 (k) The word "municipality" means any incorporated city
308 or town of this state.

309 (l) The word "hotel" means an establishment within a
310 municipality, or within a qualified resort area approved as such
311 by the commission, where, in consideration of payment, food and
312 lodging are habitually furnished to travelers and wherein are
313 located at least twenty (20) adequately furnished and completely
314 separate sleeping rooms with adequate facilities that persons
315 usually apply for and receive as overnight accommodations. Hotels
316 in towns or cities of more than twenty-five thousand (25,000)
317 population are similarly defined except that they must have fifty
318 (50) or more sleeping rooms. Any such establishment described in
319 this paragraph with less than fifty (50) beds shall operate one or
320 more regular dining rooms designed to be constantly frequented by
321 customers each day. When used in this chapter, the word "hotel"
322 shall also be construed to include any establishment that meets
323 the definition of "bed and breakfast inn" as provided in this
324 section.

325 (m) The word "restaurant" means a place which is
326 regularly and in a bona fide manner used and kept open for the
327 serving of meals to guests for compensation, which has suitable
328 seating facilities for guests, and which has suitable kitchen
329 facilities connected therewith for cooking an assortment of foods
330 and meals commonly ordered at various hours of the day; the
331 service of such food as sandwiches and salads only shall not be
332 deemed in compliance with this requirement. No place shall
333 qualify as a restaurant under this chapter unless twenty-five
334 percent (25%) or more of the revenue derived from such place shall
335 be from the preparation, cooking and serving of meals and not from
336 the sale of beverages, or unless the value of food given to and
337 consumed by customers is equal to twenty-five percent (25%) or

338 more of total revenue.

339 (n) The word "club" means an association or a
340 corporation:

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

343 (2) Organized not primarily for pecuniary profit
344 but for the promotion of some common object other than the sale or
345 consumption of alcoholic beverages;

346 (3) Maintained by its members through the payment
347 of annual dues;

348 (4) Owning, hiring or leasing a building or space
349 in a building of such extent and character as may be suitable and
350 adequate for the reasonable and comfortable use and accommodation
351 of its members and their guests;

352 (5) The affairs and management of which are
353 conducted by a board of directors, board of governors, executive
354 committee, or similar governing body chosen by the members at a
355 regular meeting held at some periodic interval; and

356 (6) No member, officer, agent or employee of which
357 is paid, or directly or indirectly receives, in the form of a
358 salary or other compensation any profit from the distribution or
359 sale of alcoholic beverages to the club or to members or guests of
360 the club beyond such salary or compensation as may be fixed and
361 voted at a proper meeting by the board of directors or other
362 governing body out of the general revenues of the club.

363 The commission may, in its discretion, waive the five-year
364 provision of this paragraph. In order to qualify under this
365 paragraph, a club must file with the commission, at the time of
366 its application for a license under this chapter, two (2) copies
367 of a list of the names and residences of its members and similarly
368 file, within ten (10) days after the election of any additional
369 member, his name and address. Each club applying for a license
370 shall also file with the commission at the time of the application
371 a copy of its articles of association, charter of incorporation,

372 bylaws or other instruments governing the business and affairs
373 thereof.

374 (o) The term "qualified resort area" means any area or
375 locality outside of the limits of incorporated municipalities in
376 this state commonly known and accepted as a place which regularly
377 and customarily attracts tourists, vacationists and other
378 transients because of its historical, scenic or recreational
379 facilities or attractions, or because of other attributes which
380 regularly and customarily appeal to and attract tourists,
381 vacationists and other transients in substantial numbers; however,
382 no area or locality shall so qualify as a resort area until it has
383 been duly and properly approved as such by the commission.

384 (i) The commission may approve an area or locality
385 outside of the limits of an incorporated municipality that is in
386 the process of being developed as a qualified resort area if such
387 area or locality, when developed, can reasonably be expected to
388 meet the requisites of the definition of the term "qualified
389 resort area." In such a case, the status of qualified resort area
390 shall not take effect until completion of the development.

391 (ii) The term includes any state park which is
392 declared a resort area by the commission; however, such
393 declaration may only be initiated in a written request for resort
394 area status made to the commission by the Executive Director of
395 the Department of Wildlife, Fisheries and Parks, and no permit for
396 the sale of any alcoholic beverage, as defined in this chapter,
397 except an on-premises retailer's permit, shall be issued for a
398 hotel, restaurant or bed and breakfast inn in such park.

399 (iii) The term includes the clubhouses associated
400 with the state park golf courses at the Lefleur's Bluff State
401 Park, the John Kyle State Park, the Percy Quin State Park and the
402 Hugh White State Park. The status of these clubhouses as
403 qualified resort areas does not require any declaration of same by
404 the commission.

405 (p) The words "native wine" shall mean any product,

406 produced in Mississippi for sale, having an alcohol content not to
407 exceed twenty-one percent (21%) by weight and made in accordance
408 with revenue laws of the United States, which shall be obtained
409 primarily from the alcoholic fermentation of the juice of ripe
410 grapes, fruits, berries or vegetables grown and produced in
411 Mississippi; provided that bulk, concentrated or fortified wines
412 used for blending may be produced without this state and used in
413 producing native wines. The commission shall adopt and promulgate
414 rules and regulations to permit a producer to import such bulk
415 and/or fortified wines into this state for use in blending with
416 native wines without payment of any excise tax that would
417 otherwise accrue thereon.

418 (q) The words "native winery" shall mean any place or
419 establishment within the State of Mississippi where native wine is
420 produced in whole or in part for sale.

421 (r) The words "bed and breakfast inn" mean an
422 establishment within a municipality where in consideration of
423 payment, breakfast and lodging are habitually furnished to
424 travelers and wherein are located not less than eight (8) and not
425 more than nineteen (19) adequately furnished and completely
426 separate sleeping rooms with adequate facilities, that persons
427 usually apply for and receive as overnight accommodations;
428 however, such restriction on the minimum number of sleeping rooms
429 shall not apply to establishments on the National Register of
430 Historic Places. No place shall qualify as a bed and breakfast
431 inn under this chapter unless on the date of the initial
432 application for a license under this chapter more than fifty
433 percent (50%) of the sleeping rooms are located in a structure
434 formerly used as a residence.

435 SECTION 20. This act shall take effect and be in force from
436 and after July 1, 1999.