

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  
 (As Passed the House)

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.

30

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 any bonds may be issued under  
51 Sections 1 through 16 of this act, the Commission on Wildlife,  
52 Fisheries and Parks shall adopt and enter on its minutes a  
53 resolution in which it determines, based upon studies, surveys and  
54 recommendations of the Department of Wildlife, Fisheries and  
55 Parks, that the construction and development of a golf course and  
56 related facilities at Hugh White State Park is financially  
57 feasible and, upon its completion, is reasonably projected to  
58 attract the numbers of patrons and visitors sufficient to produce  
59 revenues necessary for the normal operation, upkeep and  
60 maintenance of such golf course and facilities.

61 (b) If the commission adopts a resolution as provided  
62 under paragraph (a) of this subsection, it shall forward the  
63 resolution to the State Bond Commission and declare the necessity  
64 for the issuance of general obligation bonds as authorized by  
65 Sections 1 through 16 of this act. Bonds issued under Sections 1

66 through 16 of this act may be used for the purpose of development  
67 and construction at the Hugh White State Park of the following:  
68 an eighteen-hole golf course, a driving range, practice areas, a  
69 clubhouse facility which shall include service of food and  
70 beverages, a cart storage facility, maintenance areas and  
71 equipment, any other appurtenances related to the operation of  
72 such golf facilities and all furnishings and equipment.

73 (c) All clubhouse facilities, cart storage facilities,  
74 maintenance areas and equipment, and any other appurtenances  
75 related to the operation of the golf course and all furnishings  
76 and equipment described in paragraph (b) of this subsection (1)  
77 shall be of similar design, size and specifications as those at  
78 the Mallard Pointe Golf Course at John Kyle State Park.

79 (2) All contracts for construction performed or related to  
80 the projects authorized under Sections 1 through 16 of this act  
81 shall be advertised, bid and accepted by the commission in  
82 accordance with the same procedure as prescribed for the  
83 advertisement and acceptance of bids for the purchase of  
84 commodities and contracts for public construction under Section  
85 31-7-1 et seq. Contracts for professional services shall be in  
86 accordance with a fair and open procedure similar to that used by  
87 the Department of Finance and Administration.

88 SECTION 4. Upon receipt of a certified copy of a resolution  
89 of the commission declaring the necessity for the issuance of any  
90 part or all of the bonds authorized by Sections 1 through 16 of  
91 this act, the State Bond Commission is authorized and empowered,  
92 at one time or from time to time, to declare the necessity for  
93 issuance of, and to sell and issue general obligation bonds of the  
94 State of Mississippi in the principal amount requested, not to  
95 exceed an aggregate principal amount of Five Million Dollars  
96 (\$5,000,000.00), for the purposes hereinabove set forth. The  
97 State Bond Commission is authorized and empowered to pay the costs  
98 that are incident to the sale, issuance and delivery of the bonds  
99 authorized under Sections 1 through 16 of this act, from the

100 proceeds derived from the sale of such bonds.

101 SECTION 5. The principal of and interest on the bonds  
102 authorized under Sections 1 through 16 of this act shall be  
103 payable in the manner provided in this section. Such bonds shall  
104 bear such date or dates, be in such denomination or denominations,  
105 bear interest at such rate or rates (not to exceed the limit set  
106 forth in Section 8 of this act), be payable at such place or  
107 places within or without the State of Mississippi, shall mature  
108 absolutely at such time or times not to exceed twenty-five (25)  
109 years from date of issue, be redeemable before maturity at such  
110 time or times and upon such terms, with or without premium, shall  
111 bear such registration privileges, and shall be substantially in  
112 such form, all as shall be determined by resolution of the State  
113 Bond Commission.

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

133 SECTION 7. All bonds and interest coupons issued under

134 Sections 1 through 16 of this act, have all the qualities and  
135 incidents of negotiable instruments under the provisions of the  
136 Mississippi Uniform Commercial Code and in exercising the powers  
137 granted by Sections 1 through 16 of this act, the State Bond  
138 Commission shall not be required to and need not comply with the  
139 provisions of the Mississippi Uniform Commercial Code. Such bonds  
140 and income therefrom shall be exempt from all taxation within the  
141 State of Mississippi.

142 SECTION 8. The State Bond Commission shall act as the  
143 issuing agent for the bonds authorized under Sections 1 through 16  
144 of this act, prescribe the form of the bonds, advertise for and  
145 accept bids, issue and sell the bonds so authorized to be sold,  
146 pay all fees and costs incurred in such issuance and sale, and do  
147 any and all other things necessary and advisable in connection  
148 with the issuance and sale of such bonds. The State Bond  
149 Commission may pay the costs that are incident to the sale,  
150 issuance and delivery of the bonds authorized under Sections 1  
151 through 16 of this act from the proceeds derived from the sale of  
152 the bonds. The State Bond Commission shall sell such bonds on  
153 sealed bids at public sale and for such price as it may determine  
154 to be for the best interest of the State of Mississippi, but no  
155 such sale shall be made at a price less than par plus accrued  
156 interest to date of delivery of the bonds to the purchaser. All  
157 bonds shall bear interest at such rate or rates not exceeding the  
158 limits set forth in Section 75-17-101. All interest accruing on  
159 such bonds so issued shall be payable semiannually or annually,  
160 except that the first interest payment may be for any period of  
161 not more than one (1) year.

162 Notice of the sale of any such bonds shall be published at  
163 least one (1) time, not less than ten (10) days before the date of  
164 sale, and shall be so published in one or more newspapers having a  
165 general circulation in the City of Jackson, Mississippi, and in  
166 one or more other newspapers or financial journals with a national  
167 circulation, to be selected by the State Bond Commission.

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

173           SECTION 9. The bonds issued under the provisions of Sections  
174 1 through 16 of this act are general obligations of the State of  
175 Mississippi, and for the payment thereof the full faith and credit  
176 of the State of Mississippi is hereby irrevocably pledged. If the  
177 funds appropriated by the Legislature are insufficient to pay the  
178 principal of and the interest on such bonds as they become due,  
179 then the deficiency shall be paid by the State Treasurer from any  
180 funds in the State Treasury not otherwise appropriated. All such  
181 bonds shall contain recitals on their faces substantially covering  
182 the provisions of this section.

183           SECTION 10. The State Treasurer is authorized to certify to  
184 the Executive Director of the Department of Finance and  
185 Administration the necessity for warrants, and the executive  
186 director is authorized and directed to issue such warrants, in  
187 such amounts as may be necessary to pay when due the principal of  
188 and interest on all bonds issued under the provisions of Sections  
189 1 through 16 of this act; and the State Treasurer shall forward  
190 the necessary amount to the designated place or places of payment  
191 of such bonds in ample time to discharge such bonds, or the  
192 interest thereon, on the due dates thereof.

193           SECTION 11. The bonds authorized under Sections 1 through 16  
194 of this act may be issued without any other proceedings or the  
195 happening of any other conditions or things other than those  
196 proceedings, conditions and things which are specified or required  
197 by Sections 1 through 16 of this act. Any resolution providing  
198 for the issuance of general obligation bonds under the provisions  
199 of Sections 1 through 16 of this act shall become effective  
200 immediately upon its adoption by the State Bond Commission, and  
201 any such resolution may be adopted at any regular or special

202 meeting of the State Bond Commission by a majority of its members.

203 SECTION 12. The bonds authorized under the authority of  
204 Sections 1 through 16 of this act may be validated in the Chancery  
205 Court of the First Judicial District of Hinds County, Mississippi,  
206 in the manner and with the force and effect provided by Chapter  
207 13, Title 31, Mississippi Code of 1972, for the validation of  
208 county, municipal, school district and other bonds. The notice to  
209 taxpayers required by such statutes shall be published in a  
210 newspaper published or having a general circulation in the City of  
211 Jackson, Mississippi.

212 SECTION 13. The proceeds of the bonds authorized in Sections  
213 1 through 16 of this act shall be deposited in a special fund  
214 created in the State Treasury to be known as the "1999 Hugh White  
215 Golf Course Construction Fund." The proceeds of such bonds shall  
216 be used solely for the purposes provided in Sections 1 through 16  
217 of this act, including the costs incident to the issuance and sale  
218 of such bonds. The costs incident to the issuance and sale of  
219 such bonds shall be disbursed by warrant upon requisition of the  
220 State Bond Commission, signed by the Governor. The expenditure of  
221 the remaining money shall be under the direction of the Commission  
222 on Wildlife, Fisheries and Parks, and such funds shall be paid by  
223 the State Treasurer upon warrants issued by the Executive Director  
224 of the Department of Finance and Administration.

225 SECTION 14. Any holder of bonds issued under the provisions  
226 of Sections 1 through 16 of this act, or of any of the interest  
227 coupons pertaining thereto may, either at law or in equity, by  
228 suit, action, mandamus or other proceeding, protect and enforce  
229 any and all rights granted under Sections 1 through 16 of this  
230 act, or under such resolution, and may enforce and compel  
231 performance of all duties required by Sections 1 through 16 of  
232 this act to be performed, in order to provide for the payment of  
233 bonds and interest thereon.

234 SECTION 15. All bonds issued under the provisions of  
235 Sections 1 through 16 of this act shall be legal investments for

236 trustees and other fiduciaries, and for savings banks, trust  
237 companies and insurance companies organized under the laws of the  
238 State of Mississippi, and such bonds shall be legal securities  
239 which may be deposited with and shall be received by all public  
240 officers and bodies of this state and all municipalities and  
241 political subdivisions for the purpose of securing the deposit of  
242 public funds.

243 SECTION 16. The provisions of Sections 1 through 16 of this  
244 act shall be deemed to be full and complete authority for the  
245 exercise of the powers therein granted, but Sections 1 through 16  
246 of this act shall not be deemed to repeal or to be in derogation  
247 of any existing law of this state.

248 SECTION 17. For the purpose of aiding in the planning,  
249 design, undertaking and carrying out of the project specified in  
250 Section 3 of this act, any county or municipality, or governmental  
251 subdivision thereof, is authorized to contribute funds or property  
252 to defray any expenses of the specified project; to furnish or  
253 pledge public resources to the project, including but not limited  
254 to, buildings, facilities, equipment and employees; or to  
255 participate in the effectuation of the specified project in any  
256 manner.

257 SECTION 18. After authorization by the commission, any  
258 person who is employed by the Department of Wildlife, Fisheries  
259 and Parks as a golf professional at the Hugh White State Park golf  
260 course may charge and collect fees for teaching golf lessons at  
261 the park in reasonable amounts that have been approved in advance  
262 by the commission. Any such person who charges and collects fees  
263 for teaching golf lessons shall be authorized to keep those fees  
264 as personal income in addition to his regular salary from the  
265 Department of Wildlife, Fisheries and Parks. Such fees shall not  
266 be considered to be public funds. However, each person who  
267 charges and collects such fees shall keep a detailed record of all  
268 fees collected and shall report to the commission on a regular  
269 basis, as prescribed by the commission, the amount of all fees



270 collected during the preceding reporting period.

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

273 67-1-5. For the purposes of this chapter and unless  
274 otherwise required by the context:

275 (a) The words "alcoholic beverage" mean any alcoholic  
276 liquid, including wines of more than five percent (5%) of alcohol  
277 by weight, capable of being consumed as a beverage by a human  
278 being, but shall not include wine containing five percent (5%) or  
279 less of alcohol by weight and shall not include beer containing  
280 not more than five percent (5%) of alcohol by weight, as provided  
281 for in Section 67-3-5, Mississippi Code of 1972, but shall include  
282 native wines. The words "alcoholic beverage" shall not include  
283 ethyl alcohol manufactured or distilled solely for fuel purposes.

284 (b) The word "alcohol" means the product of  
285 distillation of any fermented liquid, whatever the origin thereof,  
286 and includes synthetic ethyl alcohol, but does not include  
287 denatured alcohol or wood alcohol.

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

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

296 (e) The word "person" means and includes any  
297 individual, partnership, corporation, association or other legal  
298 entity whatsoever.

299 (f) The word "manufacturer" means any person engaged in  
300 manufacturing, distilling, rectifying, blending or bottling any  
301 alcoholic beverage.

302 (g) The word "wholesaler" means any person, other than  
303 a manufacturer, engaged in distributing or selling any alcoholic

304 beverage at wholesale for delivery within or without this state  
305 when such sale is for the purpose of resale by the purchaser.

306 (h) The word "retailer" means any person who sells,  
307 distributes, or offers for sale or distribution, any alcoholic  
308 beverage for use or consumption by the purchaser and not for  
309 resale.

310 (i) The word "commission" means the State Tax  
311 Commission of the State of Mississippi, which shall create a  
312 division in its organization to be known as the Alcoholic Beverage  
313 Control Division. Any reference to the commission hereafter means  
314 the powers and duties of the State Tax Commission with reference  
315 to supervision of the Alcoholic Beverage Control Division.

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

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

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

336 (m) The word "restaurant" means a place which is  
337 regularly and in a bona fide manner used and kept open for the

338 serving of meals to guests for compensation, which has suitable  
339 seating facilities for guests, and which has suitable kitchen  
340 facilities connected therewith for cooking an assortment of foods  
341 and meals commonly ordered at various hours of the day; the  
342 service of such food as sandwiches and salads only shall not be  
343 deemed in compliance with this requirement. No place shall  
344 qualify as a restaurant under this chapter unless twenty-five  
345 percent (25%) or more of the revenue derived from such place shall  
346 be from the preparation, cooking and serving of meals and not from  
347 the sale of beverages, or unless the value of food given to and  
348 consumed by customers is equal to twenty-five percent (25%) or  
349 more of total revenue.

350 (n) The word "club" means an association or a  
351 corporation:

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

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

357 (3) Maintained by its members through the payment  
358 of annual dues;

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

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

367 (6) No member, officer, agent or employee of which  
368 is paid, or directly or indirectly receives, in the form of a  
369 salary or other compensation any profit from the distribution or  
370 sale of alcoholic beverages to the club or to members or guests of  
371 the club beyond such salary or compensation as may be fixed and

372 voted at a proper meeting by the board of directors or other  
373 governing body out of the general revenues of the club.

374         The commission may, in its discretion, waive the five-year  
375 provision of this paragraph. In order to qualify under this  
376 paragraph, a club must file with the commission, at the time of  
377 its application for a license under this chapter, two (2) copies  
378 of a list of the names and residences of its members and similarly  
379 file, within ten (10) days after the election of any additional  
380 member, his name and address. Each club applying for a license  
381 shall also file with the commission at the time of the application  
382 a copy of its articles of association, charter of incorporation,  
383 bylaws or other instruments governing the business and affairs  
384 thereof.

385             (o) The term "qualified resort area" means any area or  
386 locality outside of the limits of incorporated municipalities in  
387 this state commonly known and accepted as a place which regularly  
388 and customarily attracts tourists, vacationists and other  
389 transients because of its historical, scenic or recreational  
390 facilities or attractions, or because of other attributes which  
391 regularly and customarily appeal to and attract tourists,  
392 vacationists and other transients in substantial numbers; however,  
393 no area or locality shall so qualify as a resort area until it has  
394 been duly and properly approved as such by the commission.

395             (i) The commission may approve an area or locality  
396 outside of the limits of an incorporated municipality that is in  
397 the process of being developed as a qualified resort area if such  
398 area or locality, when developed, can reasonably be expected to  
399 meet the requisites of the definition of the term "qualified  
400 resort area." In such a case, the status of qualified resort area  
401 shall not take effect until completion of the development.

402             (ii) The term includes any state park which is  
403 declared a resort area by the commission; however, such  
404 declaration may only be initiated in a written request for resort  
405 area status made to the commission by the Executive Director of

406 the Department of Wildlife, Fisheries and Parks, and no permit for  
407 the sale of any alcoholic beverage, as defined in this chapter,  
408 except an on-premises retailer's permit, shall be issued for a  
409 hotel, restaurant or bed and breakfast inn in such park.

410 (iii) The term includes the clubhouses associated  
411 with the state park golf courses at the Lefleur's Bluff State  
412 Park, the John Kyle State Park, the Percy Quin State Park and the  
413 Hugh White State Park. The status of these clubhouses as  
414 qualified resort areas does not require any declaration of same by  
415 the commission.

416 (p) The words "native wine" shall mean any product,  
417 produced in Mississippi for sale, having an alcohol content not to  
418 exceed twenty-one percent (21%) by weight and made in accordance  
419 with revenue laws of the United States, which shall be obtained  
420 primarily from the alcoholic fermentation of the juice of ripe  
421 grapes, fruits, berries or vegetables grown and produced in  
422 Mississippi; provided that bulk, concentrated or fortified wines  
423 used for blending may be produced without this state and used in  
424 producing native wines. The commission shall adopt and promulgate  
425 rules and regulations to permit a producer to import such bulk  
426 and/or fortified wines into this state for use in blending with  
427 native wines without payment of any excise tax that would  
428 otherwise accrue thereon.

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

432 (r) The words "bed and breakfast inn" mean an  
433 establishment within a municipality where in consideration of  
434 payment, breakfast and lodging are habitually furnished to  
435 travelers and wherein are located not less than eight (8) and not  
436 more than nineteen (19) adequately furnished and completely  
437 separate sleeping rooms with adequate facilities, that persons  
438 usually apply for and receive as overnight accommodations;  
439 however, such restriction on the minimum number of sleeping rooms

440 shall not apply to establishments on the National Register of  
441 Historic Places. No place shall qualify as a bed and breakfast  
442 inn under this chapter unless on the date of the initial  
443 application for a license under this chapter more than fifty  
444 percent (50%) of the sleeping rooms are located in a structure  
445 formerly used as a residence.

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