

By: Canon

To: Finance

SENATE BILL NO. 2338

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 LAKE  
 4 LOWNDES STATE PARK; TO ALLOW LOCAL GOVERNMENTS TO PARTICIPATE IN  
 5 THE GOLF COURSE PROJECT AT LAKE LOWNDES 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 LAKE LOWNDES 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 17 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 "2000 Lake Lowndes Golf Course Construction Fund" is created  
 21 within the State Treasury. The fund shall be maintained by the  
 22 State Treasurer as a separate and special fund, separate and apart  
 23 from the General Fund of the state and investment earnings on  
 24 amounts 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 Lake Lowndes State Park as  
29 described in Section 3 of this act.

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

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

49 SECTION 3. (1) (a) Before the issuance of any of the bonds  
50 authorized under Sections 1 through 17 of this act, the  
51 commission shall forward to the State Bond Commission its  
52 resolution declaring the necessity for the issuance of general  
53 obligation bonds as authorized by Sections 1 through 17 of this  
54 act for the purpose of development and construction at the Lake  
55 Lowndes State Park of the following: an eighteen-hole golf  
56 course, a driving range, practice areas, a clubhouse facility

57 which shall include service of food and beverages, a cart storage  
58 facility, maintenance areas and equipment, any other appurtenances  
59 related to the operation of such golf facilities and all  
60 furnishings and equipment.

61 (b) All clubhouse facilities, cart storage facilities,  
62 maintenance areas and equipment, and any other appurtenances  
63 related to the operation of the golf course and all furnishings  
64 and equipment described in paragraph (a) of this subsection (1)  
65 shall be of the same design, size, and specifications as those at  
66 the Mallard Pointe Golf Course at John Kyle State Park.

67 (2) All contracts for construction performed or related to  
68 the projects authorized under Sections 1 through 17 of this act  
69 shall be advertised, bid and accepted by the commission in  
70 accordance with the same procedure as prescribed for the  
71 advertisement and acceptance of bids for the purchase of  
72 commodities and contracts for public construction under Section  
73 31-7-1 et seq. Contracts for professional services shall be in  
74 accordance with a fair and open procedure similar to that used by  
75 the Department of Finance and Administration.

76 SECTION 4. Upon receipt of a certified copy of a resolution  
77 of the commission declaring the necessity for the issuance of any  
78 part or all of the bonds authorized by Sections 1 through 17 of  
79 this act, the State Bond Commission is authorized and empowered,  
80 at one time or from time to time, to declare the necessity for  
81 issuance of, and to sell and issue general obligation bonds of the  
82 State of Mississippi in the principal amount requested, not to  
83 exceed an aggregate principal amount of Five Million Dollars  
84 (\$5,000,000.00), for the purposes hereinabove set forth. The

85 State Bond Commission is authorized and empowered to pay the costs  
86 that are incident to the sale, issuance and delivery of the bonds  
87 authorized under Sections 1 through 17 of this act, from the  
88 proceeds derived from the sale of such bonds.

89 SECTION 5. The principal of and interest on the bonds  
90 authorized under Sections 1 through 17 of this act shall be  
91 payable in the manner provided in this section. Such bonds shall  
92 bear such date or dates, be in such denomination or denominations,  
93 bear interest at such rate or rates (not to exceed the limit set  
94 forth in Section 8 of this act), be payable at such place or  
95 places within or without the State of Mississippi, shall mature  
96 absolutely at such time or times not to exceed twenty-five (25)  
97 years from date of issue, be redeemable before maturity at such  
98 time or times and upon such terms, with or without premium, shall  
99 bear such registration privileges, and shall be substantially in  
100 such form, all as shall be determined by resolution of the State  
101 Bond Commission.

102 SECTION 6. The bonds authorized by Section 4 of this act  
103 shall be signed by the Chairman of the State Bond Commission, or  
104 by his facsimile signature, and the official seal of the State  
105 Bond Commission shall be affixed thereto, attested by the  
106 Secretary of the State Bond Commission. The interest coupons, if  
107 any, to be attached to such bonds may be executed by the facsimile  
108 signatures of such officers. Whenever any such bonds shall have  
109 been signed by the officials herein designated to sign the bonds,  
110 who were in office at the time of such signing but who may have  
111 ceased to be such officers before the sale and delivery of such  
112 bonds, or who may not have been in office on the date such bonds

113 may bear, the signatures of such officers upon such bonds and  
114 coupons shall nevertheless be valid and sufficient for all  
115 purposes and have the same effect as if the person so officially  
116 signing such bonds had remained in office until the delivery of  
117 the same to the purchaser, or had been in office on the date such  
118 bonds may bear. However, notwithstanding anything herein to the  
119 contrary, such bonds may be issued as provided in the Registered  
120 Bond Act of the State of Mississippi.

121 SECTION 7. All bonds and interest coupons issued under  
122 Sections 1 through 17 of this act, have all the qualities and  
123 incidents of negotiable instruments under the provisions of the  
124 Mississippi Uniform Commercial Code and in exercising the powers  
125 granted by Sections 1 through 17 of this act, the State Bond  
126 Commission shall not be required to and need not comply with the  
127 provisions of the Mississippi Uniform Commercial Code. Such bonds  
128 and income therefrom shall be exempt from all taxation within the  
129 State of Mississippi.

130 SECTION 8. The State Bond Commission shall act as the  
131 issuing agent for the bonds authorized under Sections 1 through 17  
132 of this act, prescribe the form of the bonds, advertise for and  
133 accept bids, issue and sell the bonds so authorized to be sold,  
134 pay all fees and costs incurred in such issuance and sale, and do  
135 any and all other things necessary and advisable in connection  
136 with the issuance and sale of such bonds. The State Bond  
137 Commission may pay the costs that are incident to the sale,  
138 issuance and delivery of the bonds authorized under Sections 1  
139 through 17 of this act from the proceeds derived from the sale of  
140 the bonds. The State Bond Commission shall sell such bonds on

141 sealed bids at public sale and for such price as it may determine  
142 to be for the best interest of the State of Mississippi, but no  
143 such sale shall be made at a price less than par plus accrued  
144 interest to date of delivery of the bonds to the purchaser. All  
145 bonds shall bear interest at such rate or rates not exceeding the  
146 limits set forth in Section 75-17-101. All interest accruing on  
147 such bonds so issued shall be payable semiannually or annually,  
148 except that the first interest payment may be for any period of  
149 not more than one (1) year.

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

156 The State Bond Commission, when issuing any bonds under the  
157 authority of Sections 1 through 17 of this act, may provide that  
158 bonds, at the option of the State of Mississippi, may be called in  
159 for payment and redemption at the call price named therein and  
160 accrued interest on such date or dates named therein.

161 SECTION 9. The bonds issued under the provisions of Sections  
162 1 through 17 of this act are general obligations of the State of  
163 Mississippi, and for the payment thereof the full faith and credit  
164 of the State of Mississippi is hereby irrevocably pledged. If the  
165 funds appropriated by the Legislature are insufficient to pay the  
166 principal of and the interest on such bonds as they become due,  
167 then the deficiency shall be paid by the State Treasurer from any  
168 funds in the State Treasury not otherwise appropriated. All such

169 bonds shall contain recitals on their faces substantially covering  
170 the provisions of this section.

171 SECTION 10. The State Treasurer is authorized to certify to  
172 the Executive Director of the Department of Finance and  
173 Administration the necessity for warrants, and the executive  
174 director is authorized and directed to issue such warrants, in  
175 such amounts as may be necessary to pay when due the principal of  
176 and interest on all bonds issued under the provisions of Sections  
177 1 through 17 of this act; and the State Treasurer shall forward  
178 the necessary amount to the designated place or places of payment  
179 of such bonds in ample time to discharge such bonds, or the  
180 interest thereon, on the due dates thereof.

181 SECTION 11. The bonds authorized under Sections 1 through 17  
182 of this act may be issued without any other proceedings or the  
183 happening of any other conditions or things other than those  
184 proceedings, conditions and things which are specified or required  
185 by Sections 1 through 17 of this act. Any resolution providing  
186 for the issuance of general obligation bonds under the provisions  
187 of Sections 1 through 17 of this act shall become effective  
188 immediately upon its adoption by the State Bond Commission, and  
189 any such resolution may be adopted at any regular or special  
190 meeting of the State Bond Commission by a majority of its members.

191 SECTION 12. The bonds authorized under the authority of  
192 Sections 1 through 17 of this act may be validated in the Chancery  
193 Court of the First Judicial District of Hinds County, Mississippi,  
194 in the manner and with the force and effect provided by Chapter  
195 13, Title 31, Mississippi Code of 1972, for the validation of  
196 county, municipal, school district and other bonds. The notice to

197 taxpayers required by such statutes shall be published in a  
198 newspaper published or having a general circulation in the City of  
199 Jackson, Mississippi.

200 SECTION 13. The proceeds of the bonds authorized in Sections  
201 1 through 17 of this act shall be deposited in a special fund  
202 created in the State Treasury to be known as the "2000 Lake  
203 Lowndes Golf Course Construction Fund." The proceeds of such  
204 bonds shall be used solely for the purposes provided in Sections 1  
205 through 17 of this act, including the costs incident to the  
206 issuance and sale of such bonds. The costs incident to the  
207 issuance and sale of such bonds shall be disbursed by warrant upon  
208 requisition of the State Bond Commission, signed by the Governor.

209 The expenditure of the remaining money shall be under the  
210 direction of the Commission on Wildlife, Fisheries and Parks, and  
211 such funds shall be paid by the State Treasurer upon warrants  
212 issued by the Executive Director of the Department of Finance and  
213 Administration.

214 SECTION 14. Any holder of bonds issued under the provisions  
215 of Sections 1 through 17 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 17 of this  
219 act, or under such resolution, and may enforce and compel  
220 performance of all duties required by Sections 1 through 17 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 17 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 17 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 17  
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 Lake Lowndes State Park  
249 golf course may charge and collect fees for teaching golf lessons  
250 at the park in reasonable amounts that have been approved in  
251 advance by the commission. Any such person who charges and  
252 collects fees for teaching golf lessons shall be authorized to

253 keep those fees as personal income in addition to his regular  
254 salary from the Department of Wildlife, Fisheries and Parks. Such  
255 fees shall not be considered to be public funds. However, each  
256 person who charges and collects such fees shall keep a detailed  
257 record of all fees collected and shall report to the commission on  
258 a regular basis, as prescribed by the commission, the amount of  
259 all fees collected during the preceding reporting period.

260 SECTION 19. Section 67-1-5, Mississippi Code of 1972, is  
261 amended as follows:[WAN1]

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           (1) 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 \* \* \*,  
402 the Hugh White State Park and the Lake Lowndes State Park. The  
403 status of these clubhouses as qualified resort areas does not  
404 require any declaration of same by 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, 2000.