

By: Senator(s) Whaley, Suber, McCaughn,
Seymour, Sparks, Boyd, Moran, Younger, Hill,
Tate, Branning, Chism

To: Wildlife, Fisheries and
Parks

SENATE BILL NO. 2504
(As Passed the Senate)

1 AN ACT TO AMEND SECTION 49-4-3, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE AND REVISE DEFINITIONS RELATING TO THE DEPARTMENT OF
3 WILDLIFE, FISHERIES AND PARKS AND ITS DIVISION OF PARKS AND
4 RECREATION; TO AMEND SECTION 49-4-6, MISSISSIPPI CODE OF 1972, TO
5 REQUIRE THE EXECUTIVE DIRECTOR OF THE DEPARTMENT TO BE APPOINTED
6 BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE; TO
7 ESTABLISH THAT THE EXECUTIVE DIRECTOR OF THE DEPARTMENT MAY SERVE
8 A TERM OF FOUR YEARS AND MAY SEEK REAPPOINTMENT SUBJECT TO THE
9 APPROVAL AND APPOINTMENT BY THE GOVERNOR AND THE ADVICE AND
10 CONSENT OF THE SENATE; TO PROVIDE THAT THE SUBMISSION OF THE
11 APPOINTMENT TO THE SENATE TO FILL AN UNEXPIRED TERM OCCURRING DUE
12 TO THE DEATH, REMOVAL OR RESIGNATION OF AN INCUMBENT SHALL NOT BE
13 SUBJECT TO THE TIME CONSTRAINTS PROVIDED FOR APPOINTMENTS TO FULL
14 FOUR-YEAR TERMS; TO CREATE THE DIVISION OF PARKS AND RECREATION
15 WITHIN THE DEPARTMENT; TO PROVIDE THAT THE DIVISION SHALL BE
16 HEADED BY THE EXECUTIVE DIRECTOR OF PARKS AND RECREATION, WHO
17 SHALL BE APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF
18 THE SENATE IN THE SAME MANNER AS THE EXECUTIVE DIRECTOR OF THE
19 DEPARTMENT AND MAY SERVE A TERM OF FOUR YEARS; TO SPECIFY THAT THE
20 DIVISION IS EXCLUSIVELY VESTED WITH THE DEPARTMENT'S POWERS AND
21 DUTIES WITH RESPECT TO STATE PARKS; TO PROVIDE THAT THE EXECUTIVE
22 DIRECTOR OF PARKS AND RECREATION SHALL HAVE AUTHORITY OVER THE
23 DIVISION INDEPENDENT OF THE AUTHORITY OF THE DEPARTMENT'S
24 EXECUTIVE DIRECTOR; TO AMEND SECTION 49-4-11, MISSISSIPPI CODE OF
25 1972, TO REVISE THE MINIMUM QUALIFICATIONS OF THE EXECUTIVE
26 DIRECTOR OF THE DEPARTMENT, AND TO PROVIDE THE MINIMUM
27 QUALIFICATIONS OF THE EXECUTIVE DIRECTOR OF PARKS AND RECREATION;
28 TO AMEND SECTION 49-4-13, MISSISSIPPI CODE OF 1972, TO ALLOCATE
29 THE POWERS AND DUTIES OF THE EXECUTIVE DIRECTOR OF THE DEPARTMENT
30 AND THE EXECUTIVE DIRECTOR OF PARKS AND RECREATION; TO AMEND
31 SECTIONS 49-4-19, 49-1-1, 49-1-3, 49-1-4, 49-1-19, 49-1-21,
32 49-1-29, 55-3-2, 55-3-41, 55-3-45, 55-3-47, 55-3-49, 55-3-53 AND
33 67-1-5, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE ABOVE; AND
34 FOR RELATED PURPOSES.



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

36 **SECTION 1.** Section 49-4-3, Mississippi Code of 1972, is
37 amended as follows:

38 49-4-3. For the purposes of this chapter, the following
39 words shall have the meanings ascribed herein, unless the context
40 otherwise requires:

41 (a) "Department" means the Mississippi Department of
42 Wildlife, Fisheries and Parks.

43 (b) "Commission" means the Mississippi Commission on
44 Wildlife, Fisheries and Parks.

45 (c) "Executive director" means the chief officer of the
46 department, who is responsible for all functions of the department
47 except those reserved to the Division of Parks and Recreation.

48 (d) "Division" means the department's Division of Parks
49 and Recreation.

50 (e) "Executive Director of Parks and Recreation" means
51 the chief officer of the division.

52 **SECTION 2.** Section 49-4-6, Mississippi Code of 1972, is
53 amended as follows:

54 49-4-6. (1) There is hereby created the Mississippi
55 Department of Wildlife, Fisheries and Parks, whose principal
56 office shall be located in Jackson, Mississippi.

57 (2) (a) The department shall be headed by an executive
58 director who shall be appointed by the Governor with the advice
59 and consent of the Senate. The commission shall submit to the



60 Governor three (3) qualified nominees for the position of
61 executive director. The Governor shall appoint the executive
62 director from the list of qualified nominees submitted * * *. The
63 executive director may serve a term of four (4) years and shall be
64 eligible for reappointment at the end of each term. A
65 reappointment by the Governor shall be subject to the advice and
66 consent of the Senate. No person appointed by the Governor to
67 serve as executive director shall be eligible to take office
68 unless his name shall have been submitted to the Senate for its
69 advice and consent at least thirty (30) days prior to the
70 scheduled adjournment of the regular session of the Legislature
71 being held in the calendar year in which the term of the office of
72 the incumbent executive director shall expire; however, if for any
73 reason an appointment is not given the advice and consent of the
74 Senate prior to the adjournment of such regular session, the
75 Governor may submit an appointment to the Senate for its advice
76 and consent at any time during a regular or extraordinary session
77 of the Legislature.

78 (b) When a vacancy occurs by the death, removal or
79 resignation of the incumbent, the incumbent's replacement shall be
80 appointed by the Governor, with the advice and consent of the
81 Senate, to serve for the remainder of the unexpired term, but the
82 submission of the appointment to the Senate shall not be subject
83 to the time constraints in paragraph (a) of this subsection. Upon
84 expiration of the remainder of the term, the executive director



85 shall be eligible for reappointment by the Governor, with the
86 advice and consent of the Senate, for a four-year term as provided
87 in paragraph (a) of this subsection.

88 (c) The executive director may assign those powers and
89 duties as deemed appropriate to carry out the department's lawful
90 functions, except those falling under the responsibility of the
91 division, which may be assigned by the Executive Director of Parks
92 and Recreation. Upon recommendation by the Governor to the
93 commission, the executive director may be removed from office only
94 by both a majority vote of the membership of the commission and
95 the Governor's approval of the removal. To remove the executive
96 director the commission must determine on sound evidence that
97 there is good cause for removal such as willful dereliction in
98 carrying out the duties of executive director, obvious malfeasance
99 in his actions as executive director or conviction of any criminal
100 act. After the determination is made by the commission that the
101 executive director should be removed from office, the commission
102 shall notify the Governor of its determination and the Governor
103 must approve that determination before the executive director is
104 actually removed from office.

105 (3) The executive director shall appoint heads, who will
106 serve at the pleasure of the executive director. This subsection
107 does not apply to the appointment and service of the Executive
108 Director of Parks and Recreation.



109 (4) The executive director shall have the authority to
110 organize the department as deemed appropriate to carry out the
111 responsibilities of the department, but the Executive Director of
112 Parks and Recreation shall have independent authority to organize
113 the division. The organizational charts of the department shall
114 be presented annually with the budget request of the Governor for
115 review by the Legislature.

116 (5) The executive director shall develop and implement a
117 merit promotion system for all sworn law enforcement officers.
118 Promotion to higher rank shall be based on an individual's merit
119 and length of service. The executive director shall implement the
120 merit promotion system before July 1, 1995.

121 (6) The Division of Parks and Recreation is created within
122 the department. The division is exclusively vested with the
123 department's powers and duties with respect to state parks.

124 (7) The division shall be headed by the Executive Director
125 of Parks and Recreation, who shall be appointed by the Governor
126 with the advice and consent of the Senate in the same manner
127 provided in this section for the executive director of the
128 department. The Executive Director of Parks and Recreation shall
129 have authority over the division independent of the authority of
130 the department's executive director.

131 **SECTION 3.** Section 49-4-11, Mississippi Code of 1972, is
132 amended as follows:



133 49-4-11. (1) The executive director shall possess a
134 combination of educational qualifications, experience and skills
135 that clearly demonstrate the ability to manage a multi-functional
136 agency. The minimum qualifications for the position of executive
137 director are as follows:

138 (a) A master's degree in one (1) of the management
139 functions of the agency, wildlife or fisheries conservation * * *
140 or related sciences, or a master's degree in public or business
141 administration, and at least six (6) years' experience in a public
142 or private organization with administrative management functions
143 similar to those of the agency. At least three (3) of the six (6)
144 years' experience must be in a position with administrative
145 management responsibilities, including personnel supervision and
146 budget management; or

147 (b) A bachelor's degree in wildlife or fisheries
148 conservation, biology, * * * forestry, agriculture or related
149 sciences, or a bachelor's degree in public or business
150 administration, and at least eight (8) years' experience in a
151 public or private organization with administrative management
152 functions directly related to those of the agency, with four (4)
153 of those years in an administrative management position with
154 personnel supervision and budget management responsibilities.

155 (2) The Executive Director of Parks and Recreation shall
156 possess a combination of educational qualifications, experience
157 and skills that clearly demonstrate the ability to manage the



158 division. The minimum qualifications for the position of
159 Executive Director of Parks and Recreation are as follows:

160 (a) A master's degree in parks and recreation or
161 related sciences, or a master's degree in public or business
162 administration, and at least six (6) years' experience in a public
163 or private organization with administrative management functions
164 similar to those of the agency. At least three (3) of the six (6)
165 years' experience must be in a position with administrative
166 management responsibilities, including personnel supervision and
167 budget management; or

168 (b) A bachelor's degree in parks and recreation or
169 related sciences, or a bachelor's degree in public or business
170 administration, and at least eight (8) years' experience in a
171 public or private organization with administrative management
172 functions directly related to those of the division, with four (4)
173 of those years in an administrative management position with
174 personnel supervision and budget management responsibilities.

175 **SECTION 4.** Section 49-4-13, Mississippi Code of 1972, is
176 amended as follows:

177 49-4-13. * * * (1) The Executive Director of the Department
178 of Wildlife, Fisheries and Parks shall have the following powers
179 and duties, subject to subsection (2) of this section:

180 (a) To supervise and direct all administrative and
181 technical activities of the department;



182 (b) To employ, subject to the approval of the
183 commission, qualified professional personnel in the subject matter
184 or fields, and such other technical and clerical staff as may be
185 required for the operation of the department;

186 (c) To coordinate all studies in the State of
187 Mississippi concerned with the supply, development, use and
188 conservation of wildlife, fisheries and parks;

189 (d) To prepare and deliver to the Legislature and the
190 Governor on or before January 1 of each year, and at such other
191 times as may be required by the Legislature or Governor, a full
192 report of the work of the department, including a detailed
193 statement of expenditures of the department and any
194 recommendations the department may have;

195 (e) To enter into cooperative agreements with any
196 federal or state agency or subdivision thereof, or any public or
197 private institution located inside or outside the State of
198 Mississippi, or any person, corporation or association in
199 connection with studies and investigations pertaining to wildlife,
200 fisheries and parks, provided the agreements do not have a
201 financial cost in excess of the amounts appropriated for such
202 purposes by the Legislature;

203 (f) In his discretion, to enter into an affinity
204 relationship with a credit card issuer and to expend funds derived
205 therefrom to improve wildlife management areas; and



206 (g) To carry out all regulations and rules adopted by
207 the commission and enforce all licenses and permits issued by the
208 commission.

209 (2) With respect to state parks, all powers and duties
210 specified for the executive director in subsection (1) of this
211 section shall be given to the Executive Director of Parks and
212 Recreation.

213 **SECTION 5.** Section 49-4-19, Mississippi Code of 1972, is
214 amended as follows:

215 49-4-19. (1) All employees of the department, except those
216 of the division, when authorized by the executive director, shall
217 be entitled to transportation, traveling and subsistence expenses
218 while away from the office on official business of the department,
219 in accordance with Section 25-3-41 * * *.

220 (2) All employees of the division, when authorized by the
221 Executive Director of Parks and Recreation, shall be entitled to
222 transportation, traveling and subsistence expenses while away from
223 the office on official business of the division, in accordance
224 with Section 25-3-41.

225 **SECTION 6.** Section 49-1-1, Mississippi Code of 1972, is
226 amended as follows:

227 49-1-1. Wherever used in this chapter, or in any other
228 statute, or rule or regulation affecting the former State Game and
229 Fish Commission and any of its functions or duties:



230 (a) "Commission" means the Mississippi Commission on
231 Wildlife, Fisheries and Parks.

232 (b) "Department" means the Mississippi Department of
233 Wildlife, Fisheries and Parks.

234 (c) "Director" or "executive director" means the
235 Executive Director of the Mississippi Department of Wildlife,
236 Fisheries and Parks.

237 (d) "Executive Director of Parks and Recreation" means
238 the Executive Director of the Division of Parks and Recreation
239 within the Mississippi Department of Wildlife, Fisheries and
240 Parks.

241 **SECTION 7.** Section 49-1-3, Mississippi Code of 1972, is
242 amended as follows:

243 49-1-3. The Commission on Wildlife, Fisheries and Parks
244 shall be the Mississippi Commission on Wildlife Conservation and
245 shall retain all powers and duties granted by law to the
246 Mississippi Commission on Wildlife Conservation, and wherever the
247 term "Mississippi Commission on Wildlife Conservation" appears in
248 any law the same shall mean the Commission on Wildlife, Fisheries
249 and Parks. The Executive Director of the Department of Wildlife,
250 Fisheries and Parks may assign to the appropriate divisions such
251 powers and duties as it deems appropriate to carry out the lawful
252 duties of the department, and expend funds as lawfully
253 appropriated. With respect to state parks, the powers and duties
254 of the Division of Parks and Recreation are granted to it by



255 statute, independent of assignment by the department's executive
256 director.

257 **SECTION 8.** Section 49-1-4, Mississippi Code of 1972, is
258 amended as follows:

259 49-1-4. The Department of Wildlife, Fisheries and Parks
260 shall be the Department of Wildlife Conservation and shall retain
261 all powers and duties granted by law to the Department of Wildlife
262 Conservation, and wherever the term "Department of Wildlife
263 Conservation" appears in any law the same shall mean the
264 Department of Wildlife, Fisheries and Parks. The executive
265 director may assign to the appropriate divisions such powers and
266 duties as deemed appropriate to carry out the lawful functions of
267 the department. With respect to state parks, the powers and
268 duties of the Division of Parks and Recreation are granted to it
269 by statute, independent of assignment by the department's
270 executive director.

271 **SECTION 9.** Section 49-1-19, Mississippi Code of 1972, is
272 amended as follows:

273 49-1-19. (1) No member of the commission, the executive
274 director, the Executive Director of Parks and Recreation,
275 administrative officer, employee, supervisor or conservation
276 officer shall be active in any manner for or on behalf of his own
277 candidacy or the candidacy of any candidate for any public office
278 during his term of office or employment with said department.
279 Violation of this subsection shall constitute a Class II violation



280 and upon conviction thereof the violator shall be punished as
281 provided in Section 49-7-143 for each offense. A conviction shall
282 render vacant the office or position of the violator.

283 (2) While retaining the right to vote as he may please and
284 to express privately his opinions on all political subjects, no
285 executive director, Executive Director of Parks and Recreation, or
286 conservation officer shall use his official authority or influence
287 for the purpose of interfering with an election or affecting the
288 results thereof, nor for the purpose of coercing the political
289 action of any person or body.

290 **SECTION 10.** Section 49-1-21, Mississippi Code of 1972, is
291 amended as follows:

292 49-1-21. (1) Each member of the commission or any officer
293 or employee of the commission handling funds of the commission
294 shall execute and file with the proper officer a bond in the sum
295 of Thirty Thousand Dollars (\$30,000.00), with a surety company
296 authorized to do business in the state, which bond shall be
297 approved by the Commissioner of Insurance and conditioned upon the
298 faithful performance of his official duties. Premiums on the
299 bonds shall be paid by the Department of Wildlife, Fisheries and
300 Parks.

301 (2) The executive director and the Executive Director of
302 Parks and Recreation shall each execute and file with the State
303 Treasurer a bond in the sum of Thirty Thousand Dollars
304 (\$30,000.00), and each conservation officer shall execute and file



305 a bond in the sum of Two Thousand Dollars (\$2,000.00), conditioned
306 upon the faithful performance of their respective duties and that
307 they, respectively, will account for and pay over pursuant to law
308 all state monies received by them under the laws for the
309 protection of wild animals, birds and fish. They shall be
310 reimbursed for the premiums on their bonds from the Fisheries and
311 Wildlife Fund in case a surety company acts as surety on such
312 bond.

313 Before entering upon the duties of his office, the executive
314 director, the Executive Director of Parks and Recreation, and each
315 Conservation Officer of the Department of Wildlife, Fisheries and
316 Parks shall take and subscribe to the constitutional oath of
317 office. Such oath or affirmation shall be filed in the office of
318 the Secretary of State.

319 **SECTION 11.** Section 49-1-29, Mississippi Code of 1972, is
320 amended as follows:

321 49-1-29. (1) The commission may promulgate rules and
322 regulations, inaugurate studies and surveys, and establish any
323 services it deems necessary to carry out wildlife laws. A
324 violation of any rules or regulations promulgated by the
325 commission shall constitute a misdemeanor and shall be punished as
326 provided in Section 49-7-101.

327 (2) The executive director shall have authority with
328 commission approval:



329 (a) To close or shorten the open season as prescribed
330 by law in cases of urgent emergency on any species of game birds,
331 game or fur-bearing animals, reptiles, fish or amphibians, in any
332 locality, when it finds after investigation and public review that
333 the action is reasonably necessary to secure the perpetuation of
334 any species of game birds, game or fur-bearing animals, reptiles,
335 fish or amphibians and to maintain an adequate supply in the
336 affected area. The statutes shall continue in full force and
337 effect, except as restricted and limited by the rules and
338 regulations promulgated by the commission.

339 (b) To designate wildlife refuges, with the consent of
340 the property owner or owners, in any localities it finds necessary
341 to secure perpetuation of any species of game birds, game or
342 fur-bearing animals, reptiles, fish or amphibians and to maintain
343 an adequate supply for the purpose of providing a safe retreat
344 where the animals may rest and replenish adjacent hunting,
345 trapping or fishing grounds or waters, and to approve land
346 suitable for such purposes as eligible for the income tax credit
347 authorized under Section 27-7-22.22.

348 (c) To acquire and hold for the state by purchase,
349 condemnation, lease, or agreement as authorized from time to time
350 by the Legislature, and to receive by gifts or devise, lands or
351 water suitable for fish habitats, game and bird habitats, * * *
352 access sites, wildlife refuges, or for public shooting, trapping
353 or fishing grounds or waters, to provide areas on which any



354 citizen may hunt, trap or fish under any special regulations as
355 the commission may prescribe, and to approve lands suitable for
356 such purposes as eligible for the income tax credit authorized
357 under Section 27-7-22.22. The Executive Director of Parks and
358 Recreation shall have the authority granted in this paragraph with
359 respect to state parks.

360 (d) To extend and consolidate lands or waters suitable
361 for the above purposes by exchange of lands or waters under its
362 jurisdiction.

363 (e) To capture, propagate, transport, sell or exchange
364 any species of game birds, game or fur-bearing animals, reptiles,
365 fish or amphibians needed for stocking or restocking any lands or
366 waters of the state.

367 (f) To enter into cooperative agreements with persons,
368 firms, corporations or governmental agencies for purposes
369 consistent with this chapter.

370 (g) To regulate the burning of rubbish, slashings and
371 marshes or other areas it may find reasonably necessary to reduce
372 the danger of destructive fires.

373 (h) To conduct research in improved wildlife and
374 fisheries conservation methods and to disseminate information to
375 the residents of the state through the schools, public media and
376 other publications.

377 (i) To have exclusive charge and control of the
378 propagation and distribution of wild birds, animals, reptiles,



379 fish and amphibians, the conduct and control of hatcheries,
380 biological stations and game and fur farms owned or acquired by
381 the state; to expend for the protection, propagation or
382 preservation of game birds, game or fur-bearing animals, reptiles,
383 fish and amphibians all funds of the state acquired for this
384 purpose arising from licenses, gifts or otherwise; and shall have
385 charge of the enforcement of all wildlife laws.

386 (j) To grant permits and provide regulations for field
387 trials and dog trainers.

388 (k) To prohibit and to regulate the taking of nongame
389 gross fish, except minnows.

390 (l) To enter into agreements with landowners to trap
391 and purchase quail on the premises of the landowner and to provide
392 for the distribution of quail.

393 (m) To operate or lease to third persons concessions or
394 other rights or privileges on lakes owned or leased by the
395 department. Owners of land adjoining land owned or leased by the
396 department shall have priority to the concessions or rights or
397 privileges, if the owners meet the qualifications established by
398 the commission.

399 (n) To implement a beaver control program and to charge
400 fees, upon the recommendation of the Beaver Control Advisory
401 Board, to landowners participating in the beaver control program
402 described in Section 49-7-201.



403 (o) To apply for, receive and expend any federal, state
404 or local funds, contributions or funds from any other source for
405 the purpose of beaver control or eradication.

406 (p) To require the department to divide the districts
407 into zones if necessary, and periodically survey the districts or
408 zones to obtain information that is necessary to properly
409 determine the population and allowable harvest limits of wildlife
410 within the district or zone.

411 (q) To grant wildlife personnel access to enter the
412 enclosure and utilize the best collection methods available to
413 obtain tissue samples for testing where CWD has been diagnosed
414 within five (5) miles of the enclosure.

415 If CWD is detected within an enclosure, the commission shall
416 not declare surrounding or adjoining properties within a five (5)
417 mile radius of the enclosure, a CWD Management Zone, until chronic
418 wasting disease is positively detected within such radius on these
419 surrounding or adjoining properties.

420 **SECTION 12.** Section 55-3-2, Mississippi Code of 1972, is
421 amended as follows:

422 55-3-2. For purposes of Chapter 3, Title 55, Mississippi
423 Code of 1972, the following words shall have the meanings ascribed
424 herein unless the context otherwise requires:

425 (a) "Commission" means the Mississippi Commission on
426 Wildlife, Fisheries and Parks.



427 (b) "Department" means the Mississippi Department of
428 Wildlife, Fisheries and Parks.

429 (c) "Executive director" means the Executive Director
430 of the Mississippi Department of Wildlife, Fisheries and Parks.

431 (d) "Division" means the Division of Parks and
432 Recreation within the department.

433 (e) "Executive Director of Parks and Recreation" means
434 the chief officer of the division.

435 **SECTION 13.** Section 55-3-41, Mississippi Code of 1972, is
436 amended as follows:

437 55-3-41. A fund to be known as "Mississippi Park Fund" is
438 hereby established in the State Treasury, and all funds held in
439 the "Mississippi Park System Fund" shall be transferred thereto.

440 Funds collected by the department shall be deposited in the
441 State Treasury to the credit of the fund. The interest from the
442 Mississippi Park Fund earned from any investment or deposit made
443 pursuant to Section 27-105-33, Mississippi Code of 1972, shall be
444 credited to the Mississippi Park Fund by the treasurer.

445 Expenditures shall be made from the fund upon requisition signed
446 by the Executive Director of Parks and Recreation, or by a person
447 whom the Executive Director of Parks and Recreation may designate
448 and the State Fiscal Officer shall issue his warrant on the State
449 Treasury payable out of the Mississippi Park Fund. All funds in
450 the Mississippi Park Fund shall be expended only pursuant to
451 appropriation approved by the Legislature and as provided by law.



452 **SECTION 14.** Section 55-3-45, Mississippi Code of 1972, is
453 amended as follows:

454 55-3-45. The commission may appoint for each state park a
455 local advisory committee to furnish counsel and advice to the
456 Executive Director of Parks and Recreation and to park personnel
457 concerning the operation and development of said park. The
458 committee is to serve without pay.

459 **SECTION 15.** Section 55-3-47, Mississippi Code of 1972, is
460 amended as follows:

461 55-3-47. (1) In order to carry out its management
462 responsibilities over all state park lands which are now or which
463 may hereafter come under its jurisdiction, the Mississippi
464 Department of Wildlife, Fisheries and Parks is hereby authorized
465 to lease, and to grant easements and rights-of-way over and
466 across, any part of such state park lands. Such leases, easements
467 and rights-of-way may be granted for such consideration, and upon
468 such terms and conditions, as the department may deem to be in the
469 best interest of the state, consistent with the use of said lands
470 for recreational purposes, and subject to the following
471 limitations: The department shall lease such lands for a term not
472 exceeding twenty-five (25) years and shall grant in the original
473 lease contract a nonnegotiable option to renew such lease for an
474 additional term not to exceed twenty-five (25) years. Both the
475 original lease contract and the option to renew such lease shall
476 be transferable contracts. Further, the department shall not



477 lease such lands for purposes which are incompatible with
478 recreational use and may place such terms, limitations,
479 restrictions and conditions in such leases as are deemed necessary
480 to ensure the proper utilization of such lands. Any easement for
481 a utility line shall be granted for that period of time which the
482 department deems to be in the best interest of a state park.

483 (2) The department is further authorized to enter into such
484 agreements as may be required, upon such terms as may be found to
485 be in the best interest of the state, in settlement of disputes or
486 litigation regarding the title to or boundaries of any state park
487 lands within the jurisdiction of the department, provided such
488 settlement agreements shall be negotiated and drafted with the
489 advice, counsel and assistance of the Attorney General and shall
490 be approved by the Department of Finance and Administration.

491 (3) In case any of the real estate within any state park
492 under the jurisdiction of the department shall cease to be used or
493 useful for state park purposes, or becomes the subject of boundary
494 or title disputes or litigation, the department may sell and
495 convey the same, with the approval of the Department of Finance
496 and Administration, upon such terms as the Department of Finance
497 and Administration may elect and may, in addition, exchange the
498 same, with the approval of the department, for real estate
499 belonging to any other political subdivision or state, county or
500 local governmental agency or department. The department is
501 authorized to sell and convey or otherwise transfer any state park



502 or historical site as described in subsection (2) of Section
503 55-3-33. Before any such sale or transfer, except as may occur in
504 settlement of title or boundary disputes or litigation, the
505 department shall publish notice of its intention to sell the park
506 land by public sale to the highest and best bidder at least once
507 each week for three (3) consecutive weeks in at least one (1)
508 public newspaper of general circulation in the county where such
509 land is located and also in at least one (1) newspaper of general
510 circulation throughout the state. Prior to any such sale, the
511 department shall obtain at least two (2) separate and independent
512 appraisals of the land to be sold and may not accept any bid lower
513 than the average of all appraisals made. The department may
514 reject any and all bids. The owner or any co-owner of record next
515 preceding the state in title to any lands sold hereunder by public
516 bid, excluding any entity which may have exercised the power of
517 eminent domain to assist the state in acquiring said lands, shall
518 have the opportunity to reacquire such lands by matching the
519 successful bid therefor. If the owner or any co-owner of record
520 next preceding the state in title, or the heirs or estate of such
521 owner or co-owner, acquires said lands, then the department shall
522 not reserve unto the state any minerals owned by the state
523 underlying the conveyed lands. However, if anyone other than such
524 owner or co-owner, or his heirs or estate, acquires said lands,
525 then the department shall reserve unto the state one-half (1/2) of
526 the minerals owned by the state underlying the conveyed lands,



527 except for lands sold in settlement of title or boundary disputes
528 or litigation, in which case the department may, in its
529 discretion, reserve said minerals. Appraisal fees shall be shared
530 equally by the department and purchaser.

531 (4) In exercising the authority granted in this section, the
532 department may act by and through * * * the Executive Director of
533 Parks and Recreation in the execution of any document or
534 instrument prepared hereunder. Any lease, deed or settlement
535 agreement executed under the provisions of this section shall bear
536 the seal and attest of the Secretary of State, with whom said
537 instrument or document shall be filed and recorded in addition to
538 any other recording requirements of state law.

539 This section shall not apply to sixteenth section school
540 lands or lieu lands included within any state park, except as may
541 be necessary or appropriate for the department to ratify or
542 confirm any action taken by the agency or department having
543 jurisdiction over such school or lieu lands.

544 All revenues collected by the department by virtue of any
545 transaction consummated under the provisions of this section shall
546 be deposited in the Mississippi Park Fund created by Section
547 55-3-41, from which funds shall be expended only as authorized by
548 the legislative appropriations process.

549 (5) This section shall not apply to the donation and
550 conveyance of the Nanih Waiya State Park to the Mississippi Band
551 of Choctaw Indians.



552 **SECTION 16.** Section 55-3-49, Mississippi Code of 1972, is
553 amended as follows:

554 55-3-49. The department, through * * * the Executive
555 Director of Parks and Recreation, shall inaugurate a positive
556 program of preventive maintenance for all parks under its
557 jurisdiction.

558 **SECTION 17.** Section 55-3-53, Mississippi Code of 1972, is
559 amended as follows:

560 55-3-53. (1) The Mississippi Department of Wildlife,
561 Fisheries and Parks is hereby authorized and empowered to sell and
562 dispose of timber, trees, deadwood and stumps standing, growing
563 and being upon the lands of state parks. Such timber shall be
564 sold and disposed of under the direction and specifications of the
565 Department of Wildlife, Fisheries and Parks in accordance with
566 sound and efficient principles of selective cutting, forestry
567 management and conservation.

568 Before any such timber, trees, deadwood and stumps shall be
569 sold, the Department of Wildlife, Fisheries and Parks shall select
570 and mark the trees to be cut and disposed of. No trees or timber
571 shall be marked for cutting when the cutting thereof would destroy
572 or mar the scenic views from the tourist observation points in
573 said park. The purchaser shall pay double price on sale basis for
574 all trees, timber or stumps cut that had not been marked for
575 removing by the Department of Wildlife, Fisheries and Parks.



576 Before any such timber, trees, deadwood or stumps standing,
577 growing or being upon such land shall be sold, the department
578 shall advertise its intention so to do by publication in a
579 newspaper published or having general circulation in the county or
580 counties where parks are located, such notice to be published at
581 least once a week for three (3) consecutive weeks preceding the
582 sale and by posting one (1) notice in the courthouse in such
583 county. The notice shall specify that such bids shall be filed
584 with the superintendent of the state park involved, who shall
585 transmit same to the Department of Wildlife, Fisheries and Parks
586 for rejection or approval. Said department shall accept the bid
587 of the highest and best bidder for cash, but shall have the right
588 to reject any and all of such bids.

589 Provided, however, in the case of damage by fire, windstorm,
590 insects or other natural causes which would require immediate sale
591 of the timber, because the time involved for advertisement as
592 prescribed herein would allow decay, rot or destruction
593 substantially decreasing the purchase price to be received had not
594 such delay occurred, the advertisement provisions of this section
595 shall not apply. The * * * Executive Director of Parks and
596 Recreation, upon a written recommendation from the county forester
597 of the county wherein said state park is located, shall determine
598 when immediate sale of the timber is required. When the * * *
599 Executive Director of Parks and Recreation shall find an immediate
600 sale necessary for the causes stated herein, he shall, in his



601 discretion, set the time for receipt of bids on the purchase of
602 said timber, but shall show due diligence in notifying competitive
603 bidders so that a true competitive bid shall be received.

604 Whenever any timber, trees, deadwood or stumps are sold under
605 the provisions of this section, the purchaser thereof shall have
606 all necessary rights of ingress and egress to enter upon said land
607 and cut and remove such timber, trees, deadwood or stumps.

608 The proceeds derived or received from all sales under the
609 provisions of this section shall be placed in the State Parks
610 Timber Management Endowment Fund created under Section 55-3-54.

611 (2) Notwithstanding the provisions of subsection (1) of this
612 section, the Department of Wildlife, Fisheries and Parks may cut
613 and sell trees damaged by fire, windstorm or insects and deadwood
614 and stumps located upon the lands of state parks for firewood.
615 Such firewood shall be sold only to overnight guests at state
616 parks for use at state parks. The Department of Wildlife,
617 Fisheries and Parks shall select and mark all trees to be cut for
618 firewood.

619 **SECTION 18.** Section 67-1-5, Mississippi Code of 1972, is
620 amended as follows:

621 67-1-5. For the purposes of this chapter and unless
622 otherwise required by the context:

623 (a) "Alcoholic beverage" means any alcoholic liquid,
624 including wines of more than five percent (5%) of alcohol by
625 weight, capable of being consumed as a beverage by a human being,



626 but shall not include light wine, light spirit product and beer,
627 as defined in Section 67-3-3, Mississippi Code of 1972, but shall
628 include native wines and native spirits. The words "alcoholic
629 beverage" shall not include ethyl alcohol manufactured or
630 distilled solely for fuel purposes or beer of an alcoholic content
631 of more than eight percent (8%) by weight if the beer is legally
632 manufactured in this state for sale in another state.

633 (b) "Alcohol" means the product of distillation of any
634 fermented liquid, whatever the origin thereof, and includes
635 synthetic ethyl alcohol, but does not include denatured alcohol or
636 wood alcohol.

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

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

645 (e) "Person" means and includes any individual,
646 partnership, corporation, association or other legal entity
647 whatsoever.

648 (f) "Manufacturer" means any person engaged in
649 manufacturing, distilling, rectifying, blending or bottling any
650 alcoholic beverage.



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

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

658 (i) "State Tax Commission," "commission" or
659 "department" means the Department of Revenue of the State of
660 Mississippi, which shall create a division in its organization to
661 be known as the Alcoholic Beverage Control Division. Any
662 reference to the commission or the department hereafter means the
663 powers and duties of the Department of Revenue with reference to
664 supervision of the Alcoholic Beverage Control Division.

665 (j) "Division" means the Alcoholic Beverage Control
666 Division of the Department of Revenue.

667 (k) "Municipality" means any incorporated city or town
668 of this state.

669 (l) "Hotel" means an establishment within a
670 municipality, or within a qualified resort area approved as such
671 by the department, where, in consideration of payment, food and
672 lodging are habitually furnished to travelers and wherein are
673 located at least twenty (20) adequately furnished and completely
674 separate sleeping rooms with adequate facilities that persons
675 usually apply for and receive as overnight accommodations. Hotels



676 in towns or cities of more than twenty-five thousand (25,000)
677 population are similarly defined except that they must have fifty
678 (50) or more sleeping rooms. Any such establishment described in
679 this paragraph with less than fifty (50) beds shall operate one or
680 more regular dining rooms designed to be constantly frequented by
681 customers each day. When used in this chapter, the word "hotel"
682 shall also be construed to include any establishment that meets
683 the definition of "bed and breakfast inn" as provided in this
684 section.

685 (m) "Restaurant" means:

686 (i) A place which is regularly and in a bona fide
687 manner used and kept open for the serving of meals to guests for
688 compensation, which has suitable seating facilities for guests,
689 and which has suitable kitchen facilities connected therewith for
690 cooking an assortment of foods and meals commonly ordered at
691 various hours of the day; the service of such food as sandwiches
692 and salads only shall not be deemed in compliance with this
693 requirement. Except as otherwise provided in this paragraph, no
694 place shall qualify as a restaurant under this chapter unless
695 twenty-five percent (25%) or more of the revenue derived from such
696 place shall be from the preparation, cooking and serving of meals
697 and not from the sale of beverages, or unless the value of food
698 given to and consumed by customers is equal to twenty-five percent
699 (25%) or more of total revenue; or



700 (ii) Any privately owned business located in a
701 building in a historic district where the district is listed in
702 the National Register of Historic Places, where the building has a
703 total occupancy rating of not less than one thousand (1,000) and
704 where the business regularly utilizes ten thousand (10,000) square
705 feet or more in the building for live entertainment, including not
706 only the stage, lobby or area where the audience sits and/or
707 stands, but also any other portion of the building necessary for
708 the operation of the business, including any kitchen area, bar
709 area, storage area and office space, but excluding any area for
710 parking. In addition to the other requirements of this
711 subparagraph, the business must also serve food to guests for
712 compensation within the building and derive the majority of its
713 revenue from event-related fees, including, but not limited to,
714 admission fees or ticket sales to live entertainment in the
715 building, and from the rental of all or part of the facilities of
716 the business in the building to another party for a specific event
717 or function.

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

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

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



724 (iii) Maintained by its members through the
725 payment of annual dues;

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

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

734 (vi) No member, officer, agent or employee of
735 which is paid, or directly or indirectly receives, in the form of
736 a salary or other compensation any profit from the distribution or
737 sale of alcoholic beverages to the club or to members or guests of
738 the club beyond such salary or compensation as may be fixed and
739 voted at a proper meeting by the board of directors or other
740 governing body out of the general revenues of the club.

741 The department may, in its discretion, waive the five-year
742 provision of this paragraph. In order to qualify under this
743 paragraph, a club must file with the department, at the time of
744 its application for a license under this chapter, two (2) copies
745 of a list of the names and residences of its members and similarly
746 file, within ten (10) days after the election of any additional
747 member, his name and address. Each club applying for a license
748 shall also file with the department at the time of the application



749 a copy of its articles of association, charter of incorporation,
750 bylaws or other instruments governing the business and affairs
751 thereof.

752 (o) "Qualified resort area" means any area or locality
753 outside of the limits of incorporated municipalities in this state
754 commonly known and accepted as a place which regularly and
755 customarily attracts tourists, vacationists and other transients
756 because of its historical, scenic or recreational facilities or
757 attractions, or because of other attributes which regularly and
758 customarily appeal to and attract tourists, vacationists and other
759 transients in substantial numbers; however, no area or locality
760 shall so qualify as a resort area until it has been duly and
761 properly approved as such by the department. The department may
762 not approve an area as a qualified resort area after July 1, 2018,
763 if any portion of such proposed area is located within two (2)
764 miles of a convent or monastery that is located in a county
765 traversed by Interstate 55 and U.S. Highway 98. A convent or
766 monastery may waive such distance restrictions in favor of
767 allowing approval by the department of an area as a qualified
768 resort area. Such waiver shall be in written form from the owner,
769 the governing body, or the appropriate officer of the convent or
770 monastery having the authority to execute such a waiver, and the
771 waiver shall be filed with and verified by the department before
772 becoming effective.



773 (i) The department may approve an area or locality
774 outside of the limits of an incorporated municipality that is in
775 the process of being developed as a qualified resort area if such
776 area or locality, when developed, can reasonably be expected to
777 meet the requisites of the definition of the term "qualified
778 resort area." In such a case, the status of qualified resort area
779 shall not take effect until completion of the development.

780 (ii) The term includes any state park which is
781 declared a resort area by the department; however, such
782 declaration may only be initiated in a written request for resort
783 area status made to the department by the Executive Director of
784 Parks and Recreation within the Department of Wildlife, Fisheries
785 and Parks, and no permit for the sale of any alcoholic beverage,
786 as defined in this chapter, except an on-premises retailer's
787 permit, shall be issued for a hotel, restaurant or bed and
788 breakfast inn in such park.

789 (iii) The term includes:

790 1. The clubhouses associated with the state
791 park golf courses at the Lefleur's Bluff State Park, the John Kyle
792 State Park, the Percy Quin State Park and the Hugh White State
793 Park;

794 2. The clubhouse and associated golf course,
795 tennis courts and related facilities and swimming pool and related
796 facilities where the golf course, tennis courts and related
797 facilities and swimming pool and related facilities are adjacent



798 to one or more planned residential developments and the golf
799 course and all such developments collectively include at least
800 seven hundred fifty (750) acres and at least four hundred (400)
801 residential units;

802 3. Any facility located on property that is a
803 game reserve with restricted access that consists of at least
804 three thousand (3,000) contiguous acres with no public roads and
805 that offers as a service hunts for a fee to overnight guests of
806 the facility;

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

811 5. Any facility that is located in a
812 municipality that is bordered by the Pearl River, traversed by
813 Mississippi Highway 25, adjacent to the boundaries of the Jackson
814 International Airport and is located in a county which has voted
815 against coming out from under the dry law; however, any such
816 facility may only be located in areas designated by the governing
817 authorities of such municipality;

818 6. Any municipality with a population in
819 excess of ten thousand (10,000) according to the latest federal
820 decennial census that is located in a county that is bordered by
821 the Pearl River and is not traversed by Interstate Highway 20,
822 with a population in excess of forty-five thousand (45,000)



823 according to the latest federal decennial census; however, the
824 governing authorities of such a municipality may by ordinance:

825 a. Specify the hours of operation of
826 facilities that offer alcoholic beverages for sale;

827 b. Specify the percentage of revenue
828 that facilities that offer alcoholic beverages for sale must
829 derive from the preparation, cooking and serving of meals and not
830 from the sale of beverages;

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

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

835 8. a. Land that is located in any county in
836 which Mississippi Highway 43 and Mississippi Highway 25 intersect
837 and:

838 A. Owned by the Pearl River Valley
839 Water Supply District, and/or

840 B. Located within the Reservoir
841 Community District, zoned commercial, east of Old Fannin Road,
842 north of Regatta Drive, south of Spillway Road, west of Hugh Ward
843 Boulevard and accessible by Old Fannin Road, Spillway Road, Spann
844 Drive and/or Lake Vista Place, and/or

845 C. Located within the Reservoir
846 Community District, zoned commercial, west of Old Fannin Road,



847 south of Spillway Road and extending to the boundary of the
848 corporate limits of the City of Flowood, Mississippi;

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

852 A. Specify the hours of operation
853 of facilities that offer alcoholic beverages for sale,

854 B. Specify the percentage of
855 revenue that facilities that offer alcoholic beverages for sale
856 must derive from the preparation, cooking and serving of meals and
857 not from the sale of beverages, and

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

860 9. Any facility located on property that is a
861 game reserve with restricted access that consists of at least
862 eight hundred (800) contiguous acres with no public roads, that
863 offers as a service hunts for a fee to overnight guests of the
864 facility, and has accommodations for at least fifty (50) overnight
865 guests;

866 10. Any facility that:

867 a. Consists of at least six thousand
868 (6,000) square feet being heated and cooled along with an
869 additional adjacent area that consists of at least two thousand
870 two hundred (2,200) square feet regardless of whether heated and
871 cooled,



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

874 c. Provides lodging accommodations
875 regardless of whether part of the facility and/or located adjacent
876 to or in close proximity to the facility, and

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

879 11. Any facility and related property:

880 a. Located on property that consists of
881 at least one hundred twenty-five (125) contiguous acres and
882 consisting of an eighteen (18) hole golf course, and/or located in
883 a facility that consists of at least eight thousand (8,000) square
884 feet being heated and cooled,

885 b. Used for the purpose of providing
886 meals and hosting events, and

887 c. Used for the purpose of teaching
888 culinary arts courses and/or turf management and grounds keeping
889 courses, and/or outdoor recreation and leadership courses;

890 12. Any facility and related property that:

891 a. Consist of at least eight thousand
892 (8,000) square feet being heated and cooled,

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

894 c. Is used for the purpose of culinary
895 arts courses, and/or live entertainment courses and art
896 performances, and/or outdoor recreation and leadership courses;



897 13. The clubhouse and associated golf course
898 where the golf course is adjacent to one or more residential
899 developments and the golf course and all such developments
900 collectively include at least two hundred (200) acres and at least
901 one hundred fifty (150) residential units and are located a. in a
902 county that has voted against coming out from under the dry law;
903 and b. outside of but in close proximity to a municipality in such
904 county which has voted under Section 67-1-14, after January 1,
905 2013, to come out from under the dry law;

906 14. The clubhouse and associated eighteen
907 (18) hole golf course located in a municipality traversed by
908 Interstate Highway 55 and U.S. Highway 51 that has voted to come
909 out from under the dry law;

910 15. a. Land that is planned for mixed use
911 development and consists of at least two hundred (200) contiguous
912 acres with one or more planned residential developments
913 collectively planned to include at least two hundred (200)
914 residential units when completed, and also including a facility
915 that consists of at least four thousand (4,000) square feet that
916 is not part of such land but is located adjacent to or in close
917 proximity thereto, and which land is located:

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

920 B. Outside the corporate limits of
921 any municipality in such county and adjacent to or in close



922 proximity to a golf course located in a municipality in such
923 county, and

924 C. Within one (1) mile of a state
925 institution of higher learning;

926 b. The board of supervisors of such
927 county may by resolution or other order:

928 A. Specify the hours of operation
929 of facilities that offer alcoholic beverages for sale,

930 B. Specify the percentage of
931 revenue that facilities that offer alcoholic beverages for sale
932 must derive from the preparation, cooking and serving of meals and
933 not from the sale of beverages, and

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

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

942 17. One hundred five (105) contiguous acres,
943 more or less, located in Hinds County, Mississippi, and in the
944 City of Jackson, Mississippi, whereon are constructed a variety of
945 buildings, improvements, grounds or objects for the purpose of



946 holding events thereon to promote agricultural and industrial
947 development in Mississippi;

948 18. Land that is owned by a state institution
949 of higher learning and:

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

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

958 If any portion of the land described in this item 18 has been
959 declared a qualified resort area by the department before July 1,
960 2020, then that qualified resort area shall be incorporated into
961 the qualified resort area created by this item 18;

962 19. Any facility and related property:

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

968 b. Located in a county that has not
969 voted to come out from under the dry law and outside of but in



970 close proximity to a municipality located in such county and which
971 municipality has voted to come out from under the dry law;

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

976 a. A county traversed by Interstate 55
977 and Interstate 20, and

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

980 21. Any municipality with a population in
981 excess of two thousand (2,000) according to the latest federal
982 decennial census and in which is located a part of White's Creek
983 Lake and in which U.S. Highway 82 intersects with Mississippi
984 Highway 9 and located in a county that is partially bordered on
985 one (1) side by the Big Black River; however, the governing
986 authorities of such a municipality may by ordinance:

987 a. Specify the hours of operation of
988 facilities that offer alcoholic beverages for sale;

989 b. Specify the percentage of revenue
990 that facilities that offer alcoholic beverages for sale must
991 derive from the preparation, cooking and serving of meals and not
992 from the sale of beverages; and

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



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

998 23. Any tracts of land in Oktibbeha County,
999 situated north of Bailey Howell Drive, Lee Boulevard and Old
1000 Mayhew Road, east of George Perry Street and south of Mississippi
1001 Highway 182, and not located on the property of a state
1002 institution of higher learning; however, the board of supervisors
1003 of such county may by resolution or other order:

1004 a. Specify the hours of operation of
1005 facilities that offer alcoholic beverages for sale;

1006 b. Specify the percentage of revenue
1007 that facilities that offer alcoholic beverages for sale must
1008 derive from the preparation, cooking and serving of meals and not
1009 from the sale of beverages; and

1010 c. Designate the areas in which
1011 facilities that offer alcoholic beverages for sale may be located;

1012 24. A municipality in which Mississippi
1013 Highway 27 and Mississippi Highway 28 intersect; however, the
1014 governing authorities of such a municipality may by ordinance:

1015 a. Specify the hours of operation of
1016 facilities offering alcoholic beverages for sale;

1017 b. Specify the percentage of revenue
1018 that facilities offering alcoholic beverages for sale must derive



1019 from the preparation, cooking and serving of meals and not from
1020 the sale of beverages; and

1021 c. Designate the areas in which
1022 facilities offering alcoholic beverages for sale may be located;

1023 25. A municipality through which run
1024 Mississippi Highway 35 and Interstate 20; however, the governing
1025 authorities of such a municipality may by ordinance:

1026 a. Specify the hours of operation of
1027 facilities that offer alcoholic beverages for sale;

1028 b. Specify the percentage of revenue
1029 that facilities that offer alcoholic beverages for sale must
1030 derive from the preparation, cooking and serving of meals and not
1031 from the sale of beverages; and

1032 c. Designate the areas in which
1033 facilities that offer alcoholic beverages for sale may be located;

1034 26. A municipality in which Mississippi
1035 Highway 16 and Mississippi Highway 35 intersect; however, the
1036 governing authorities of such a municipality may by ordinance:

1037 a. Specify the hours of operation of
1038 facilities that offer alcoholic beverages for sale;

1039 b. Specify the percentage of revenue
1040 that facilities that offer alcoholic beverages for sale must
1041 derive from the preparation, cooking and serving of meals and not
1042 from the sale of beverages; and



1043 c. Designate the areas in which
1044 facilities that offer alcoholic beverages for sale may be located;

1045 27. A municipality in which U.S. Highway 82
1046 and Old Highway 61 intersect; however, the governing authorities
1047 of such a municipality may by ordinance:

1048 a. Specify the hours of operation of
1049 facilities that offer alcoholic beverages for sale;

1050 b. Specify the percentage of revenue
1051 that facilities that offer alcoholic beverages for sale must
1052 derive from the preparation, cooking and serving of meals and not
1053 from the sale of beverages; and

1054 c. Designate the areas in which
1055 facilities that offer alcoholic beverages for sale may be located;

1056 28. A municipality in which Mississippi
1057 Highway 8 meets Mississippi Highway 1; however, the governing
1058 authorities of such a municipality may by ordinance:

1059 a. Specify the hours of operation of
1060 facilities that offer alcoholic beverages for sale;

1061 b. Specify the percentage of revenue
1062 that facilities that offer alcoholic beverages for sale must
1063 derive from the preparation, cooking and serving of meals and not
1064 from the sale of beverages; and

1065 c. Designate the areas in which
1066 facilities that offer alcoholic beverages for sale may be located;



1067 29. A municipality in which U.S. Highway 82
1068 and Mississippi Highway 1 intersect; however, the governing
1069 authorities of such a municipality may by ordinance:

1070 a. Specify the hours of operation of
1071 facilities that offer alcoholic beverages for sale;

1072 b. Specify the percentage of revenue
1073 that facilities that offer alcoholic beverages for sale must
1074 derive from the preparation, cooking and serving of meals and not
1075 from the sale of beverages; and

1076 c. Designate the areas in which
1077 facilities that offer alcoholic beverages for sale may be located;

1078 30. A municipality in which Mississippi
1079 Highway 50 meets Mississippi Highway 9; however, the governing
1080 authorities of such a municipality may by ordinance:

1081 a. Specify the hours of operation of
1082 facilities that offer alcoholic beverages for sale;

1083 b. Specify the percentage of revenue
1084 that facilities that offer alcoholic beverages for sale must
1085 derive from the preparation, cooking and serving of meals and not
1086 from the sale of beverages; and

1087 c. Designate the areas in which
1088 facilities that offer alcoholic beverages for sale may be located;

1089 31. An area bounded on the north by Pearl
1090 Street, on the east by West Street, on the south by Court Street
1091 and on the west by Farish Street, within a municipality bordered



1092 on the east by the Pearl River and through which run Interstate 20
1093 and Interstate 55; however, the governing authorities of the
1094 municipality in which such area is located may by ordinance:

1095 a. Specify the hours of operation of
1096 facilities that offer alcoholic beverages for sale;

1097 b. Specify the percentage of revenue
1098 that facilities that offer alcoholic beverages for sale must
1099 derive from the preparation, cooking and serving of meals and not
1100 from the sale of beverages; and

1101 c. Designate the areas in which
1102 facilities that offer alcoholic beverages for sale may be located;

1103 32. Any facility and related property that:

1104 a. Is contracted for mixed-use
1105 development improvements consisting of office and residential
1106 space and a restaurant and lounge, partially occupying the
1107 renovated space of a four-story commercial building which
1108 previously served as a financial institution; and adjacent
1109 property to the west consisting of a single-story office building
1110 that was originally occupied by the Brotherhood of Carpenters and
1111 Joiners of American Local Number 569; and

1112 b. Is situated on a tract of land
1113 consisting of approximately one and one-tenth (1.10) acres, and
1114 the adjacent property to the west consisting of approximately 0.5
1115 acres, located in a municipality which is the seat of county
1116 government, situated south of Interstate 10, traversed by U.S.



1117 Highway 90, partially bordered on one (1) side by the Pascagoula
1118 River and having its most southern boundary bordered by the Gulf
1119 of Mexico, with a population greater than twenty-two thousand
1120 (22,000) according to the 2010 federal decennial census; however,
1121 the governing authorities of such a municipality may by ordinance:

1122 A. Specify the hours of operation
1123 of facilities that offer alcoholic beverages for sale;

1124 B. Specify the percentage of
1125 revenue that facilities that offer alcoholic beverages for sale
1126 must derive from the preparation, cooking and serving of meals and
1127 not from the sale of beverages; and

1128 C. Designate the areas within the
1129 facilities in which alcoholic beverages may be offered for sale;

1130 33. Any facility with a maximum capacity of
1131 one hundred twenty (120) people that consists of at least three
1132 thousand (3,000) square feet being heated and cooled, has a
1133 commercial kitchen, has a pavilion that consists of at least nine
1134 thousand (9,000) square feet and is located on land more
1135 particularly described as follows:

1136 All that part of the East Half of the Northwest Quarter of Section
1137 21, Township 7 South, Range 4 East, Union County, Mississippi,
1138 that lies South of Mississippi State Highway 348 right-of-way and
1139 containing 19.48 acres, more or less.

1140 ALSO,



1141 The Northeast 38 acres of the Southwest Quarter of Section 21,
1142 Township 7 South, Range 4 East, Union County, Mississippi.

1143 ALSO,

1144 The South 81 1/2 acres of the Southwest Quarter of Section 21,
1145 Township 7 South, Range 4 East, Union County, Mississippi; and

1146 34. A municipality in which U.S. Highway 51
1147 and Mississippi Highway 16 intersect; however, the governing
1148 authorities of such a municipality may by ordinance:

1149 a. Specify the hours of operation of
1150 facilities that offer alcoholic beverages for sale;

1151 b. Specify the percentage of revenue
1152 that facilities that offer alcoholic beverages for sale must
1153 derive from the preparation, cooking and serving of meals and not
1154 from the sale of beverages; and

1155 c. Designate the areas in which
1156 facilities that offer alcoholic beverages for sale may be located.

1157 The status of these municipalities, districts, clubhouses,
1158 facilities, golf courses and areas described in subparagraph (iii)
1159 of this paragraph (o) as qualified resort areas does not require
1160 any declaration of same by the department.

1161 (p) "Native wine" means any product, produced in
1162 Mississippi for sale, having an alcohol content not to exceed
1163 twenty-one percent (21%) by weight and made in accordance with
1164 revenue laws of the United States, which shall be obtained
1165 primarily from the alcoholic fermentation of the juice of ripe



1166 grapes, fruits, berries, honey or vegetables grown and produced in
1167 Mississippi; provided that bulk, concentrated or fortified wines
1168 used for blending may be produced without this state and used in
1169 producing native wines. The department shall adopt and promulgate
1170 rules and regulations to permit a producer to import such bulk
1171 and/or fortified wines into this state for use in blending with
1172 native wines without payment of any excise tax that would
1173 otherwise accrue thereon.

1174 (q) "Native winery" means any place or establishment
1175 within the State of Mississippi where native wine is produced, in
1176 whole or in part, for sale.

1177 (r) "Bed and breakfast inn" means an establishment
1178 within a municipality where in consideration of payment, breakfast
1179 and lodging are habitually furnished to travelers and wherein are
1180 located not less than eight (8) and not more than nineteen (19)
1181 adequately furnished and completely separate sleeping rooms with
1182 adequate facilities, that persons usually apply for and receive as
1183 overnight accommodations; however, such restriction on the minimum
1184 number of sleeping rooms shall not apply to establishments on the
1185 National Register of Historic Places. No place shall qualify as a
1186 bed and breakfast inn under this chapter unless on the date of the
1187 initial application for a license under this chapter more than
1188 fifty percent (50%) of the sleeping rooms are located in a
1189 structure formerly used as a residence.



1190 (s) "Board" shall refer to the Board of Tax Appeals of
1191 the State of Mississippi.

1192 (t) "Spa facility" means an establishment within a
1193 municipality or qualified resort area and owned by a hotel where,
1194 in consideration of payment, patrons receive from licensed
1195 professionals a variety of private personal care treatments such
1196 as massages, facials, waxes, exfoliation and hairstyling.

1197 (u) "Art studio or gallery" means an establishment
1198 within a municipality or qualified resort area that is in the sole
1199 business of allowing patrons to view and/or purchase paintings and
1200 other creative artwork.

1201 (v) "Cooking school" means an establishment within a
1202 municipality or qualified resort area and owned by a nationally
1203 recognized company that offers an established culinary education
1204 curriculum and program where, in consideration of payment, patrons
1205 are given scheduled professional group instruction on culinary
1206 techniques. For purposes of this paragraph, the definition of
1207 cooking school shall not include schools or classes offered by
1208 grocery stores, convenience stores or drugstores.

1209 (w) "Campus" means property owned by a public school
1210 district, community or junior college, college or university in
1211 this state where educational courses are taught, school functions
1212 are held, tests and examinations are administered or academic
1213 course credits are awarded; however, the term shall not include
1214 any "restaurant" or "hotel" that is located on property owned by a



1215 community or junior college, college or university in this state,
1216 and is operated by a third party who receives all revenue
1217 generated from food and alcoholic beverage sales.

1218 (x) "Native spirit" shall mean any beverage, produced
1219 in Mississippi for sale, manufactured primarily by the
1220 distillation of fermented grain, starch, molasses or sugar
1221 produced in Mississippi, including dilutions and mixtures of these
1222 beverages. In order to be classified as "native spirit" under the
1223 provisions of this chapter, at least fifty-one percent (51%) of
1224 the finished product by volume shall have been obtained from
1225 distillation of fermented grain, starch, molasses or sugar grown
1226 and produced in Mississippi.

1227 (y) "Native distillery" shall mean any place or
1228 establishment within this state where native spirit is produced in
1229 whole or in part for sale.

1230 **SECTION 19.** This act shall take effect and be in force from
1231 and after July 1, 2022, and shall stand repealed on June 30, 2022.

