

By: Senator(s) Whaley

To: Wildlife, Fisheries and Parks

SENATE BILL NO. 2515

1 AN ACT TO AMEND SECTION 55-3-33, MISSISSIPPI CODE OF 1972, TO
 2 TRANSFER JURISDICTION OVER STATE PARKS FROM THE DEPARTMENT OF
 3 WILDLIFE, FISHERIES AND PARKS TO THE MISSISSIPPI DEPARTMENT OF
 4 TOURISM; TO AMEND SECTIONS 55-3-1, 55-3-2, 55-3-5, 55-3-7, 55-3-9,
 5 55-3-31, 55-3-41, 55-3-45, 55-3-47, 55-3-48, 55-3-49, 55-3-51,
 6 55-3-53, 55-3-54, 55-3-57, 55-3-59, 55-3-61, 55-3-63, 55-3-65,
 7 55-3-83, 55-3-101, 49-1-1, 49-1-29, 49-4-3, 49-4-7, 49-4-8,
 8 49-4-9, 49-4-11, 49-5-2, 49-5-86, 49-5-105, 49-5-147, 49-6-1,
 9 49-7-1, 49-7-39, 49-7-161, 49-8-3, 49-9-1, 49-11-1, 49-13-3,
 10 27-7-22.22, 51-4-3, 59-21-3, 59-25-1 AND 67-1-5, MISSISSIPPI CODE
 11 OF 1972, TO PROVIDE THAT THE DEPARTMENT OF TOURISM SHALL LEASE
 12 ONLY TO PUBLIC ENTITIES AND IN CONFORMITY THERETO; AND FOR RELATED
 13 PURPOSES.

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

15 **SECTION 1.** Section 55-3-33, Mississippi Code of 1972, is
 16 amended as follows:

17 55-3-33. (1) The * * * tourism department may:

18 (a) Take charge and have full jurisdiction and control
 19 over all state parks, which parks shall be operated for the
 20 purpose of providing outdoor recreational activities and enjoyment
 21 for the citizens of the State of Mississippi and for the purpose
 22 of attracting visitors to the state * * *;



23 (b) Set up a uniform accounting procedure for the state
24 parks and prescribe the manner in which books, records and
25 accounts shall be kept, which procedure shall account for all
26 monies taken in and expended by the various parks and shall
27 provide for periodic audits of such books * * *;

28 (c) Accept gifts, bequests of money or other property,
29 real or personal, to be used for the purpose of advancing the
30 recreation and conservation interests in state parks. The tourism
31 department is authorized, subject to approval by the State
32 Legislature, to purchase property, real or personal, to be used
33 for state park purposes * * *;

34 (d) Contract with the State Transportation Commission,
35 any municipality or board of supervisors of the state for
36 locating, constructing and maintaining roads and other
37 improvements in state parks and for payment of a part of the costs
38 thereof; however, no county or municipality more than twenty-five
39 (25) miles distant from a state park may contract for, or do, or
40 pay for any such work for a state park other than the
41 International Gardens of Mississippi. Any county or municipality
42 authorized to assist financially under the provisions of Sections
43 55-3-31 through 55-3-51 is authorized, in the discretion of its
44 respective governing authority, to set aside, appropriate and
45 expend monies from the General Fund for the purpose of defraying
46 such expense after a mandatory election is held on the question
47 within the county or municipality * * *;



48 (e) Designate employees as peace officers with power to
49 make arrests for infraction of the rules and regulations of the
50 tourism department. Such officers are authorized to carry weapons
51 and to enforce the laws of the State of Mississippi within the
52 confines of a state park * * *;

53 (f) Enforce and delegate the responsibility to enforce
54 all reasonable rules and regulations governing the occupancy and
55 use of lands and waters in state parks under its jurisdiction,
56 supply recreational and conservation facilities and charge fees
57 for the use of same; review all rates and charges for facilities
58 and accommodations furnished at the various state parks annually,
59 making such charges as are justified; and establish fees for
60 entrance to state parks * * *;

61 (g) * * * Periodically establish a discounted fee or
62 fees for the entry and use of selected state parks and
63 recreational facilities. The discounted fee or fees shall only be
64 used for the purpose or purposes of marketing and promotion to
65 increase the patronage and revenue of those selected parks and
66 facilities. The discounted fee or fees shall not be considered a
67 donation of state property.

68 Each park shall retain from revenues generated therein, a sum
69 sufficient to pay necessary expenses of operation, but in no event
70 to be less than seventy-five percent (75%) of such revenues.

71 (2) The tourism department shall have the authority to lease
72 to any public entity, sell and convey or otherwise transfer to any



73 county or municipality, or close any state park or historical site
74 within its jurisdiction which received a general fund subsidy in
75 fiscal year 1985 in excess of Two Dollars (\$2.00) per visitor to
76 such state park or historical site; provided, however, that this
77 authority shall not include the authority to sell, lease or convey
78 any park that was not in operation under the jurisdiction of the
79 tourism department for a full fiscal year prior to fiscal year
80 1986.

81 (3) The tourism department may execute agreements with
82 rails-to-trails and recreational districts by which the tourism
83 department will assume responsibility for the operation and
84 maintenance of trails developed under Sections 55-25-1 through
85 55-25-15.

86 (4) (a) The tourism department may contract with the
87 electric public utility with a certificate of public convenience
88 and necessity to serve the area where a state park is located for
89 the transfer of ownership of the electrical infrastructure in the
90 state park to that electric public utility.

91 (b) If the electric public utility enters into an
92 agreement for the operation and maintenance of electrical
93 facilities in a state park, the electric public utility may
94 perform any upgrades to the electrical infrastructure of the park
95 that are necessary for the electrical infrastructure to be in
96 compliance with the electric public utility standards. The
97 electric public utility may assess the costs of the upgrades to



98 the tourism department upon the terms and conditions agreed to by
99 the tourism department and the electric public utility.

100 (c) The tourism department may contract with the
101 electric public utility with the certificate of public convenience
102 and necessity to serve the area for the erection, construction,
103 maintenance, operation and control of electric distribution
104 substations, electric transmission lines, electrical
105 appurtenances, electrical appliances or electrical equipment
106 necessary or useful in the operation or distribution of electric
107 power or energy in the state park.

108 (d) Any agreement entered into by the tourism
109 department and an electric public utility under this subsection is
110 exempt from the public purchasing requirements under Section
111 31-7-13.

112 (5) The tourism department may acquire and hold for the
113 state by purchase, condemnation, lease, or agreement as authorized
114 from time to time by the Legislature, and may receive, by gifts or
115 devise, lands or water suitable for state parks, and may approve
116 lands suitable for such purposes as eligible for the income tax
117 credit authorized under Section 27-7-22.22.

118 (6) The tourism department shall be the successor to the
119 department or the commission with respect to any benefits or
120 obligations regarding state parks in any contracts in effect as of
121 July 1, 2022.



122 **SECTION 2.** Section 55-3-1, Mississippi Code of 1972, is
123 amended as follows:

124 55-3-1. The Governor of the state is authorized to accept
125 gifts of land to the state, not to exceed ten percent (10%) of the
126 area of any county, to be held, protected, and administered by the
127 State Forestry Commission as state forests and parks and to be
128 used to demonstrate their practical utility for reforestation and
129 as breeding places for wild game, and he is authorized to accept
130 gifts of land to be used and administered * * * as state parks.
131 Such gifts must be absolute, except for the reservation of any or
132 all mineral rights, and in no case shall exceed ten percent (10%)
133 of the area of any county wherein such lands may be situated. The
134 Attorney General is directed to see that all deeds to the state
135 are properly executed and that the titles thereto are free and
136 clear of all encumbrances before the gift is accepted. When any
137 donation exceeding six hundred (600) acres is made, the name of
138 the donor or any name he may suggest, on the approval of the * * *
139 tourism department shall be given such donation as the designation
140 of such forest or park.

141 **SECTION 3.** Section 55-3-2, Mississippi Code of 1972, is
142 amended as follows:

143 55-3-2. For purposes of this chapter * * *, the following
144 words shall have the meanings ascribed herein unless the context
145 otherwise requires:



146 (a) "Commission" means the Mississippi Commission on
147 Wildlife and Fisheries. Any reference in any laws of the State of
148 Mississippi to the "Commission on Wildlife, Fisheries and Parks"
149 shall be deemed to mean the Commission on Wildlife and Fisheries.

150 (b) "Department" means the Mississippi Department of
151 Wildlife and Fisheries. Any reference in any laws of the State of
152 Mississippi to the "Department of Wildlife, Fisheries and Parks"
153 shall be deemed to mean the Department of Wildlife and Fisheries.

154 (c) "Executive director" means the Executive Director
155 of the Mississippi Department of * * * Tourism.

156 (d) "Tourism department" means the Mississippi
157 Department of Tourism.

158 **SECTION 4.** Section 55-3-5, Mississippi Code of 1972, is
159 amended as follows:

160 55-3-5. (1) The department is authorized to survey, or
161 cause to be surveyed, all areas of land owned by the state for the
162 purpose of determining the adaptability of such areas for use
163 as * * * state forests and/or game and fish preserves to be
164 developed for the control of stream flow and erosion, recreation,
165 game and fish refuges or preserves, forest preserves, and for
166 other similar uses.

167 (2) The tourism department is authorized to survey, or cause
168 to be surveyed, all areas of land owned by the state for the
169 purpose of determining the adaptability of such areas for use as
170 state parks to be developed for recreation.



171 **SECTION 5.** Section 55-3-7, Mississippi Code of 1972, is
172 amended as follows:
173 55-3-7. The commission shall investigate and determine
174 whether or not the public interests may be served by the
175 utilization of any lands owned by the State of Mississippi, for
176 state forests * * * game and fish preserves, recreation centers,
177 and for other public purposes, * * * except for the purpose of
178 state parks, for which the investigation and determination shall
179 be made by the tourism department. The findings of the commission
180 or the tourism department, as the case may be, shall be submitted
181 to the board of supervisors of the county wherein such lands lie.
182 Thereupon the clerk of the board of supervisors shall post, or
183 cause to be posted, in three (3) public places in said county, one
184 (1) of which shall be the courthouse of said county, a notice
185 setting out the findings of the commission or the tourism
186 department, as the case may be, and describing the lands involved
187 and reciting that a hearing will be had before said board at its
188 first regular meeting held after the expiration of twenty-one (21)
189 days from the date of posting such notice, and that at such
190 meeting any objections to the proposed transfer and dedication
191 will be heard. Furthermore, the chancery clerk shall send by
192 registered mail, with a return receipt requested, a copy of such
193 notice to each person shown by the assessment rolls to have been
194 the owner or of any of the lands concerned should such lands have
195 been sold for taxes. However, any irregularity in the giving of



196 such notice, either by posting or by mail, shall not invalidate
197 any transfer or dedication made. After such hearing, the board of
198 supervisors shall spread its findings upon its minutes, and if the
199 transfer and dedication be approved, a certified copy of such
200 findings shall be forwarded to the commission or the tourism
201 department. The commission or the tourism department, upon
202 receipt of such resolution, shall forward the same, together with
203 its findings as to the description of such transfer and
204 dedication, to the Governor. If he finds that the board of
205 supervisors of the county wherein such lands lie has approved such
206 transfer and dedication, he may, in his discretion, set aside and
207 dedicate any lands owned by the state for such purposes above
208 mentioned. After the Governor has proclaimed, set aside and
209 dedicated any lands for such purposes, the same shall not
210 thereafter be sold. However, no lands forfeited to the state for
211 nonpayment of taxes thereon shall be so transferred and dedicated
212 until after the expiration of eighteen (18) months after the date
213 of maturity of such tax titles in the state.

214 **SECTION 6.** Section 55-3-9, Mississippi Code of 1972, is
215 amended as follows:

216 55-3-9. If in the opinion of the commission, it is necessary
217 to consolidate state lands for more economical administration
218 as * * * state forests, or if in the opinion of the tourism
219 department, it is necessary to consolidate state lands for more
220 economical administration as state parks, the Secretary of State,



221 by and with the approval of the Governor, is authorized to
222 exchange with individuals or corporations any state lands for
223 other lands owned by individuals or corporations. The owner of
224 such private lands shall make application for such exchange. In
225 event such exchange is applied for, the Secretary of State is
226 authorized to issue a patent, as provided by the existing
227 statutes, to any landowner, upon the execution and delivery by the
228 landowner of a deed conveying to the state land of equivalent
229 value.

230 **SECTION 7.** Section 55-3-31, Mississippi Code of 1972, is
231 amended as follows:

232 55-3-31. (1) The Mississippi Department of Wildlife,
233 Fisheries and Parks shall be the Mississippi Commission on Natural
234 Resources, Bureau of Recreation and Parks, and shall retain all
235 powers and duties granted by law to the Department of Natural
236 Resources, Bureau of Recreation and Parks, and wherever the term
237 Department of Natural Resources, Bureau of Recreation and Parks,
238 appears in any law it shall mean the Department of Wildlife,
239 Fisheries and Parks.

240 (2) The words "Mississippi Park Commission," wherever they
241 may appear in the laws of the State of Mississippi, shall be
242 construed to mean the * * * tourism department.

243 **SECTION 8.** Section 55-3-41, Mississippi Code of 1972, is
244 amended as follows:



245 55-3-41. A fund to be known as "Mississippi Park Fund" is
246 hereby established in the State Treasury, and all funds held in
247 the "Mississippi Park System Fund" shall be transferred thereto.

248 Funds collected by the tourism department shall be deposited
249 in the State Treasury to the credit of the fund. The interest
250 from the Mississippi Park Fund earned from any investment or
251 deposit made pursuant to Section 27-105-33, Mississippi Code of
252 1972, shall be credited to the Mississippi Park Fund by the
253 treasurer. Expenditures shall be made from the fund upon
254 requisition signed by the executive director, or by a person whom
255 the executive director may designate, and the State Fiscal Officer
256 shall issue his warrant on the State Treasury payable out of the
257 Mississippi Park Fund. All funds in the Mississippi Park Fund
258 shall be expended only pursuant to appropriation approved by the
259 Legislature and as provided by law.

260 **SECTION 9.** Section 55-3-45, Mississippi Code of 1972, is
261 amended as follows:

262 55-3-45. The * * * tourism department may appoint for each
263 state park a local advisory committee to furnish counsel and
264 advice to the executive director and to park personnel concerning
265 the operation and development of said park. The committee is to
266 serve without pay.

267 **SECTION 10.** Section 55-3-47, Mississippi Code of 1972, is
268 amended as follows:



269 55-3-47. (1) In order to carry out its management
270 responsibilities over all state park lands which are now or which
271 may hereafter come under its jurisdiction, the * * * tourism
272 department is hereby authorized to lease to any public entity, and
273 to grant easements and rights-of-way over and across, any part of
274 such state park lands. Such leases, easements and rights-of-way
275 may be granted for such consideration, and upon such terms and
276 conditions, as the tourism department may deem to be in the best
277 interest of the state, consistent with the use of said lands for
278 recreational purposes, and subject to the following limitations:
279 The tourism department shall lease such lands for a term not
280 exceeding twenty-five (25) years and shall grant in the original
281 lease contract a nonnegotiable option to renew such lease for an
282 additional term not to exceed twenty-five (25) years. Both the
283 original lease contract and the option to renew such lease shall
284 be transferable contracts. Further, the tourism department shall
285 not lease such lands for purposes which are incompatible with
286 recreational use and may place such terms, limitations,
287 restrictions and conditions in such leases as are deemed necessary
288 to ensure the proper utilization of such lands. Any easement for
289 a utility line shall be granted for that period of time which the
290 tourism department deems to be in the best interest of a state
291 park.

292 (2) The tourism department is further authorized to enter
293 into such agreements as may be required, upon such terms as may be



294 found to be in the best interest of the state, in settlement of
295 disputes or litigation regarding the title to or boundaries of any
296 state park lands within the jurisdiction of the tourism
297 department, provided such settlement agreements shall be
298 negotiated and drafted with the advice, counsel and assistance of
299 the Attorney General and shall be approved by the Department of
300 Finance and Administration.

301 (3) In case any of the real estate within any state park
302 under the jurisdiction of the tourism department shall cease to be
303 used or useful for state park purposes, or becomes the subject of
304 boundary or title disputes or litigation, the tourism department
305 may sell and convey the same, with the approval of the Department
306 of Finance and Administration, upon such terms as the Department
307 of Finance and Administration may elect and may, in addition,
308 exchange the same, with the approval of the tourism department,
309 for real estate belonging to any other political subdivision or
310 state, county or local governmental agency or department. The
311 tourism department is authorized to sell and convey or otherwise
312 transfer any state park or historical site as described in
313 subsection (2) of Section 55-3-33. Before any such sale or
314 transfer, except as may occur in settlement of title or boundary
315 disputes or litigation, the tourism department shall publish
316 notice of its intention to sell the park land by public sale to
317 the highest and best bidder at least once each week for three (3)
318 consecutive weeks in at least one (1) public newspaper of general



319 circulation in the county where such land is located and also in
320 at least one (1) newspaper of general circulation throughout the
321 state. Prior to any such sale, the tourism department shall
322 obtain at least two (2) separate and independent appraisals of the
323 land to be sold and may not accept any bid lower than the average
324 of all appraisals made. The tourism department may reject any and
325 all bids. The owner or any co-owner of record next preceding the
326 state in title to any lands sold hereunder by public bid,
327 excluding any entity which may have exercised the power of eminent
328 domain to assist the state in acquiring said lands, shall have the
329 opportunity to reacquire such lands by matching the successful bid
330 therefor. If the owner or any co-owner of record next preceding
331 the state in title, or the heirs or estate of such owner or
332 co-owner, acquires said lands, then the tourism department shall
333 not reserve unto the state any minerals owned by the state
334 underlying the conveyed lands. However, if anyone other than such
335 owner or co-owner, or his heirs or estate, acquires said lands,
336 then the tourism department shall reserve unto the state one-half
337 (1/2) of the minerals owned by the state underlying the conveyed
338 lands, except for lands sold in settlement of title or boundary
339 disputes or litigation, in which case the tourism department may,
340 in its discretion, reserve said minerals. Appraisal fees shall be
341 shared equally by the tourism department and purchaser.

342 (4) In exercising the authority granted in this section, the
343 tourism department may act by and through its executive director



344 in the execution of any document or instrument prepared hereunder.
345 Any lease, deed or settlement agreement executed under the
346 provisions of this section shall bear the seal and attest of the
347 Secretary of State, with whom said instrument or document shall be
348 filed and recorded in addition to any other recording requirements
349 of state law.

350 This section shall not apply to sixteenth section school
351 lands or lieu lands included within any state park, except as may
352 be necessary or appropriate for the tourism department to ratify
353 or confirm any action taken by the agency or department having
354 jurisdiction over such school or lieu lands.

355 All revenues collected by the tourism department by virtue of
356 any transaction consummated under the provisions of this section
357 shall be deposited in the Mississippi Park Fund created by Section
358 55-3-41, from which funds shall be expended only as authorized by
359 the legislative appropriations process.

360 (5) This section shall not apply to the donation and
361 conveyance of the Nanih Waiya State Park to the Mississippi Band
362 of Choctaw Indians.

363 **SECTION 11.** Section 55-3-48, Mississippi Code of 1972, is
364 amended as follows:

365 55-3-48. * * * (* * *1) The * * * tourism department may
366 conduct a pilot program to lease to any person, private entity or
367 governmental entity for commercial development on United States
368 Corp of Engineer's lands within the following state parks: * * *



369 Hugh White and John W. Kyle. The * * * tourism department shall
370 establish criteria for identifying such land or property.

371 (* * * 2) (a) Before approving any land or property located
372 within any of the three (3) state parks for commercial lease and
373 development, the * * * tourism department must make an affirmative
374 finding and enter upon its official minutes a statement that the
375 development of the land will not be incompatible with the outdoor
376 recreational purposes and opportunities existing at the park or
377 inaccessible to the general public.

378 (b) The lease may be for a term and upon conditions as
379 the * * * tourism department may deem to be in the best interest
380 of the state.

381 (* * * 3) If any lease executed under the provisions of this
382 section results in a person being terminated or removed from
383 employment with the tourism department, then the tourism
384 department shall give preference to hiring that person when
385 filling vacant or new employment positions elsewhere within the
386 tourism department.

387 (* * * 4) A developer or lessee may sublease such portions
388 of his lease as may be necessary for the development of a project.
389 A sublease shall be an assignable contract and shall be for
390 commercial purposes, as approved by the * * * tourism department;
391 however, a sublease may not be for a term in excess of the
392 remaining term of the developer's lease. Each sublease from the
393 developer shall contain an option for the sublessee to renew or



394 renegotiate the lease directly with the department, at any time
395 following ten (10) years after the beginning date of any sublease
396 from the developer.

397 (* * *5) Rental payments due under any lease executed under
398 this section shall be paid to the department and shall be
399 deposited into the State Park Lease Development Endowment Fund
400 created in this section.

401 (* * *6) Any construction occurring on land or property
402 leased under this section must fully comply with all applicable
403 state laws, rules and regulations, and any local building codes
404 and zoning ordinances. Development plans and construction must
405 have the prior approval of the * * * tourism department.

406 (* * *7) The tourism department * * * may enter into
407 contracts or agreements with agencies of the United States
408 government, municipalities, corporations, districts, public
409 agencies, political subdivisions of any kind, and others for any
410 services, facilities, utilities or commodities that any
411 development project under the provisions of this section may
412 require. The contract or agreement may be assigned to the
413 developer or lessee, may be upon any terms that conform to the
414 provisions of this section, may be for any time as the parties may
415 agree, and may provide that the contract or agreement shall
416 continue in effect until assigned to, or renegotiated by, a
417 sublessee of the developer or lessee.



418 (* * *8) There is created in the State Treasury a special
419 fund to be known as the "State Park Lease Development Endowment
420 Fund." The fund shall consist of all monies required to be
421 deposited therein under the provisions of this section. The
422 principal of the fund shall remain inviolate and shall be invested
423 as provided by law. Interest and income derived from investment
424 of the principal of the fund may be expended by the * * * tourism
425 department upon appropriation by the Legislature, only for the
426 purpose of constructing, reconstructing, repairing, renovating or
427 making improvements to real and personal property and facilities
428 located within the state parks. Unexpended amounts remaining in
429 the fund at the end of a fiscal year shall not lapse into the
430 State General Fund, and any interest earned on amounts in the fund
431 shall be deposited to the credit of the fund.

432 (* * *9) (a) There is created a State Parks Pilot Program
433 Advisory Council to the * * * tourism department to advise and
434 assist the * * * tourism department on the selection of any
435 developers, development plans and approval of leases for
436 development of the three (3) state parks under the provisions of
437 this section with any person, private or governmental entity.
438 Members of the advisory council shall have no veto authority, and
439 shall serve only as ex officio members of the * * * tourism
440 department.

441 (b) The advisory council shall consist of three (3)
442 members, one (1) member each to be selected and appointed by the



443 Boards of Supervisors for Grenada, Panola and Yalobusha Counties,
444 representative of each county in which a pilot-program park is
445 located. The terms of the members of the advisory council shall
446 run concurrently with the term of the appointing board of
447 supervisors. In making its appointment to the advisory council,
448 the boards of supervisors shall be limited to appointing an
449 individual who is a member of the following organizations:

450 (i) A flood control/navigation or upper levee
451 board association;

452 (ii) A statewide soil, water and conservation
453 organization;

454 (iii) A statewide recreational organization;

455 (iv) A statewide garden club association; or

456 (v) A tourism and economic development
457 association.

458 **SECTION 12.** Section 55-3-49, Mississippi Code of 1972, is
459 amended as follows:

460 55-3-49. The tourism department, through its executive
461 director, shall inaugurate a positive program of preventive
462 maintenance for all parks under its jurisdiction.

463 **SECTION 13.** Section 55-3-51, Mississippi Code of 1972, is
464 amended as follows:

465 55-3-51. The department or the tourism department, as
466 applicable, shall give due and careful attention to the proper
467 development of historical sites designated within its



468 jurisdiction. However, the department or the tourism department
469 shall not accept for its supervision, control, responsibility or
470 jurisdiction any historic sites hereafter offered to it without
471 prior legislative approval.

472 **SECTION 14.** Section 55-3-53, Mississippi Code of 1972, is
473 amended as follows:

474 55-3-53. (1) The * * * tourism department is hereby
475 authorized and empowered to sell and dispose of timber, trees,
476 deadwood and stumps standing, growing and being upon the lands of
477 state parks. Such timber shall be sold and disposed of under the
478 direction and specifications of the * * * tourism department in
479 accordance with sound and efficient principles of selective
480 cutting, forestry management and conservation.

481 Before any such timber, trees, deadwood and stumps shall be
482 sold, the * * * tourism department shall select and mark the trees
483 to be cut and disposed of. No trees or timber shall be marked for
484 cutting when the cutting thereof would destroy or mar the scenic
485 views from the tourist observation points in said park. The
486 purchaser shall pay double price on sale basis for all trees,
487 timber or stumps cut that had not been marked for removing by
488 the * * * tourism department.

489 Before any such timber, trees, deadwood or stumps standing,
490 growing or being upon such land shall be sold, the tourism
491 department shall advertise its intention so to do by publication
492 in a newspaper published or having general circulation in the



493 county or counties where parks are located, such notice to be
494 published at least once a week for three (3) consecutive weeks
495 preceding the sale and by posting one (1) notice in the courthouse
496 in such county. The notice shall specify that such bids shall be
497 filed with the superintendent of the state park involved, who
498 shall transmit same to the * * * tourism department for rejection
499 or approval. Said tourism department shall accept the bid of the
500 highest and best bidder for cash, but shall have the right to
501 reject any and all of such bids.

502 Provided, however, in the case of damage by fire, windstorm,
503 insects or other natural causes which would require immediate sale
504 of the timber, because the time involved for advertisement as
505 prescribed herein would allow decay, rot or destruction
506 substantially decreasing the purchase price to be received had not
507 such delay occurred, the advertisement provisions of this section
508 shall not apply. The * * * tourism department, upon a written
509 recommendation from the county forester of the county wherein said
510 state park is located, shall determine when immediate sale of the
511 timber is required. When the * * * tourism department shall find
512 an immediate sale necessary for the causes stated herein, * * * it
513 shall, in * * * its discretion, set the time for receipt of bids
514 on the purchase of said timber, but shall show due diligence in
515 notifying competitive bidders so that a true competitive bid shall
516 be received.



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

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

524 (2) Notwithstanding the provisions of subsection (1) of this
525 section, the * * * tourism department may cut and sell trees
526 damaged by fire, windstorm or insects and deadwood and stumps
527 located upon the lands of state parks for firewood. Such firewood
528 shall be sold only to overnight guests at state parks for use at
529 state parks. The * * * tourism department shall select and mark
530 all trees to be cut for firewood.

531 **SECTION 15.** Section 55-3-54, Mississippi Code of 1972, is
532 amended as follows:

533 55-3-54. (1) There is created in the State Treasury a
534 special fund to be known as the "State Parks Timber Management
535 Endowment Fund." The fund shall consist of all monies required to
536 be deposited therein under the provisions of Section 55-3-53. The
537 principal of the fund shall remain inviolate and shall be invested
538 as provided by law. Interest and income derived from investment
539 of the principal of the fund may be expended by the * * * tourism
540 department, upon appropriation by the Legislature, only for the
541 purpose of constructing, reconstructing, repairing, renovating or



542 making improvements to real and personal property and facilities
543 on any of the state parks under the jurisdiction and control of
544 the * * * tourism department. Unexpended amounts remaining in the
545 fund at the end of a fiscal year shall not lapse into the State
546 General Fund, and any interest earned on amounts in the fund shall
547 be deposited to the credit of the fund.

548 **SECTION 16.** Section 55-3-57, Mississippi Code of 1972, is
549 amended as follows:

550 55-3-57. Each employee of the tourism department, when
551 required by * * * the executive director, shall give a bond for
552 the faithful performance of his duties as an employee of the * * *
553 tourism department, which bond shall be made payable to the State
554 of Mississippi and shall be in the penal sum of One Thousand
555 Dollars (\$1,000.00). In case of forfeiture of any bond provided
556 for herein, and recovery on same, the amount received shall go to
557 the tourism department, to be used by it in furtherance of the
558 management and development of the state parks.

559 **SECTION 17.** Section 55-3-59, Mississippi Code of 1972, is
560 amended as follows:

561 55-3-59. Any person violating any of the rules and
562 regulations promulgated by the commission or the tourism
563 department is guilty of a misdemeanor, and upon conviction, shall
564 be liable to a fine of not less than Five Dollars (\$5.00) nor more
565 than One Hundred Dollars (\$100.00), or be subject to imprisonment
566 for not less than ten (10) days nor more than thirty (30) days, or



567 shall be liable to both such fine and imprisonment in the
568 discretion of the court.

569 **SECTION 18.** Section 55-3-61, Mississippi Code of 1972, is
570 amended as follows:

571 55-3-61. The board of supervisors of any county where a
572 state park is located may, in its discretion, appropriate and
573 donate to the * * * tourism department yearly a sum not to exceed
574 Five Thousand Dollars (\$5,000.00) out of the general county fund
575 for the establishment, maintenance and support of the state park
576 within that county. All money appropriated and donated by the
577 board of supervisors shall be used for the establishment,
578 maintenance and support of the state park within such county and
579 for no other purpose.

580 The board of supervisors of any county lying wholly within a
581 levee district, and having two (2) judicial districts, bordering
582 on the Mississippi River and wherein Highway 61 and Highway 8
583 intersect, is authorized, in its discretion, to expend funds from
584 the general fund of the county for the establishment, maintenance
585 and support of a state park within that county to be located upon
586 lands situated adjacent to the Mississippi River and lying west of
587 the mainline Mississippi River levee within that county. In
588 addition, the board is authorized, in its discretion, to expend
589 county or supervisors district road maintenance and construction
590 funds for the construction and maintenance of roads leading to and
591 across the lands upon which the park is to be located.



592 **SECTION 19.** Section 55-3-63, Mississippi Code of 1972, is
593 amended as follows:

594 55-3-63. There are hereby authorized to be established state
595 parks to be under the jurisdiction of the tourism department, on
596 land to be provided for this purpose by the United States:

597 (a) On Sardis Lake in Panola County, Mississippi;

598 (b) On Sardis Lake in Lafayette County, Mississippi,
599 reasonably close and accessible to the University of Mississippi
600 near the Sardis Dam Reservoir on the south side of Sardis Lake;
601 and

602 (c) On Enid Lake in Yalobusha County, Mississippi.

603 **SECTION 20.** Section 55-3-65, Mississippi Code of 1972, is
604 amended as follows:

605 55-3-65. The Governor of the State of Mississippi is hereby
606 authorized to enter into an indenture and agreement with the
607 Tennessee Valley Authority as the agent of the United States of
608 America whereby the State of Mississippi will acquire certain
609 lands located in Tishomingo County, Mississippi, in the Pickwick
610 Reservoir Area for use as a state park or parks, game management
611 areas, and/or wildlife refuges. The tourism department is hereby
612 authorized and empowered to establish, maintain and operate a
613 state park or parks, game management areas, and/or wildlife
614 refuges on said lands thus acquired.

615 The tourism department is authorized to build a lodge or
616 lodges, cabins, boating, recreational, camping, and any and all



617 other facilities suitable or convenient for the purpose of
618 establishing such a state park or parks, game management areas,
619 and/or wildlife refuges not to be limited by the enumeration of
620 purposes above. All state and local agencies of government are
621 authorized to assist and cooperate with the * * * tourism
622 department for the purposes of this section.

623 **SECTION 21.** Section 55-3-83, Mississippi Code of 1972, is
624 amended as follows:

625 55-3-83. The Department of Wildlife, Fisheries and Parks is
626 hereby directed to change the name of the Yocona Ridge State Park
627 to the "George Payne Cossar State Park." From and after the
628 transfer of state park administration powers and duties on July 1,
629 2022, the tourism department shall maintain this name.

630 Any reference in any laws of the State of Mississippi to the
631 Yocona Ridge State Park shall be deemed to mean the George Payne
632 Cossar State Park.

633 **SECTION 22.** Section 55-3-101, Mississippi Code of 1972, is
634 amended as follows:

635 55-3-101. As supplemental to and in addition to all other
636 power and authority which may now be vested in the Governor of the
637 State of Mississippi by the Constitution or statutes, or both, or
638 any power or authority which may be vested in him by common law as
639 Governor, as such, the Governor of the State of Mississippi is
640 hereby vested with the authority to close any or all state parks
641 in the State of Mississippi when, in his discretion, he determines



642 such closure would be to the best interest of the county or
643 counties in which any state park or parks may be situated, or
644 whenever he so determines such to be to the best interest of the
645 State of Mississippi. The said Governor, as such, is also vested
646 with such supplemental and additional authority to close any or
647 all state parks in the State of Mississippi when, in his
648 discretion, he determines such closure will promote or preserve
649 the public peace, order or tranquility of the county or counties
650 in which such park or parks may be situated, or that such closure
651 will promote or preserve the public peace, order or tranquility in
652 and of the State of Mississippi.

653 The fact that the power and authority to close any or all of
654 the state parks may be by some other statute of the State of
655 Mississippi now or hereafter vested in some other person or
656 officer or * * * agency shall not cause this section and any other
657 such law or laws to be in conflict nor shall same be construed to
658 be in conflict with each other. Such power and authority vested
659 in each such * * * agency or person or officer, as the case may
660 be, may be exercised by each or either, independent of any other
661 such * * * agency or person * * * or officer or officers.

662 **SECTION 23.** Section 49-1-1, Mississippi Code of 1972, is
663 amended as follows:

664 49-1-1. Wherever used in this chapter, or in any other
665 statute, or rule or regulation affecting the former State Game and
666 Fish Commission and any of its functions or duties:



667 (a) "Commission" means the Mississippi Commission on
668 Wildlife and Fisheries. Any reference in any laws of the State of
669 Mississippi to the "Commission on Wildlife, Fisheries and Parks"
670 shall be deemed to mean the Commission on Wildlife and Fisheries.

671 (b) "Department" means the Mississippi Department of
672 Wildlife and Fisheries. Any reference in any laws of the State of
673 Mississippi to the "Department of Wildlife, Fisheries and Parks"
674 shall be deemed to mean the Department of Wildlife and Fisheries.

675 (c) "Director" or "executive director" means the
676 executive director of the * * * department.

677 * * *

678 **SECTION 24.** Section 49-1-29, Mississippi Code of 1972, is
679 amended as follows:

680 49-1-29. (1) The commission may promulgate rules and
681 regulations, inaugurate studies and surveys, and establish any
682 services it deems necessary to carry out wildlife laws. A
683 violation of any rules or regulations promulgated by the
684 commission shall constitute a misdemeanor and shall be punished as
685 provided in Section 49-7-101.

686 (2) The executive director shall have authority with
687 commission approval:

688 (a) To close or shorten the open season as prescribed
689 by law in cases of urgent emergency on any species of game birds,
690 game or fur-bearing animals, reptiles, fish or amphibians, in any
691 locality, when it finds after investigation and public review that



692 the action is reasonably necessary to secure the perpetuation of
693 any species of game birds, game or fur-bearing animals, reptiles,
694 fish or amphibians and to maintain an adequate supply in the
695 affected area. The statutes shall continue in full force and
696 effect, except as restricted and limited by the rules and
697 regulations promulgated by the commission.

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

707 (c) To acquire and hold for the state by purchase,
708 condemnation, lease, or agreement as authorized from time to time
709 by the Legislature, and to receive, by gifts or devise, lands or
710 water suitable for fish habitats, game and bird habitats, * * *
711 access sites, wildlife refuges, or for public shooting, trapping
712 or fishing grounds or waters, to provide areas on which any
713 citizen may hunt, trap or fish under any special regulations as
714 the commission may prescribe, and to approve lands suitable for
715 such purposes as eligible for the income tax credit authorized
716 under Section 27-7-22.22.



717 (d) To extend and consolidate lands or waters suitable
718 for the above purposes by exchange of lands or waters under its
719 jurisdiction.

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

724 (f) To enter into cooperative agreements with persons,
725 firms, corporations or governmental agencies for purposes
726 consistent with this chapter.

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

730 (h) To conduct research in improved wildlife and
731 fisheries conservation methods and to disseminate information to
732 the residents of the state through the schools, public media and
733 other publications.

734 (i) To have exclusive charge and control of the
735 propagation and distribution of wild birds, animals, reptiles,
736 fish and amphibians, the conduct and control of hatcheries,
737 biological stations and game and fur farms owned or acquired by
738 the state; to expend for the protection, propagation or
739 preservation of game birds, game or fur-bearing animals, reptiles,
740 fish and amphibians all funds of the state acquired for this



741 purpose arising from licenses, gifts or otherwise; and shall have
742 charge of the enforcement of all wildlife laws.

743 (j) To grant permits and provide regulations for field
744 trials and dog trainers.

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

747 (l) To enter into agreements with landowners to trap
748 and purchase quail on the premises of the landowner and to provide
749 for the distribution of quail.

750 (m) To operate or lease to third persons concessions or
751 other rights or privileges on lakes owned or leased by the
752 department. Owners of land adjoining land owned or leased by the
753 department shall have priority to the concessions or rights or
754 privileges, if the owners meet the qualifications established by
755 the commission.

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

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

763 (p) To require the department to divide the districts
764 into zones if necessary, and periodically survey the districts or
765 zones to obtain information that is necessary to properly



766 determine the population and allowable harvest limits of wildlife
767 within the district or zone.

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

772 If CWD is detected within an enclosure, the commission shall
773 not declare surrounding or adjoining properties within a five (5)
774 mile radius of the enclosure, a CWD Management Zone, until chronic
775 wasting disease is positively detected within such radius on these
776 surrounding or adjoining properties.

777 **SECTION 25.** Section 49-4-3, Mississippi Code of 1972, is
778 amended as follows:

779 49-4-3. For the purposes of this chapter, the following
780 words shall have the meanings ascribed herein, unless the context
781 otherwise requires:

782 (a) "Department" means the Mississippi Department of
783 Wildlife and Fisheries. Any reference in any laws of the State of
784 Mississippi to the "Department of Wildlife, Fisheries and Parks"
785 shall be deemed to mean the Department of Wildlife and Fisheries.

786 (b) "Commission" means the Mississippi Commission on
787 Wildlife and Fisheries. Any reference in any laws of the State of
788 Mississippi to the "Commission on Wildlife, Fisheries and Parks"
789 shall be deemed to mean the Commission on Wildlife and Fisheries.



790 (c) "Executive director" means the chief officer of the
791 department.

792 **SECTION 26.** Section 49-4-7, Mississippi Code of 1972, is
793 amended as follows:

794 49-4-7. The commission shall establish and appoint advisory
795 committees for * * * the department. The advisory committees
796 shall aid the commission in formulating policies, discussing
797 problems and considering other matters related to * * * wildlife
798 and fisheries as designated by the commission.

799 The department is designated as the single state agency to
800 receive and expend any federal funds made available for matters
801 within the jurisdiction of the department.

802 The department shall be responsible for conserving, managing,
803 developing and protecting the wildlife and freshwater fisheries
804 resources of the state. The department shall coordinate all
805 functions of state government related to wildlife and fisheries
806 resources that are within the jurisdiction of the department.

807 **SECTION 27.** Section 49-4-8, Mississippi Code of 1972, is
808 amended as follows:

809 49-4-8. The Department of Wildlife * * * and Fisheries * * *
810 shall have the following powers and duties:

811 (a) To conserve, manage, develop and protect the
812 wildlife of the State of Mississippi.

813 * * *



814 (* * *b) To cooperate with other entities and agencies
815 in developing and implementing such plans as necessary for the
816 conservation, protection, beautification and improvement of the
817 quality of the environment and living natural resources.

818 **SECTION 28.** Section 49-4-9, Mississippi Code of 1972, is
819 amended as follows:

820 49-4-9. Effective July 1, 1979, the Department of
821 Wildlife * * * and Fisheries * * * shall have the following powers
822 and duties:

823 (a) To formulate the policy of the department regarding
824 wildlife and fisheries within the jurisdiction of the department;

825 (b) To apply for, receive and expend any federal or
826 state funds or contributions, gifts, devises, bequests or funds
827 from any other source;

828 (c) To commission or conduct studies designed to
829 determine alternative methods of managing and conserving the
830 wildlife and fisheries resources of this state in a manner to
831 insure efficiency and sustained productivity;

832 (d) To receive the advice and counsel of the advisory
833 committees created for the * * * department; and

834 (e) To discharge such other duties, responsibilities
835 and powers as are necessary to implement the provisions of this
836 chapter.

837 **SECTION 29.** Section 49-4-11, Mississippi Code of 1972, is
838 amended as follows:



839 49-4-11. The executive director shall possess a combination
840 of educational qualifications, experience and skills that clearly
841 demonstrate the ability to manage a multi-functional agency. The
842 minimum qualifications for the position of executive director are
843 as follows:

844 (a) A master's degree in one (1) of the management
845 functions of the agency, wildlife or fisheries conservation * * *
846 or related sciences, or a master's degree in public or business
847 administration and at least six (6) years' experience in a public
848 or private organization with administrative management functions
849 similar to those of the agency. At least three (3) of the six (6)
850 years' experience must be in a position with administrative
851 management responsibilities, including personnel supervision and
852 budget management; or

853 (b) A bachelor's degree in wildlife or fisheries
854 conservation, biology, * * * forestry, agriculture or related
855 sciences, or a bachelor's degree in public or business
856 administration and at least eight (8) years' experience in a
857 public or private organization with administrative management
858 functions directly related to those of the agency, with four (4)
859 of those years in an administrative management position with
860 personnel supervision and budget management responsibilities.

861 **SECTION 30.** Section 49-5-2, Mississippi Code of 1972, is
862 amended as follows:



863 49-5-2. For purposes of this chapter, the following words
864 shall have the meanings ascribed herein unless the context
865 otherwise requires:

866 (a) "Commission" means the Mississippi Commission on
867 Wildlife and Fisheries. Any reference in any laws of the State of
868 Mississippi to the "Commission on Wildlife, Fisheries and Parks"
869 shall be deemed to mean the Commission on Wildlife and Fisheries.

870 (b) "Department" means the Mississippi Department of
871 Wildlife and Fisheries. Any reference in any laws of the State of
872 Mississippi to the "Department of Wildlife, Fisheries and Parks"
873 shall be deemed to mean the Department of Wildlife and Fisheries.

874 (c) "Executive director" means the executive director
875 of the * * * department.

876 **SECTION 31.** Section 49-5-86, Mississippi Code of 1972, is
877 amended as follows:

878 49-5-86. For purposes of Sections 49-5-86 through 49-5-98,
879 the following words and terms shall have the meaning ascribed
880 herein unless the context otherwise requires:

881 (a) "General obligation bonds" means bonds of the State
882 of Mississippi, to the repayment of which, both as to principal
883 and interest, the full faith, credit and taxing power of the State
884 of Mississippi are irrevocably pledged until the principal and
885 interest are paid in full.

886 (b) "Bond commission" means the State Bond Commission.

887 * * *



888 (* * *c) "Committee" or "Wildlife Heritage Committee"
889 means the * * * commission.

890 **SECTION 32.** Section 49-5-105, Mississippi Code of 1972, is
891 amended as follows:

892 49-5-105. The words and phrases when used in Sections
893 49-5-101 through 49-5-119 shall, for the purposes of such
894 sections, have the meanings respectively ascribed to them in this
895 section, except in those instances where the context clearly
896 indicates a different meaning.

897 * * *

898 (* * *a) "Director" means the executive director of
899 the * * * department.

900 (* * *b) "Ecosystem" means a system of living
901 organisms and their environment, each influencing the existence of
902 the other and both necessary for the maintenance of life.

903 (* * *c) "Endangered species" means any species or
904 subspecies of wildlife whose prospects of survival or recruitment
905 within the state are in jeopardy or are likely within the
906 foreseeable future to become so, due to any of the following
907 factors: (1) the destruction, drastic modification, or severe
908 curtailment of its habitat, or (2) its over-utilization for
909 scientific, commercial or sporting purposes, or (3) the effect on
910 it of disease, pollution, or predation, or (4) other natural or
911 man-made factors affecting its prospects of survival or
912 recruitment within the state, or (5) any combination of the



913 foregoing factors. The term shall also be deemed to include any
914 species or subspecies of fish and wildlife appearing on the United
915 States' List of Endangered Native Fish and Wildlife as it appears
916 on July 1, 1974, (Part 17 of Title 50 of the Code of Federal
917 Regulations, Appendix D) as well as any species or subspecies of
918 fish and wildlife appearing on the United States' List of
919 Endangered Foreign Fish and Wildlife (Part 17 of Title 50 of the
920 Code of Federal Regulations, Appendix A), as such list may be
921 modified hereafter.

922 (* * *d) "Management" means the collection and
923 application of biological information for the purposes of
924 increasing the number of individuals within species and
925 populations of wildlife up to the optimum carrying capacity of
926 their habitat and maintaining such levels. The term includes the
927 entire range of activities that constitute a modern scientific
928 resource program including, but not limited to, research, census,
929 law enforcement, habitat acquisition and improvement, and
930 education. Also, included within the term, when and where
931 appropriate, is the periodic or total protection of species or
932 populations as well as regulated taking.

933 (* * *e) "Nongame species" means any wild mammal,
934 bird, amphibian, reptile, fish, mollusk, crustacean or other wild
935 animal not otherwise legally classified by statute or regulation
936 of this state.



937 (* * *f) "Optimum carrying capacity" means that point
938 at which a given habitat can support healthy populations of
939 wildlife species, having regard to the total ecosystem, without
940 diminishing the ability of the habitat to continue that function.

941 (* * *g) "Person" means any individual, firm,
942 corporation, association or partnership.

943 (* * *h) "Take" means to harass, hunt, capture, or
944 kill or attempt to harass, hunt, capture, or kill wildlife.

945 (* * *i) "Wildlife" means any wild mammal, bird,
946 reptile, amphibian, fish, mollusk, crustacean or other wild animal
947 or any part, product, egg or offspring or the dead body or parts
948 thereof.

949 **SECTION 33.** Section 49-5-147, Mississippi Code of 1972, is
950 amended as follows:

951 49-5-147. For the purposes of Sections 49-5-141 through
952 49-5-157, the following words shall have the meaning ascribed
953 herein unless the context shall otherwise require:

954 * * *

955 (* * *a) "Committee" or "Wildlife Heritage Committee"
956 means the * * * commission.

957 (* * *b) "Dedicate" means the transfer to the * * *
958 commission of any estate, interest or right in any natural area to
959 be held for the people of Mississippi in a manner provided in
960 Section 49-5-155.



961 (* * *c) "Natural area" means an area of land, water
962 or air, or combination thereof, which contains an element of the
963 state's natural diversity, including, but not limited to,
964 individual plant or animal life, natural geological areas,
965 habitats of endangered or threatened species, ecosystems or any
966 other area of unique ecological, scientific or educational
967 interest.

968 (* * *d) "Natural area preserve" means a natural area
969 which is voluntarily dedicated.

970 (* * *e) "Register" means the act of agreement between
971 the owner of a natural area and the * * * commission for
972 designation of the natural area and for its placement on the
973 register of natural areas by voluntary agreement between the owner
974 of the natural area and the commission.

975 (* * *f) "Register of natural areas" means a listing
976 of natural areas which are being managed by the owner of the
977 natural area according to the rules and regulations of the * * *
978 commission.

979 **SECTION 34.** Section 49-6-1, Mississippi Code of 1972, is
980 amended as follows:

981 49-6-1. For the purposes of this chapter, the following
982 words are defined as follows:

983 (a) "Commission" means the Mississippi Commission on
984 Wildlife and Fisheries. Any reference in any laws of the State of



985 Mississippi to the "Commission on Wildlife, Fisheries and Parks"
986 shall be deemed to mean the Commission on Wildlife and Fisheries.

987 (b) "Department" means the Mississippi Department of
988 Wildlife and Fisheries. Any reference in any laws of the State of
989 Mississippi to the "Department of Wildlife, Fisheries and Parks"
990 shall be deemed to mean the Department of Wildlife and Fisheries.

991 (c) "Executive director" means the chief officer of the
992 department.

993 (d) "Motor vehicle" means passenger automobiles,
994 trucks, heavy trucks, tractors, graders, other heavy motor-driven
995 equipment, and all-terrain vehicles.

996 **SECTION 35.** Section 49-7-1, Mississippi Code of 1972, is
997 amended as follows:

998 49-7-1. For the purposes of this chapter, the following
999 definitions and interpretations shall govern unless otherwise
1000 provided:

1001 (a) The following wild animals are classed as game:
1002 bear, white-tailed deer, rabbits and squirrels.

1003 (b) The following wild animals are classed as
1004 fur-bearing animals: muskrats, opossums, otters, weasels, minks,
1005 raccoons and bobcats.

1006 (c) The following wild animals are classed as nuisance
1007 animals: wild hogs, nutria, beaver, fox, skunks and coyote.

1008 (d) All freshwater fish in the following families are
1009 classed as game fish: Sunfish family (Centrarchidae) - including



1010 largemouth bass (*Micropterus salmoides*), smallmouth bass
1011 (*Micropterus dolomieu*), spotted bass (*Micropterus punctulatus*),
1012 white crappie (*Pomoxis annularis*), black crappie (*Pomoxis*
1013 *nigromaculatus*), redear sunfish (*Lepomis microlophus*), bluegill
1014 (*Lepomis macrochirus*), warmouth (*Lepomis gulosus*), green sunfish
1015 (*Lepomis cyanellus*), longear sunfish (*Lepomis megalotis*),
1016 redbreast sunfish (*Lepomis auritus*) and shadow bass (*Ambloplites*
1017 *arionomus*); Perch family (*Percidae*) - including walleye
1018 (*Stizostedion vitreum*), sauger (*Stizostedion canadense*) and yellow
1019 perch (*Perca flavescens*); Pike family (*Esocidae*) - including
1020 redbfin pickerel (*Esox americanus americanus*), grass pickerel (*Esox*
1021 *americanus vermiculatus*), chain pickerel (*Esox niger*); Temperate
1022 bass family (*Moronidae*) including - white bass (*Morone chrysops*),
1023 yellow bass (*Morone mississippiensis*), striped bass (*Morone*
1024 *saxatilis*) and hybrid striped bass (*Morone chrysops* x *Morone*
1025 *saxatilis* and/or *Morone saxatilis* x *Morone chrysops*).

1026 The following fish are classed as nongame gross fish: in the
1027 Herring family (*Clupeidae*) - gizzard shad (*Dorosoma cepedianum*),
1028 threadfin shad (*Dorosoma petenense*); in the Catfish family
1029 (*Ictaluridae*) - channel catfish (*Ictalurus punctatus*), blue
1030 catfish (*Ictalurus furcatus*), flathead catfish (*Pylodictus*
1031 *olivaris*), yellow bullhead (*Ameiurus natalis*), black bullhead
1032 (*Ameiurus melas*), brown bullhead (*Ameiurus nebulosus*); in the Gar
1033 family - spotted gar (*Lepisosteus oculatus*), longnose gar
1034 (*Lepisosteus osseus*), shortnose gar (*Lepisosteus platostomus*),



1035 alligator gar (*Atractosteus spatula*); in the Eel family
1036 (*Anguillidae*) - American eel (*Anguilla rostrata*); in the Bowfin
1037 family (*Amiidae*) - bowfin (*Amia calva*); in the Paddlefish family
1038 (*Polyodontidae*) - paddlefish (*Polyodon spathula*); in the Minnow
1039 family (*Cyprinidae*) - common carp (*Cyprinus carpio*); in the Sucker
1040 family (*Catostomidae*) - river carpsucker (*Carpoides carpio*),
1041 quillback (*Carpoides cyprinus*), highfin carpsucker (*Carpoides*
1042 *velifer*), spotted sucker (*Minytrema melanops*), blacktail redhorse
1043 (*Moxostoma poecilurum*), smallmouth buffalo (*Ictiobus bubalus*),
1044 bigmouth buffalo (*Ictiobus cyprinellus*), black buffalo (*Ictiobus*
1045 *niger*); in the Drum family (*Sciaenidae*) - freshwater drum
1046 (*Aplodinotus grunniens*).

1047 All fish native to Mississippi that are not classed as game
1048 fish or nongame gross fish are classed as nongame fish.

1049 All fish native to foreign countries and all fish native to
1050 the United States but not native to Mississippi are classed as
1051 nonnative fish.

1052 (e) The following are classed as game birds: geese,
1053 brant ducks, rails, coots, snipe, gallinules, moorhens, woodcock,
1054 crow, mergansers, wild turkey, quail and doves.

1055 All other species of wild resident or migratory birds are
1056 classed as nongame birds.

1057 (f) Closed season: the time during which birds,
1058 animals or fish may not be taken.



1059 (g) Open season: the time during which birds, animals
1060 or fish may be lawfully taken.

1061 (h) "Commission" means the Mississippi Commission on
1062 Wildlife and Fisheries. Any reference in any laws of the State of
1063 Mississippi to the "Commission on Wildlife, Fisheries and Parks"
1064 shall be deemed to mean the Commission on Wildlife and Fisheries.

1065 (i) "Department" means the Mississippi Department of
1066 Wildlife and Fisheries. Any reference in any laws of the State of
1067 Mississippi to the "Department of Wildlife, Fisheries and Parks"
1068 shall be deemed to mean the Department of Wildlife and Fisheries.

1069 (j) "Executive director" means the executive director
1070 of the department * * *.

1071 **SECTION 36.** Section 49-7-39, Mississippi Code of 1972, is
1072 amended as follows:

1073 49-7-39. (1) The commission shall establish a special
1074 hunting season for youth under the age of sixteen (16) and for
1075 handicapped persons in the Natchez State Park. The commission
1076 shall also establish a primitive weapon season in the Natchez
1077 State Park. The selection of participants in the primitive weapon
1078 season shall be by public drawing from all qualified applications.
1079 The commission shall set the number of permits to be issued and
1080 the length of the special seasons.

1081 (2) The commission may also establish a special hunting
1082 season for youth and handicapped persons or a primitive weapon
1083 season as provided in this section in any other state park under



1084 the jurisdiction of the Department of Tourism but shall only do so
1085 upon the recommendation of the staff of the Department * * * of
1086 Tourism. The commission shall select participants and set the
1087 number of permits to be issued and the length of the special
1088 seasons.

1089 (3) The commission may establish and regulate special youth
1090 hunts for all nonmigratory game birds and animals outside of the
1091 open season on wildlife management areas and on private lands.

1092 (4) The commission shall establish and regulate a special
1093 hunting season for youth under the age of sixteen (16) to run
1094 concurrently with the primitive weapons season on deer.

1095 **SECTION 37.** Section 49-7-161, Mississippi Code of 1972, is
1096 amended as follows:

1097 49-7-161. For purposes of Sections 49-7-161 through
1098 49-7-173, unless the context otherwise requires, the following
1099 terms shall have the meaning described herein:

1100 (a) "Migratory waterfowl" means any wild goose, brant
1101 or wild duck.

1102 * * *

1103 (* * *b) "Stamp" means the state migratory waterfowl
1104 stamp or the electronic equivalent furnished by the commission.

1105 **SECTION 38.** Section 49-8-3, Mississippi Code of 1972, is
1106 amended as follows:

1107 49-8-3. For purposes of this chapter:



1108 (a) "Commission" means the Commission on Wildlife and
1109 Fisheries. Any reference in any laws of the State of Mississippi
1110 to the "Commission on Wildlife, Fisheries and Parks" shall be
1111 deemed to mean the Commission on Wildlife and Fisheries.

1112 (b) "Department" means the Department of Wildlife and
1113 Fisheries. Any reference in any laws of the State of Mississippi
1114 to the "Department of Wildlife, Fisheries and Parks" shall be
1115 deemed to mean the Department of Wildlife and Fisheries.

1116 (c) "Wild animal" means any wild animal classified as
1117 inherently dangerous to humans as provided in Section 49-8-5.

1118 **SECTION 39.** Section 49-9-1, Mississippi Code of 1972, is
1119 amended as follows:

1120 49-9-1. As used in this chapter, the following words shall
1121 have the meanings ascribed to them in this section:

1122 (a) "Commission" means the Mississippi Commission on
1123 Wildlife and Fisheries. Any reference in any laws of the State of
1124 Mississippi to the "Commission on Wildlife, Fisheries and Parks"
1125 shall be deemed to mean the Commission on Wildlife and Fisheries.

1126 (b) "Department" means the Mississippi Department of
1127 Wildlife and Fisheries. Any reference in any laws of the State of
1128 Mississippi to the "Department of Wildlife, Fisheries and Parks"
1129 shall be deemed to mean the Department of Wildlife and Fisheries.

1130 (c) "Director" means the executive director of the
1131 department.



1132 (d) "Exporter" means a person, firm or corporation who
1133 buys or obtains mussels from mussel harvesters or buyers for
1134 export from Mississippi.

1135 (e) "Mussel" means and embraces the pearly fresh water
1136 mussel, clam, or naiad, and the shells thereof.

1137 (f) "Mussel Abatement Program" means the killing,
1138 destruction or permanent eradication of mussels which are attached
1139 to or are blocking water intake structures solely for the purpose
1140 of safeguarding mechanical equipment used in a company, commercial
1141 operation or farm and to maintain the continued safe operation of
1142 such water intake structures and mechanical equipment.

1143 **SECTION 40.** Section 49-11-1, Mississippi Code of 1972, is
1144 amended as follows:

1145 49-11-1. For purposes of this chapter:

1146 (a) "Commission" means the Commission on Wildlife and
1147 Fisheries. Any reference in any laws of the State of Mississippi
1148 to the "Commission on Wildlife, Fisheries and Parks" shall be
1149 deemed to mean the Commission on Wildlife and Fisheries.

1150 (b) "Department" means the Department of Wildlife and
1151 Fisheries. Any reference in any laws of the State of Mississippi
1152 to the "Department of Wildlife, Fisheries and Parks" shall be
1153 deemed to mean the Department of Wildlife and Fisheries.

1154 (c) "Operator" means a person licensed to operate a
1155 shooting preserve or a commercial wildlife enclosure.



1156 **SECTION 41.** Section 49-13-3, Mississippi Code of 1972, is
1157 amended as follows:

1158 49-13-3. As used in this chapter, the term:

1159 (a) "Commission" means the Mississippi Commission on
1160 Wildlife and Fisheries. Any reference in any laws of the State of
1161 Mississippi to the "Commission on Wildlife, Fisheries and Parks"
1162 shall be deemed to mean the Commission on Wildlife and Fisheries.

1163 (b) "Department" means the Mississippi Department of
1164 Wildlife and Fisheries. Any reference in any laws of the State of
1165 Mississippi to the "Department of Wildlife, Fisheries and Parks"
1166 shall be deemed to mean the Department of Wildlife and Fisheries.

1167 (c) "Pen-raised quail" means a quail that has been
1168 hatched from an egg laid by a quail confined in a pen or coop and
1169 has itself been wholly raised in a pen or coop by a duly licensed
1170 quail breeder holding a permit as provided by law from the * * *
1171 commission.

1172 (d) "Quail" means all species of quail native to North
1173 America and coturnix quail.

1174 **SECTION 42.** Section 27-7-22.22, Mississippi Code of 1972, is
1175 amended as follows:

1176 27-7-22.22. (1) A credit is allowed against the taxes
1177 imposed by this chapter to a taxpayer for allowing land owned by
1178 the taxpayer to be used as a natural area preserve, a wildlife
1179 refuge or habitat area, a wildlife management area, or for the
1180 purpose of providing public outdoor recreational opportunities, as



1181 authorized under Section 49-1-29, 49-5-71 or 49-5-155, subject to
1182 the following conditions and limitations:

1183 (a) The land may not be under lease to the Mississippi
1184 Commission on Wildlife, Fisheries and Parks or, in the case of
1185 state parks, to the Department of Tourism, and * * * said
1186 commission or, for state parks, the Department of Tourism must
1187 approve the land as being suitable for the uses described in this
1188 section.

1189 (b) The amount of the tax credit allowed by this
1190 section shall be Five Dollars and Fifty Cents (\$5.50) per acre of
1191 land in each taxable year.

1192 (c) In no event shall the amount of the tax credits
1193 allowed by this section for a taxable year exceed the taxpayer's
1194 liability for those taxes. Any unused credit amount shall be
1195 allowed to be carried forward for five (5) years from the close of
1196 the taxable year in which the land was approved for such a use.
1197 No such credit shall be allowed the taxpayer against prior years'
1198 tax liability.

1199 (2) To claim a credit allowed by this section, the taxpayer
1200 shall provide any information required by the Mississippi
1201 Commission on Wildlife, Fisheries and Parks, the Department of
1202 Tourism, or the Mississippi Commissioner of Revenue. Every
1203 taxpayer claiming a credit under this section shall maintain and
1204 make available for inspection by the Mississippi Commission on
1205 Wildlife, Fisheries and Parks, the Department of Tourism, or the



1206 Mississippi Commissioner of Revenue any records that either entity
1207 considers necessary to determine and verify the amount of the
1208 credit to which the taxpayer is entitled. The burden of proving
1209 eligibility for a credit and the amount of the credit rests upon
1210 the taxpayer, and no credit may be allowed to a taxpayer that
1211 fails to maintain adequate records or to make them available for
1212 inspection.

1213 (3) Upon approval of the Commission on Wildlife, Fisheries
1214 and Parks or, in the case of state parks, the Department of
1215 Tourism under subsection (1)(a), a taxpayer seeking to claim any
1216 tax credit provided for under this section must submit an
1217 application to the Mississippi Commissioner of Revenue for
1218 approval of the tax credit. The Mississippi Commissioner of
1219 Revenue shall promulgate the rules and forms on which the
1220 application is to be submitted. The Mississippi Commissioner of
1221 Revenue shall review the application and may approve such
1222 application upon determining that it meets the requirements of
1223 this section within sixty (60) days after receiving the
1224 application.

1225 **SECTION 43.** Section 51-4-3, Mississippi Code of 1972, is
1226 amended as follows:

1227 51-4-3. Except as otherwise required by the context:

1228 (a) "Department" means the Department of Wildlife and
1229 Fisheries. Any reference in any laws of the State of Mississippi



1230 to the "Department of Wildlife, Fisheries and Parks" shall be
1231 deemed to mean the Department of Wildlife and Fisheries.

1232 (b) "Stream" means any free-flowing stream or segment
1233 of stream that is a public waterway under Section 51-1-4,
1234 Mississippi Code of 1972, and has not been channelized within the
1235 last five (5) years.

1236 **SECTION 44.** Section 59-21-3, Mississippi Code of 1972, is
1237 amended as follows:

1238 59-21-3. As used in this chapter, unless the context clearly
1239 requires a different meaning:

1240 (a) "Commission" means the Mississippi Commission on
1241 Wildlife and Fisheries. Any reference in any laws of the State of
1242 Mississippi to the "Commission on Wildlife, Fisheries and Parks"
1243 shall be deemed to mean the Commission on Wildlife and Fisheries.

1244 (b) "Length" means the length of the vessel measured
1245 from end to end over the deck excluding sheer.

1246 (c) "Livery boat" means any boat for rent or hire.

1247 (d) "Machinery" means inboard and outboard engines and
1248 all other types of motors or mechanical devices.

1249 (e) "Motorboat" means any undocumented vessel propelled
1250 by machinery, whether or not such machinery is the principal
1251 source of propulsion. The term motorboat includes personal
1252 watercraft.

1253 (f) "Operate" means to navigate or otherwise use a
1254 motorboat or vessel.



1255 (g) "Operator" means the person who operates or who has
1256 charge of the navigation or use of a motorboat or a vessel.

1257 (h) "Owner" means the person who claims lawful
1258 possession of a vessel by virtue of legal title or equitable
1259 interest therein which entitles him to such possession.

1260 (i) "Person" means an individual, partnership, firm,
1261 corporation, association or other entity.

1262 (j) "Ships' lifeboats" means lifeboats used solely for
1263 life-saving purposes and does not include dinghies, tenders,
1264 speedboats, or other type of craft carried aboard a vessel and
1265 used for other than life-saving purposes.

1266 (k) "Undocumented vessel" means any vessel which is not
1267 required to have, and does not have, a valid marine document
1268 issued by the Bureau of Customs.

1269 (l) "Vessel" means every description of watercraft,
1270 other than seaplane on the water, used or capable of being used as
1271 a means of transportation on water.

1272 (m) "Waters of this state" means any waters within the
1273 territorial limits of this state, and the marginal sea adjacent to
1274 this state and the high seas when navigated as a part of a journey
1275 or ride to or from the shore of the state; however, "waters of
1276 this state" does not mean any private pond or lake which is not
1277 used for boat rentals or the charging of fees for fishing therein.

1278 **SECTION 45.** Section 59-25-1, Mississippi Code of 1972, is
1279 amended as follows:



1280 59-25-1. The following words, as used in this chapter, shall
1281 have the following meanings:

1282 (a) "Certificate of origin" means the document provided
1283 by the manufacturer of a new vessel, or its distributor, which is
1284 the only valid indication of ownership between the manufacturer,
1285 its distributor, its franchised new vessel dealers and the
1286 original purchaser.

1287 (b) "Dealer" means any person engaged wholly or in part
1288 in the business of selling or offering for sale, buying or taking
1289 in trade for the purpose of resale, or exchanging, displaying,
1290 demonstrating or offering for sale vessels or motors, and who
1291 receive or expect to receive money, profit or any other thing of
1292 value.

1293 (c) "Department" means the Department of Wildlife and
1294 Fisheries. Any reference in any laws of the State of Mississippi
1295 to the "Department of Wildlife, Fisheries and Parks" shall be
1296 deemed to mean the Department of Wildlife and Fisheries.

1297 (d) "Documented vessel" means a vessel documented under
1298 46 * * * USCS, Chapter 121.

1299 (e) "Lienholder" means a person holding a security
1300 interest.

1301 (f) "Manufacturer" means any person engaged in the
1302 manufacture, construction or assembly of vessels, or their
1303 importation into the United States, for the purpose of sale or
1304 trade.



1305 (g) "Motor" means any type of outboard device providing
1306 motorized propulsion for vessels operated by any type fuel.

1307 (h) "Operate" means to navigate or otherwise use a
1308 vessel.

1309 (i) "Owner" means a person, other than a lienholder,
1310 having the property in or title to a vessel or motor. The term
1311 includes a person entitled to the use or possession of a vessel or
1312 motor subject to an interest in another person, reserved or
1313 created by agreement and securing payment of performance of an
1314 obligation, but the term excludes a lessee under a lease not
1315 intended as security.

1316 (j) "Person" means an individual, firm, partnership,
1317 corporation, company, association, joint-stock association or
1318 governmental entity and includes a trustee, receiver, assignee or
1319 similar representative of any of them.

1320 (k) "Security interest" means an interest which is
1321 reserved or created by an agreement which secures payment or
1322 performance of an obligation and is valid against third parties
1323 generally.

1324 (l) "State of principal operation" means the state on
1325 whose waters a vessel is used or to be used most during a calendar
1326 year.

1327 (m) "Titling authority" means a state whose vessel
1328 titling system has been certified by the Coast Guard as complying



1329 with the guidelines for state vessel titling systems listed in 33
1330 CFR, Part 187.

1331 (n) "Use" means to operate, navigate or employ a
1332 vessel. A vessel is in use whenever it is upon the water.

1333 (o) "Vessel" means every description of watercraft,
1334 other than a seaplane on the water, used or capable of being used
1335 as a means of transportation on water, that is required to be
1336 numbered in accordance with the Mississippi Boating Law, Chapter
1337 21 of Title 59, Mississippi Code of 1972.

1338 **SECTION 46.** Section 67-1-5, Mississippi Code of 1972, is
1339 amended as follows:

1340 67-1-5. For the purposes of this chapter and unless
1341 otherwise required by the context:

1342 (a) "Alcoholic beverage" means any alcoholic liquid,
1343 including wines of more than five percent (5%) of alcohol by
1344 weight, capable of being consumed as a beverage by a human being,
1345 but shall not include light wine, light spirit product and beer,
1346 as defined in Section 67-3-3, Mississippi Code of 1972, but shall
1347 include native wines and native spirits. The words "alcoholic
1348 beverage" shall not include ethyl alcohol manufactured or
1349 distilled solely for fuel purposes or beer of an alcoholic content
1350 of more than eight percent (8%) by weight if the beer is legally
1351 manufactured in this state for sale in another state.

1352 (b) "Alcohol" means the product of distillation of any
1353 fermented liquid, whatever the origin thereof, and includes



1354 synthetic ethyl alcohol, but does not include denatured alcohol or
1355 wood alcohol.

1356 (c) "Distilled spirits" means any beverage containing
1357 more than six percent (6%) of alcohol by weight produced by
1358 distillation of fermented grain, starch, molasses or sugar,
1359 including dilutions and mixtures of these beverages.

1360 (d) "Wine" or "vinous liquor" means any product
1361 obtained from the alcoholic fermentation of the juice of sound,
1362 ripe grapes, fruits, honey or berries and made in accordance with
1363 the revenue laws of the United States.

1364 (e) "Person" means and includes any individual,
1365 partnership, corporation, association or other legal entity
1366 whatsoever.

1367 (f) "Manufacturer" means any person engaged in
1368 manufacturing, distilling, rectifying, blending or bottling any
1369 alcoholic beverage.

1370 (g) "Wholesaler" means any person, other than a
1371 manufacturer, engaged in distributing or selling any alcoholic
1372 beverage at wholesale for delivery within or without this state
1373 when such sale is for the purpose of resale by the purchaser.

1374 (h) "Retailer" means any person who sells, distributes,
1375 or offers for sale or distribution, any alcoholic beverage for use
1376 or consumption by the purchaser and not for resale.

1377 (i) "State Tax Commission," "commission" or
1378 "department" means the Department of Revenue of the State of



1379 Mississippi, which shall create a division in its organization to
1380 be known as the Alcoholic Beverage Control Division. Any
1381 reference to the commission or the department hereafter means the
1382 powers and duties of the Department of Revenue with reference to
1383 supervision of the Alcoholic Beverage Control Division.

1384 (j) "Division" means the Alcoholic Beverage Control
1385 Division of the Department of Revenue.

1386 (k) "Municipality" means any incorporated city or town
1387 of this state.

1388 (l) "Hotel" means an establishment within a
1389 municipality, or within a qualified resort area approved as such
1390 by the department, where, in consideration of payment, food and
1391 lodging are habitually furnished to travelers and wherein are
1392 located at least twenty (20) adequately furnished and completely
1393 separate sleeping rooms with adequate facilities that persons
1394 usually apply for and receive as overnight accommodations. Hotels
1395 in towns or cities of more than twenty-five thousand (25,000)
1396 population are similarly defined except that they must have fifty
1397 (50) or more sleeping rooms. Any such establishment described in
1398 this paragraph with less than fifty (50) beds shall operate one or
1399 more regular dining rooms designed to be constantly frequented by
1400 customers each day. When used in this chapter, the word "hotel"
1401 shall also be construed to include any establishment that meets
1402 the definition of "bed and breakfast inn" as provided in this
1403 section.



1404 (m) "Restaurant" means:

1405 (i) A place which is regularly and in a bona fide
1406 manner used and kept open for the serving of meals to guests for
1407 compensation, which has suitable seating facilities for guests,
1408 and which has suitable kitchen facilities connected therewith for
1409 cooking an assortment of foods and meals commonly ordered at
1410 various hours of the day; the service of such food as sandwiches
1411 and salads only shall not be deemed in compliance with this
1412 requirement. Except as otherwise provided in this paragraph, no
1413 place shall qualify as a restaurant under this chapter unless
1414 twenty-five percent (25%) or more of the revenue derived from such
1415 place shall be from the preparation, cooking and serving of meals
1416 and not from the sale of beverages, or unless the value of food
1417 given to and consumed by customers is equal to twenty-five percent
1418 (25%) or more of total revenue; or

1419 (ii) Any privately owned business located in a
1420 building in a historic district where the district is listed in
1421 the National Register of Historic Places, where the building has a
1422 total occupancy rating of not less than one thousand (1,000) and
1423 where the business regularly utilizes ten thousand (10,000) square
1424 feet or more in the building for live entertainment, including not
1425 only the stage, lobby or area where the audience sits and/or
1426 stands, but also any other portion of the building necessary for
1427 the operation of the business, including any kitchen area, bar
1428 area, storage area and office space, but excluding any area for



1429 parking. In addition to the other requirements of this
1430 subparagraph, the business must also serve food to guests for
1431 compensation within the building and derive the majority of its
1432 revenue from event-related fees, including, but not limited to,
1433 admission fees or ticket sales to live entertainment in the
1434 building, and from the rental of all or part of the facilities of
1435 the business in the building to another party for a specific event
1436 or function.

1437 (n) "Club" means an association or a corporation:

1438 (i) Organized or created under the laws of this
1439 state for a period of five (5) years prior to July 1, 1966;

1440 (ii) Organized not primarily for pecuniary profit
1441 but for the promotion of some common object other than the sale or
1442 consumption of alcoholic beverages;

1443 (iii) Maintained by its members through the
1444 payment of annual dues;

1445 (iv) Owning, hiring or leasing a building or space
1446 in a building of such extent and character as may be suitable and
1447 adequate for the reasonable and comfortable use and accommodation
1448 of its members and their guests;

1449 (v) The affairs and management of which are
1450 conducted by a board of directors, board of governors, executive
1451 committee, or similar governing body chosen by the members at a
1452 regular meeting held at some periodic interval; and



1453 (vi) No member, officer, agent or employee of
1454 which is paid, or directly or indirectly receives, in the form of
1455 a salary or other compensation any profit from the distribution or
1456 sale of alcoholic beverages to the club or to members or guests of
1457 the club beyond such salary or compensation as may be fixed and
1458 voted at a proper meeting by the board of directors or other
1459 governing body out of the general revenues of the club.

1460 The department may, in its discretion, waive the five-year
1461 provision of this paragraph. In order to qualify under this
1462 paragraph, a club must file with the department, at the time of
1463 its application for a license under this chapter, two (2) copies
1464 of a list of the names and residences of its members and similarly
1465 file, within ten (10) days after the election of any additional
1466 member, his name and address. Each club applying for a license
1467 shall also file with the department at the time of the application
1468 a copy of its articles of association, charter of incorporation,
1469 bylaws or other instruments governing the business and affairs
1470 thereof.

1471 (o) "Qualified resort area" means any area or locality
1472 outside of the limits of incorporated municipalities in this state
1473 commonly known and accepted as a place which regularly and
1474 customarily attracts tourists, vacationists and other transients
1475 because of its historical, scenic or recreational facilities or
1476 attractions, or because of other attributes which regularly and
1477 customarily appeal to and attract tourists, vacationists and other



1478 transients in substantial numbers; however, no area or locality
1479 shall so qualify as a resort area until it has been duly and
1480 properly approved as such by the department. The department may
1481 not approve an area as a qualified resort area after July 1, 2018,
1482 if any portion of such proposed area is located within two (2)
1483 miles of a convent or monastery that is located in a county
1484 traversed by Interstate 55 and U.S. Highway 98. A convent or
1485 monastery may waive such distance restrictions in favor of
1486 allowing approval by the department of an area as a qualified
1487 resort area. Such waiver shall be in written form from the owner,
1488 the governing body, or the appropriate officer of the convent or
1489 monastery having the authority to execute such a waiver, and the
1490 waiver shall be filed with and verified by the department before
1491 becoming effective.

1492 (i) The department may approve an area or locality
1493 outside of the limits of an incorporated municipality that is in
1494 the process of being developed as a qualified resort area if such
1495 area or locality, when developed, can reasonably be expected to
1496 meet the requisites of the definition of the term "qualified
1497 resort area." In such a case, the status of qualified resort area
1498 shall not take effect until completion of the development.

1499 (ii) The term includes any state park which is
1500 declared a resort area by the department; however, such
1501 declaration may only be initiated in a written request for resort
1502 area status made to the department by the * * * Department of



1503 Tourism, and no permit for the sale of any alcoholic beverage, as
1504 defined in this chapter, except an on-premises retailer's permit,
1505 shall be issued for a hotel, restaurant or bed and breakfast inn
1506 in such park.

1507 (iii) The term includes:

1508 1. The clubhouses associated with the state
1509 park golf courses at the Lefleur's Bluff State Park, the John Kyle
1510 State Park, the Percy Quin State Park and the Hugh White State
1511 Park;

1512 2. The clubhouse and associated golf course,
1513 tennis courts and related facilities and swimming pool and related
1514 facilities where the golf course, tennis courts and related
1515 facilities and swimming pool and related facilities are adjacent
1516 to one or more planned residential developments and the golf
1517 course and all such developments collectively include at least
1518 seven hundred fifty (750) acres and at least four hundred (400)
1519 residential units;

1520 3. Any facility located on property that is a
1521 game reserve with restricted access that consists of at least
1522 three thousand (3,000) contiguous acres with no public roads and
1523 that offers as a service hunts for a fee to overnight guests of
1524 the facility;

1525 4. Any facility located on federal property
1526 surrounding a lake and designated as a recreational area by the



1527 United States Army Corps of Engineers that consists of at least
1528 one thousand five hundred (1,500) acres;

1529 5. Any facility that is located in a
1530 municipality that is bordered by the Pearl River, traversed by
1531 Mississippi Highway 25, adjacent to the boundaries of the Jackson
1532 International Airport and is located in a county which has voted
1533 against coming out from under the dry law; however, any such
1534 facility may only be located in areas designated by the governing
1535 authorities of such municipality;

1536 6. Any municipality with a population in
1537 excess of ten thousand (10,000) according to the latest federal
1538 decennial census that is located in a county that is bordered by
1539 the Pearl River and is not traversed by Interstate Highway 20,
1540 with a population in excess of forty-five thousand (45,000)
1541 according to the latest federal decennial census; however, the
1542 governing authorities of such a municipality may by ordinance:

1543 a. Specify the hours of operation of
1544 facilities that offer alcoholic beverages for sale;

1545 b. Specify the percentage of revenue
1546 that facilities that offer alcoholic beverages for sale must
1547 derive from the preparation, cooking and serving of meals and not
1548 from the sale of beverages;

1549 c. Designate the areas in which
1550 facilities that offer alcoholic beverages for sale may be located;



1551 7. The West Pearl Restaurant Tax District as
1552 defined in Chapter 912, Local and Private Laws of 2007;

1553 8. a. Land that is located in any county in
1554 which Mississippi Highway 43 and Mississippi Highway 25 intersect
1555 and:

1556 A. Owned by the Pearl River Valley
1557 Water Supply District, and/or

1558 B. Located within the Reservoir
1559 Community District, zoned commercial, east of Old Fannin Road,
1560 north of Regatta Drive, south of Spillway Road, west of Hugh Ward
1561 Boulevard and accessible by Old Fannin Road, Spillway Road, Spann
1562 Drive and/or Lake Vista Place, and/or

1563 C. Located within the Reservoir
1564 Community District, zoned commercial, west of Old Fannin Road,
1565 south of Spillway Road and extending to the boundary of the
1566 corporate limits of the City of Flowood, Mississippi;

1567 b. The board of supervisors of such
1568 county, with respect to B and C of item 8.a., may by resolution or
1569 other order:

1570 A. Specify the hours of operation
1571 of facilities that offer alcoholic beverages for sale,

1572 B. Specify the percentage of
1573 revenue that facilities that offer alcoholic beverages for sale
1574 must derive from the preparation, cooking and serving of meals and
1575 not from the sale of beverages, and



1576 C. Designate the areas in which
1577 facilities that offer alcoholic beverages for sale may be located;

1578 9. Any facility located on property that is a
1579 game reserve with restricted access that consists of at least
1580 eight hundred (800) contiguous acres with no public roads, that
1581 offers as a service hunts for a fee to overnight guests of the
1582 facility, and has accommodations for at least fifty (50) overnight
1583 guests;

1584 10. Any facility that:

1585 a. Consists of at least six thousand
1586 (6,000) square feet being heated and cooled along with an
1587 additional adjacent area that consists of at least two thousand
1588 two hundred (2,200) square feet regardless of whether heated and
1589 cooled,

1590 b. For a fee is used to host events such
1591 as weddings, reunions and conventions,

1592 c. Provides lodging accommodations
1593 regardless of whether part of the facility and/or located adjacent
1594 to or in close proximity to the facility, and

1595 d. Is located on property that consists
1596 of at least thirty (30) contiguous acres;

1597 11. Any facility and related property:

1598 a. Located on property that consists of
1599 at least one hundred twenty-five (125) contiguous acres and
1600 consisting of an eighteen (18) hole golf course, and/or located in



1601 a facility that consists of at least eight thousand (8,000) square
1602 feet being heated and cooled,

1603 b. Used for the purpose of providing
1604 meals and hosting events, and

1605 c. Used for the purpose of teaching
1606 culinary arts courses and/or turf management and grounds keeping
1607 courses, and/or outdoor recreation and leadership courses;

1608 12. Any facility and related property that:

1609 a. Consist of at least eight thousand
1610 (8,000) square feet being heated and cooled,

1611 b. For a fee is used to host events,

1612 c. Is used for the purpose of culinary
1613 arts courses, and/or live entertainment courses and art
1614 performances, and/or outdoor recreation and leadership courses;

1615 13. The clubhouse and associated golf course
1616 where the golf course is adjacent to one or more residential
1617 developments and the golf course and all such developments
1618 collectively include at least two hundred (200) acres and at least
1619 one hundred fifty (150) residential units and are located a. in a
1620 county that has voted against coming out from under the dry law;
1621 and b. outside of but in close proximity to a municipality in such
1622 county which has voted under Section 67-1-14, after January 1,
1623 2013, to come out from under the dry law;

1624 14. The clubhouse and associated eighteen
1625 (18) hole golf course located in a municipality traversed by



1626 Interstate Highway 55 and U.S. Highway 51 that has voted to come
1627 out from under the dry law;

1628 15. a. Land that is planned for mixed use
1629 development and consists of at least two hundred (200) contiguous
1630 acres with one or more planned residential developments
1631 collectively planned to include at least two hundred (200)
1632 residential units when completed, and also including a facility
1633 that consists of at least four thousand (4,000) square feet that
1634 is not part of such land but is located adjacent to or in close
1635 proximity thereto, and which land is located:

1636 A. In a county that has voted to
1637 come out from under the dry law,

1638 B. Outside the corporate limits of
1639 any municipality in such county and adjacent to or in close
1640 proximity to a golf course located in a municipality in such
1641 county, and

1642 C. Within one (1) mile of a state
1643 institution of higher learning;

1644 b. The board of supervisors of such
1645 county may by resolution or other order:

1646 A. Specify the hours of operation
1647 of facilities that offer alcoholic beverages for sale,

1648 B. Specify the percentage of
1649 revenue that facilities that offer alcoholic beverages for sale



1650 must derive from the preparation, cooking and serving of meals and
1651 not from the sale of beverages, and

1652 C. Designate the areas in which
1653 facilities that offer alcoholic beverages for sale may be located;

1654 16. Any facility with a capacity of five
1655 hundred (500) people or more, to be used as a venue for private
1656 events, on a tract of land in the Southwest Quarter of Section 33,
1657 Township 2 South, Range 7 East, of a county where U.S. Highway 45
1658 and U.S. Highway 72 intersect and that has not voted to come out
1659 from under the dry law;

1660 17. One hundred five (105) contiguous acres,
1661 more or less, located in Hinds County, Mississippi, and in the
1662 City of Jackson, Mississippi, whereon are constructed a variety of
1663 buildings, improvements, grounds or objects for the purpose of
1664 holding events thereon to promote agricultural and industrial
1665 development in Mississippi;

1666 18. Land that is owned by a state institution
1667 of higher learning and:

1668 a. Located entirely within a county that
1669 has elected by majority vote not to permit the transportation,
1670 storage, sale, distribution, receipt and/or manufacture of light
1671 wine and beer pursuant to Section 67-3-7, and

1672 b. Adjacent to but outside the
1673 incorporated limits of a municipality that has elected by majority



1674 vote to permit the sale, receipt, storage and transportation of
1675 light wine and beer pursuant to Section 67-3-9.

1676 If any portion of the land described in this item 18 has been
1677 declared a qualified resort area by the department before July 1,
1678 2020, then that qualified resort area shall be incorporated into
1679 the qualified resort area created by this item 18;

1680 19. Any facility and related property:

1681 a. Used as a flea market or similar
1682 venue during a weekend (Saturday and Sunday) immediately preceding
1683 the first Monday of a month and having an annual average of at
1684 least one thousand (1,000) visitors for each such weekend and five
1685 hundred (500) vendors for Saturday of each such weekend, and

1686 b. Located in a county that has not
1687 voted to come out from under the dry law and outside of but in
1688 close proximity to a municipality located in such county and which
1689 municipality has voted to come out from under the dry law;

1690 20. Blocks 1, 2 and 3 of the original town
1691 square in any municipality with a population in excess of one
1692 thousand five hundred (1,500) according to the latest federal
1693 decennial census and which is located in:

1694 a. A county traversed by Interstate 55
1695 and Interstate 20, and

1696 b. A judicial district that has not
1697 voted to come out from under the dry law;



1698 21. Any municipality with a population in
1699 excess of two thousand (2,000) according to the latest federal
1700 decennial census and in which is located a part of White's Creek
1701 Lake and in which U.S. Highway 82 intersects with Mississippi
1702 Highway 9 and located in a county that is partially bordered on
1703 one (1) side by the Big Black River; however, the governing
1704 authorities of such a municipality may by ordinance:

1705 a. Specify the hours of operation of
1706 facilities that offer alcoholic beverages for sale;

1707 b. Specify the percentage of revenue
1708 that facilities that offer alcoholic beverages for sale must
1709 derive from the preparation, cooking and serving of meals and not
1710 from the sale of beverages; and

1711 c. Designate the areas in which
1712 facilities that offer alcoholic beverages for sale may be located;

1713 22. A restaurant located on a two-acre tract
1714 adjacent to a five-hundred-fifty-acre lake in the northeast corner
1715 of a county traversed by U.S. Interstate 55 and U.S. Highway 84;

1716 23. Any tracts of land in Oktibbeha County,
1717 situated north of Bailey Howell Drive, Lee Boulevard and Old
1718 Mayhew Road, east of George Perry Street and south of Mississippi
1719 Highway 182, and not located on the property of a state
1720 institution of higher learning; however, the board of supervisors
1721 of such county may by resolution or other order:



1722 a. Specify the hours of operation of
1723 facilities that offer alcoholic beverages for sale;
1724 b. Specify the percentage of revenue
1725 that facilities that offer alcoholic beverages for sale must
1726 derive from the preparation, cooking and serving of meals and not
1727 from the sale of beverages; and

1728 c. Designate the areas in which
1729 facilities that offer alcoholic beverages for sale may be located;

1730 24. A municipality in which Mississippi
1731 Highway 27 and Mississippi Highway 28 intersect; however, the
1732 governing authorities of such a municipality may by ordinance:

1733 a. Specify the hours of operation of
1734 facilities offering alcoholic beverages for sale;

1735 b. Specify the percentage of revenue
1736 that facilities offering alcoholic beverages for sale must derive
1737 from the preparation, cooking and serving of meals and not from
1738 the sale of beverages; and

1739 c. Designate the areas in which
1740 facilities offering alcoholic beverages for sale may be located;

1741 25. A municipality through which run
1742 Mississippi Highway 35 and Interstate 20; however, the governing
1743 authorities of such a municipality may by ordinance:

1744 a. Specify the hours of operation of
1745 facilities that offer alcoholic beverages for sale;



1746 b. Specify the percentage of revenue
1747 that facilities that offer alcoholic beverages for sale must
1748 derive from the preparation, cooking and serving of meals and not
1749 from the sale of beverages; and

1750 c. Designate the areas in which
1751 facilities that offer alcoholic beverages for sale may be located;

1752 26. A municipality in which Mississippi
1753 Highway 16 and Mississippi Highway 35 intersect; however, the
1754 governing authorities of such a municipality may by ordinance:

1755 a. Specify the hours of operation of
1756 facilities that offer alcoholic beverages for sale;

1757 b. Specify the percentage of revenue
1758 that facilities that offer alcoholic beverages for sale must
1759 derive from the preparation, cooking and serving of meals and not
1760 from the sale of beverages; and

1761 c. Designate the areas in which
1762 facilities that offer alcoholic beverages for sale may be located;

1763 27. A municipality in which U.S. Highway 82
1764 and Old Highway 61 intersect; however, the governing authorities
1765 of such a municipality may by ordinance:

1766 a. Specify the hours of operation of
1767 facilities that offer alcoholic beverages for sale;

1768 b. Specify the percentage of revenue
1769 that facilities that offer alcoholic beverages for sale must



1770 derive from the preparation, cooking and serving of meals and not
1771 from the sale of beverages; and

1772 c. Designate the areas in which
1773 facilities that offer alcoholic beverages for sale may be located;

1774 28. A municipality in which Mississippi
1775 Highway 8 meets Mississippi Highway 1; however, the governing
1776 authorities of such a municipality may by ordinance:

1777 a. Specify the hours of operation of
1778 facilities that offer alcoholic beverages for sale;

1779 b. Specify the percentage of revenue
1780 that facilities that offer alcoholic beverages for sale must
1781 derive from the preparation, cooking and serving of meals and not
1782 from the sale of beverages; and

1783 c. Designate the areas in which
1784 facilities that offer alcoholic beverages for sale may be located;

1785 29. A municipality in which U.S. Highway 82
1786 and Mississippi Highway 1 intersect; however, the governing
1787 authorities of such a municipality may by ordinance:

1788 a. Specify the hours of operation of
1789 facilities that offer alcoholic beverages for sale;

1790 b. Specify the percentage of revenue
1791 that facilities that offer alcoholic beverages for sale must
1792 derive from the preparation, cooking and serving of meals and not
1793 from the sale of beverages; and



1794 c. Designate the areas in which
1795 facilities that offer alcoholic beverages for sale may be located;

1796 30. A municipality in which Mississippi
1797 Highway 50 meets Mississippi Highway 9; however, the governing
1798 authorities of such a municipality may by ordinance:

1799 a. Specify the hours of operation of
1800 facilities that offer alcoholic beverages for sale;

1801 b. Specify the percentage of revenue
1802 that facilities that offer alcoholic beverages for sale must
1803 derive from the preparation, cooking and serving of meals and not
1804 from the sale of beverages; and

1805 c. Designate the areas in which
1806 facilities that offer alcoholic beverages for sale may be located;

1807 31. An area bounded on the north by Pearl
1808 Street, on the east by West Street, on the south by Court Street
1809 and on the west by Farish Street, within a municipality bordered
1810 on the east by the Pearl River and through which run Interstate 20
1811 and Interstate 55; however, the governing authorities of the
1812 municipality in which such area is located may by ordinance:

1813 a. Specify the hours of operation of
1814 facilities that offer alcoholic beverages for sale;

1815 b. Specify the percentage of revenue
1816 that facilities that offer alcoholic beverages for sale must
1817 derive from the preparation, cooking and serving of meals and not
1818 from the sale of beverages; and



1819 c. Designate the areas in which
1820 facilities that offer alcoholic beverages for sale may be located;

1821 32. Any facility and related property that:

1822 a. Is contracted for mixed-use
1823 development improvements consisting of office and residential
1824 space and a restaurant and lounge, partially occupying the
1825 renovated space of a four-story commercial building which
1826 previously served as a financial institution; and adjacent
1827 property to the west consisting of a single-story office building
1828 that was originally occupied by the Brotherhood of Carpenters and
1829 Joiners of American Local Number 569; and

1830 b. Is situated on a tract of land
1831 consisting of approximately one and one-tenth (1.10) acres, and
1832 the adjacent property to the west consisting of approximately 0.5
1833 acres, located in a municipality which is the seat of county
1834 government, situated south of Interstate 10, traversed by U.S.
1835 Highway 90, partially bordered on one (1) side by the Pascagoula
1836 River and having its most southern boundary bordered by the Gulf
1837 of Mexico, with a population greater than twenty-two thousand
1838 (22,000) according to the 2010 federal decennial census; however,
1839 the governing authorities of such a municipality may by ordinance:

1840 A. Specify the hours of operation
1841 of facilities that offer alcoholic beverages for sale;

1842 B. Specify the percentage of
1843 revenue that facilities that offer alcoholic beverages for sale



1844 must derive from the preparation, cooking and serving of meals and
1845 not from the sale of beverages; and

1846 C. Designate the areas within the
1847 facilities in which alcoholic beverages may be offered for sale;

1848 33. Any facility with a maximum capacity of
1849 one hundred twenty (120) people that consists of at least three
1850 thousand (3,000) square feet being heated and cooled, has a
1851 commercial kitchen, has a pavilion that consists of at least nine
1852 thousand (9,000) square feet and is located on land more
1853 particularly described as follows:

1854 All that part of the East Half of the Northwest Quarter of Section
1855 21, Township 7 South, Range 4 East, Union County, Mississippi,
1856 that lies South of Mississippi State Highway 348 right-of-way and
1857 containing 19.48 acres, more or less.

1858 ALSO,

1859 The Northeast 38 acres of the Southwest Quarter of Section 21,
1860 Township 7 South, Range 4 East, Union County, Mississippi.

1861 ALSO,

1862 The South 81 1/2 acres of the Southwest Quarter of Section 21,
1863 Township 7 South, Range 4 East, Union County, Mississippi; and

1864 34. A municipality in which U.S. Highway 51
1865 and Mississippi Highway 16 intersect; however, the governing
1866 authorities of such a municipality may by ordinance:

1867 a. Specify the hours of operation of
1868 facilities that offer alcoholic beverages for sale;



1869 b. Specify the percentage of revenue
1870 that facilities that offer alcoholic beverages for sale must
1871 derive from the preparation, cooking and serving of meals and not
1872 from the sale of beverages; and

1873 c. Designate the areas in which
1874 facilities that offer alcoholic beverages for sale may be located.

1875 The status of these municipalities, districts, clubhouses,
1876 facilities, golf courses and areas described in subparagraph (iii)
1877 of this paragraph (o) as qualified resort areas does not require
1878 any declaration of same by the department.

1879 (p) "Native wine" means any product, produced in
1880 Mississippi for sale, having an alcohol content not to exceed
1881 twenty-one percent (21%) by weight and made in accordance with
1882 revenue laws of the United States, which shall be obtained
1883 primarily from the alcoholic fermentation of the juice of ripe
1884 grapes, fruits, berries, honey or vegetables grown and produced in
1885 Mississippi; provided that bulk, concentrated or fortified wines
1886 used for blending may be produced without this state and used in
1887 producing native wines. The department shall adopt and promulgate
1888 rules and regulations to permit a producer to import such bulk
1889 and/or fortified wines into this state for use in blending with
1890 native wines without payment of any excise tax that would
1891 otherwise accrue thereon.



1892 (q) "Native winery" means any place or establishment
1893 within the State of Mississippi where native wine is produced, in
1894 whole or in part, for sale.

1895 (r) "Bed and breakfast inn" means an establishment
1896 within a municipality where in consideration of payment, breakfast
1897 and lodging are habitually furnished to travelers and wherein are
1898 located not less than eight (8) and not more than nineteen (19)
1899 adequately furnished and completely separate sleeping rooms with
1900 adequate facilities, that persons usually apply for and receive as
1901 overnight accommodations; however, such restriction on the minimum
1902 number of sleeping rooms shall not apply to establishments on the
1903 National Register of Historic Places. No place shall qualify as a
1904 bed and breakfast inn under this chapter unless on the date of the
1905 initial application for a license under this chapter more than
1906 fifty percent (50%) of the sleeping rooms are located in a
1907 structure formerly used as a residence.

1908 (s) "Board" shall refer to the Board of Tax Appeals of
1909 the State of Mississippi.

1910 (t) "Spa facility" means an establishment within a
1911 municipality or qualified resort area and owned by a hotel where,
1912 in consideration of payment, patrons receive from licensed
1913 professionals a variety of private personal care treatments such
1914 as massages, facials, waxes, exfoliation and hairstyling.

1915 (u) "Art studio or gallery" means an establishment
1916 within a municipality or qualified resort area that is in the sole



1917 business of allowing patrons to view and/or purchase paintings and
1918 other creative artwork.

1919 (v) "Cooking school" means an establishment within a
1920 municipality or qualified resort area and owned by a nationally
1921 recognized company that offers an established culinary education
1922 curriculum and program where, in consideration of payment, patrons
1923 are given scheduled professional group instruction on culinary
1924 techniques. For purposes of this paragraph, the definition of
1925 cooking school shall not include schools or classes offered by
1926 grocery stores, convenience stores or drugstores.

1927 (w) "Campus" means property owned by a public school
1928 district, community or junior college, college or university in
1929 this state where educational courses are taught, school functions
1930 are held, tests and examinations are administered or academic
1931 course credits are awarded; however, the term shall not include
1932 any "restaurant" or "hotel" that is located on property owned by a
1933 community or junior college, college or university in this state,
1934 and is operated by a third party who receives all revenue
1935 generated from food and alcoholic beverage sales.

1936 (x) "Native spirit" shall mean any beverage, produced
1937 in Mississippi for sale, manufactured primarily by the
1938 distillation of fermented grain, starch, molasses or sugar
1939 produced in Mississippi, including dilutions and mixtures of these
1940 beverages. In order to be classified as "native spirit" under the
1941 provisions of this chapter, at least fifty-one percent (51%) of



1942 the finished product by volume shall have been obtained from
1943 distillation of fermented grain, starch, molasses or sugar grown
1944 and produced in Mississippi.

1945 (y) "Native distillery" shall mean any place or
1946 establishment within this state where native spirit is produced in
1947 whole or in part for sale.

1948 **SECTION 47.** This act shall take effect and be in force from
1949 and after July 1, 2022.

