

By: Senator(s) Whaley

To: Wildlife, Fisheries and Parks

SENATE BILL NO. 2518

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 DEVELOPMENT  
 4 AUTHORITY'S TOURISM DIVISION; TO AMEND SECTIONS 55-3-1, 55-3-2,  
 5 55-3-5, 55-3-7, 55-3-9, 55-3-31, 55-3-41, 55-3-45, 55-3-47,  
 6 55-3-48, 55-3-49, 55-3-51, 55-3-53, 55-3-54, 55-3-57, 55-3-59,  
 7 55-3-61, 55-3-63, 55-3-65, 55-3-83, 55-3-101, 49-1-1, 49-1-29,  
 8 49-4-3, 49-4-7, 49-4-8, 49-4-9, 49-4-11, 49-5-2, 49-5-86,  
 9 49-5-105, 49-5-147, 49-6-1, 49-7-1, 49-7-39, 49-7-161, 49-8-3,  
 10 49-9-1, 49-11-1, 49-13-3, 27-7-22.22, 51-4-3, 59-21-3, 59-25-1 AND  
 11 67-1-5, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE TOURISM  
 12 DIVISION SHALL LEASE ONLY TO PUBLIC ENTITIES AND IN CONFORMITY  
 13 THERETO; AND FOR RELATED 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 \* \* \* division 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 \* \* \*  
31 division 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  
50 the \* \* \* division. 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 \* \* \* division shall have the authority to lease to  
72 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  
79 the \* \* \* division for a full fiscal year prior to fiscal year  
80 1986.

81 (3) The \* \* \* division may execute agreements with  
82 rails-to-trails and recreational districts by which the \* \* \*  
83 division 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 \* \* \* division may contract with the electric  
87 public utility with a certificate of public convenience and  
88 necessity to serve the area where a state park is located for the  
89 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 \* \* \* division upon the terms and conditions agreed to by  
99 the \* \* \* division and the electric public utility.

100 (c) The \* \* \* division may contract with the electric  
101 public utility with the certificate of public convenience and  
102 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 \* \* \* division  
109 and an electric public utility under this subsection is exempt  
110 from the public purchasing requirements under Section 31-7-13.

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

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

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



123           55-3-1. The Governor of the state is authorized to accept  
124 gifts of land to the state, not to exceed ten percent (10%) of the  
125 area of any county, to be held, protected, and administered by the  
126 State Forestry Commission as state forests and parks and to be  
127 used to demonstrate their practical utility for reforestation and  
128 as breeding places for wild game, and he is authorized to accept  
129 gifts of land to be used and administered \* \* \* as state parks.  
130 Such gifts must be absolute, except for the reservation of any or  
131 all mineral rights, and in no case shall exceed ten percent (10%)  
132 of the area of any county wherein such lands may be situated. The  
133 Attorney General is directed to see that all deeds to the state  
134 are properly executed and that the titles thereto are free and  
135 clear of all encumbrances before the gift is accepted. When any  
136 donation exceeding six hundred (600) acres is made, the name of  
137 the donor or any name he may suggest, on the approval of the \* \* \*  
138 division shall be given such donation as the designation of such  
139 forest or park.

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

142           55-3-2. For purposes of this chapter \* \* \*, the following  
143 words shall have the meanings ascribed herein unless the context  
144 otherwise requires:

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



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

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

153 (c) "Executive director" means the Executive Director  
154 of the Mississippi \* \* \* Development Authority.

155 (d) "Division" means the Tourism Division of the  
156 Mississippi Development Authority.

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

159 55-3-5. (1) The department is authorized to survey, or  
160 cause to be surveyed, all areas of land owned by the state for the  
161 purpose of determining the adaptability of such areas for use  
162 as \* \* \* state forests and/or game and fish preserves to be  
163 developed for the control of stream flow and erosion, recreation,  
164 game and fish refuges or preserves, forest preserves, and for  
165 other similar uses.

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

170 **SECTION 5.** Section 55-3-7, Mississippi Code of 1972, is  
171 amended as follows:



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





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

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

214 55-3-9. If in the opinion of the commission, it is necessary  
215 to consolidate state lands for more economical administration  
216 as \* \* \* state forests, or if in the opinion of the division, it  
217 is necessary to consolidate state lands for more economical  
218 administration as state parks, the Secretary of State, by and with  
219 the approval of the Governor, is authorized to exchange with  
220 individuals or corporations any state lands for other lands owned  
221 by individuals or corporations. The owner of such private lands



222 shall make application for such exchange. In event such exchange  
223 is applied for, the Secretary of State is authorized to issue a  
224 patent, as provided by the existing statutes, to any landowner,  
225 upon the execution and delivery by the landowner of a deed  
226 conveying to the state land of equivalent value.

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

229 55-3-31. (1) The Mississippi Department of Wildlife,  
230 Fisheries and Parks shall be the Mississippi Commission on Natural  
231 Resources, Bureau of Recreation and Parks, and shall retain all  
232 powers and duties granted by law to the Department of Natural  
233 Resources, Bureau of Recreation and Parks, and wherever the term  
234 Department of Natural Resources, Bureau of Recreation and Parks,  
235 appears in any law it shall mean the Department of Wildlife,  
236 Fisheries and Parks.

237 (2) The words "Mississippi Park Commission," wherever they  
238 may appear in the laws of the State of Mississippi, shall be  
239 construed to mean the \* \* \* division.

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

242 55-3-41. A fund to be known as "Mississippi Park Fund" is  
243 hereby established in the State Treasury, and all funds held in  
244 the "Mississippi Park System Fund" shall be transferred thereto.

245 Funds collected by the \* \* \* division shall be deposited in  
246 the State Treasury to the credit of the fund. The interest from



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

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

259 55-3-45. The \* \* \* division may appoint for each state park  
260 a local advisory committee to furnish counsel and advice to the  
261 executive director and to park personnel concerning the operation  
262 and development of said park. The committee is to serve without  
263 pay.

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

266 55-3-47. (1) In order to carry out its management  
267 responsibilities over all state park lands which are now or which  
268 may hereafter come under its jurisdiction, the \* \* \* division is  
269 hereby authorized to lease to any public entity, and to grant  
270 easements and rights-of-way over and across, any part of such  
271 state park lands. Such leases, easements and rights-of-way may be



272 granted for such consideration, and upon such terms and  
273 conditions, as the \* \* \* division may deem to be in the best  
274 interest of the state, consistent with the use of said lands for  
275 recreational purposes, and subject to the following limitations:  
276 The \* \* \* division shall lease such lands for a term not exceeding  
277 twenty-five (25) years and shall grant in the original lease  
278 contract a nonnegotiable option to renew such lease for an  
279 additional term not to exceed twenty-five (25) years. Both the  
280 original lease contract and the option to renew such lease shall  
281 be transferable contracts. Further, the \* \* \* division shall not  
282 lease such lands for purposes which are incompatible with  
283 recreational use and may place such terms, limitations,  
284 restrictions and conditions in such leases as are deemed necessary  
285 to ensure the proper utilization of such lands. Any easement for  
286 a utility line shall be granted for that period of time which  
287 the \* \* \* division deems to be in the best interest of a state  
288 park.

289 (2) The \* \* \* division is further authorized to enter into  
290 such agreements as may be required, upon such terms as may be  
291 found to be in the best interest of the state, in settlement of  
292 disputes or litigation regarding the title to or boundaries of any  
293 state park lands within the jurisdiction of the \* \* \* division,  
294 provided such settlement agreements shall be negotiated and  
295 drafted with the advice, counsel and assistance of the Attorney



296 General and shall be approved by the Department of Finance and  
297 Administration.

298 (3) In case any of the real estate within any state park  
299 under the jurisdiction of the \* \* \* division shall cease to be  
300 used or useful for state park purposes, or becomes the subject of  
301 boundary or title disputes or litigation, the \* \* \* division may  
302 sell and convey the same, with the approval of the Department of  
303 Finance and Administration, upon such terms as the Department of  
304 Finance and Administration may elect and may, in addition,  
305 exchange the same, with the approval of the \* \* \* division, for  
306 real estate belonging to any other political subdivision or state,  
307 county or local governmental agency or department. The \* \* \*  
308 division is authorized to sell and convey or otherwise transfer  
309 any state park or historical site as described in subsection (2)  
310 of Section 55-3-33. Before any such sale or transfer, except as  
311 may occur in settlement of title or boundary disputes or  
312 litigation, the \* \* \* division shall publish notice of its  
313 intention to sell the park land by public sale to the highest and  
314 best bidder at least once each week for three (3) consecutive  
315 weeks in at least one (1) public newspaper of general circulation  
316 in the county where such land is located and also in at least one  
317 (1) newspaper of general circulation throughout the state. Prior  
318 to any such sale, the \* \* \* division shall obtain at least two (2)  
319 separate and independent appraisals of the land to be sold and may  
320 not accept any bid lower than the average of all appraisals made.



321 The \* \* \* division may reject any and all bids. The owner or any  
322 co-owner of record next preceding the state in title to any lands  
323 sold hereunder by public bid, excluding any entity which may have  
324 exercised the power of eminent domain to assist the state in  
325 acquiring said lands, shall have the opportunity to reacquire such  
326 lands by matching the successful bid therefor. If the owner or  
327 any co-owner of record next preceding the state in title, or the  
328 heirs or estate of such owner or co-owner, acquires said lands,  
329 then the \* \* \* division shall not reserve unto the state any  
330 minerals owned by the state underlying the conveyed lands.  
331 However, if anyone other than such owner or co-owner, or his heirs  
332 or estate, acquires said lands, then the \* \* \* division shall  
333 reserve unto the state one-half (1/2) of the minerals owned by the  
334 state underlying the conveyed lands, except for lands sold in  
335 settlement of title or boundary disputes or litigation, in which  
336 case the \* \* \* division may, in its discretion, reserve said  
337 minerals. Appraisal fees shall be shared equally by the \* \* \*  
338 division and purchaser.

339 (4) In exercising the authority granted in this section,  
340 the \* \* \* division may act by and through its executive director  
341 in the execution of any document or instrument prepared hereunder.  
342 Any lease, deed or settlement agreement executed under the  
343 provisions of this section shall bear the seal and attest of the  
344 Secretary of State, with whom said instrument or document shall be



345 filed and recorded in addition to any other recording requirements  
346 of state law.

347 This section shall not apply to sixteenth section school  
348 lands or lieu lands included within any state park, except as may  
349 be necessary or appropriate for the \* \* \* division to ratify or  
350 confirm any action taken by the agency or department having  
351 jurisdiction over such school or lieu lands.

352 All revenues collected by the \* \* \* division by virtue of any  
353 transaction consummated under the provisions of this section shall  
354 be deposited in the Mississippi Park Fund created by Section  
355 55-3-41, from which funds shall be expended only as authorized by  
356 the legislative appropriations process.

357 (5) This section shall not apply to the donation and  
358 conveyance of the Nanih Waiya State Park to the Mississippi Band  
359 of Choctaw Indians.

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

362 55-3-48. \* \* \* ( \* \* \*1) The \* \* \* division may conduct a  
363 pilot program to lease to any person, private entity or  
364 governmental entity for commercial development on United States  
365 Corp of Engineer's lands within the following state parks: \* \* \*  
366 Hugh White and John W. Kyle. The \* \* \* division shall establish  
367 criteria for identifying such land or property.

368 ( \* \* \*2) (a) Before approving any land or property located  
369 within any of the three (3) state parks for commercial lease and



370 development, the \* \* \* division must make an affirmative finding  
371 and enter upon its official minutes a statement that the  
372 development of the land will not be incompatible with the outdoor  
373 recreational purposes and opportunities existing at the park or  
374 inaccessible to the general public.

375 (b) The lease may be for a term and upon conditions as  
376 the \* \* \* division may deem to be in the best interest of the  
377 state.

378 ( \* \* \* 3) If any lease executed under the provisions of this  
379 section results in a person being terminated or removed from  
380 employment with the \* \* \* division, then the \* \* \* division shall  
381 give preference to hiring that person when filling vacant or new  
382 employment positions elsewhere within the \* \* \* division.

383 ( \* \* \* 4) A developer or lessee may sublease such portions  
384 of his lease as may be necessary for the development of a project.  
385 A sublease shall be an assignable contract and shall be for  
386 commercial purposes, as approved by the \* \* \* division; however, a  
387 sublease may not be for a term in excess of the remaining term of  
388 the developer's lease. Each sublease from the developer shall  
389 contain an option for the sublessee to renew or renegotiate the  
390 lease directly with the department, at any time following ten (10)  
391 years after the beginning date of any sublease from the developer.

392 ( \* \* \* 5) Rental payments due under any lease executed under  
393 this section shall be paid to the department and shall be





394 deposited into the State Park Lease Development Endowment Fund  
395 created in this section.

396 ( \* \* \*6) Any construction occurring on land or property  
397 leased under this section must fully comply with all applicable  
398 state laws, rules and regulations, and any local building codes  
399 and zoning ordinances. Development plans and construction must  
400 have the prior approval of the \* \* \* division.

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

412 ( \* \* \*8) There is created in the State Treasury a special  
413 fund to be known as the "State Park Lease Development Endowment  
414 Fund." The fund shall consist of all monies required to be  
415 deposited therein under the provisions of this section. The  
416 principal of the fund shall remain inviolate and shall be invested  
417 as provided by law. Interest and income derived from investment  
418 of the principal of the fund may be expended by the \* \* \* division



419 upon appropriation by the Legislature, only for the purpose of  
420 constructing, reconstructing, repairing, renovating or making  
421 improvements to real and personal property and facilities located  
422 within the state parks. Unexpended amounts remaining in the fund  
423 at the end of a fiscal year shall not lapse into the State General  
424 Fund, and any interest earned on amounts in the fund shall be  
425 deposited to the credit of the fund.

426 ( \* \* \*9) (a) There is created a State Parks Pilot Program  
427 Advisory Council to the \* \* \* division to advise and assist  
428 the \* \* \* division on the selection of any developers, development  
429 plans and approval of leases for development of the three (3)  
430 state parks under the provisions of this section with any person,  
431 private or governmental entity. Members of the advisory council  
432 shall have no veto authority, and shall serve only as ex officio  
433 members of the \* \* \* division.

434 (b) The advisory council shall consist of three (3)  
435 members, one (1) member each to be selected and appointed by the  
436 Boards of Supervisors for Grenada, Panola and Yalobusha Counties,  
437 representative of each county in which a pilot-program park is  
438 located. The terms of the members of the advisory council shall  
439 run concurrently with the term of the appointing board of  
440 supervisors. In making its appointment to the advisory council,  
441 the boards of supervisors shall be limited to appointing an  
442 individual who is a member of the following organizations:



443 (i) A flood control/navigation or upper levee  
444 board association;  
445 (ii) A statewide soil, water and conservation  
446 organization;  
447 (iii) A statewide recreational organization;  
448 (iv) A statewide garden club association; or  
449 (v) A tourism and economic development  
450 association.

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

453 55-3-49. The \* \* \* division, through \* \* \* the executive  
454 director, shall inaugurate a positive program of preventive  
455 maintenance for all parks under its jurisdiction.

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

458 55-3-51. The department or the division, as applicable,  
459 shall give due and careful attention to the proper development of  
460 historical sites designated within its jurisdiction. However, the  
461 department or the division shall not accept for its supervision,  
462 control, responsibility or jurisdiction any historic sites  
463 hereafter offered to it without prior legislative approval.

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

466 55-3-53. (1) The \* \* \* division is hereby authorized and  
467 empowered to sell and dispose of timber, trees, deadwood and



468 stumps standing, growing and being upon the lands of state parks.  
469 Such timber shall be sold and disposed of under the direction and  
470 specifications of the \* \* \* division in accordance with sound and  
471 efficient principles of selective cutting, forestry management and  
472 conservation.

473 Before any such timber, trees, deadwood and stumps shall be  
474 sold, the \* \* \* division shall select and mark the trees to be cut  
475 and disposed of. No trees or timber shall be marked for cutting  
476 when the cutting thereof would destroy or mar the scenic views  
477 from the tourist observation points in said park. The purchaser  
478 shall pay double price on sale basis for all trees, timber or  
479 stumps cut that had not been marked for removing by the \* \* \*  
480 division.

481 Before any such timber, trees, deadwood or stumps standing,  
482 growing or being upon such land shall be sold, the \* \* \* division  
483 shall advertise its intention so to do by publication in a  
484 newspaper published or having general circulation in the county or  
485 counties where parks are located, such notice to be published at  
486 least once a week for three (3) consecutive weeks preceding the  
487 sale and by posting one (1) notice in the courthouse in such  
488 county. The notice shall specify that such bids shall be filed  
489 with the superintendent of the state park involved, who shall  
490 transmit same to the \* \* \* division for rejection or approval.  
491 Said \* \* \* division shall accept the bid of the highest and best



492 bidder for cash, but shall have the right to reject any and all of  
493 such bids.

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

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

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



516 (2) Notwithstanding the provisions of subsection (1) of this  
517 section, the \* \* \* division may cut and sell trees damaged by  
518 fire, windstorm or insects and deadwood and stumps located upon  
519 the lands of state parks for firewood. Such firewood shall be sold  
520 only to overnight guests at state parks for use at state parks.  
521 The \* \* \* division shall select and mark all trees to be cut for  
522 firewood.

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

525 55-3-54. (1) There is created in the State Treasury a  
526 special fund to be known as the "State Parks Timber Management  
527 Endowment Fund." The fund shall consist of all monies required to  
528 be deposited therein under the provisions of Section 55-3-53. The  
529 principal of the fund shall remain inviolate and shall be invested  
530 as provided by law. Interest and income derived from investment  
531 of the principal of the fund may be expended by the \* \* \*  
532 division, upon appropriation by the Legislature, only for the  
533 purpose of constructing, reconstructing, repairing, renovating or  
534 making improvements to real and personal property and facilities  
535 on any of the state parks under the jurisdiction and control of  
536 the \* \* \* division. Unexpended amounts remaining in the fund at  
537 the end of a fiscal year shall not lapse into the State General  
538 Fund, and any interest earned on amounts in the fund shall be  
539 deposited to the credit of the fund.



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

542           55-3-57. Each employee of the \* \* \* division, when required  
543 by \* \* \* the executive director, shall give a bond for the  
544 faithful performance of his duties as an employee of the \* \* \*  
545 division, which bond shall be made payable to the State of  
546 Mississippi and shall be in the penal sum of One Thousand Dollars  
547 (\$1,000.00). In case of forfeiture of any bond provided for  
548 herein, and recovery on same, the amount received shall go to  
549 the \* \* \* division, to be used by it in furtherance of the  
550 management and development of the state parks.

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

553           55-3-59. Any person violating any of the rules and  
554 regulations promulgated by the commission or the division is  
555 guilty of a misdemeanor, and upon conviction, shall be liable to a  
556 fine of not less than Five Dollars (\$5.00) nor more than One  
557 Hundred Dollars (\$100.00), or be subject to imprisonment for not  
558 less than ten (10) days nor more than thirty (30) days, or shall  
559 be liable to both such fine and imprisonment in the discretion of  
560 the court.

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

563           55-3-61. The board of supervisors of any county where a  
564 state park is located may, in its discretion, appropriate and



565 donate to the \* \* \* division yearly a sum not to exceed Five  
566 Thousand Dollars (\$5,000.00) out of the general county fund for  
567 the establishment, maintenance and support of the state park  
568 within that county. All money appropriated and donated by the  
569 board of supervisors shall be used for the establishment,  
570 maintenance and support of the state park within such county and  
571 for no other purpose.

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

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

586 55-3-63. There are hereby authorized to be established state  
587 parks to be under the jurisdiction of the \* \* \* division, on land  
588 to be provided for this purpose by the United States:

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





590 (b) On Sardis Lake in Lafayette County, Mississippi,  
591 reasonably close and accessible to the University of Mississippi  
592 near the Sardis Dam Reservoir on the south side of Sardis Lake;  
593 and

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

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

597 55-3-65. The Governor of the State of Mississippi is hereby  
598 authorized to enter into an indenture and agreement with the  
599 Tennessee Valley Authority as the agent of the United States of  
600 America whereby the State of Mississippi will acquire certain  
601 lands located in Tishomingo County, Mississippi, in the Pickwick  
602 Reservoir Area for use as a state park or parks, game management  
603 areas, and/or wildlife refuges. The \* \* \* division is hereby  
604 authorized and empowered to establish, maintain and operate a  
605 state park or parks, game management areas, and/or wildlife  
606 refuges on said lands thus acquired.

607 The \* \* \* division is authorized to build a lodge or lodges,  
608 cabins, boating, recreational, camping, and any and all other  
609 facilities suitable or convenient for the purpose of establishing  
610 such a state park or parks, game management areas, and/or wildlife  
611 refuges not to be limited by the enumeration of purposes above.  
612 All state and local agencies of government are authorized to  
613 assist and cooperate with the \* \* \* division for the purposes of  
614 this section.



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

617           55-3-83. The Department of Wildlife, Fisheries and Parks is  
618 hereby directed to change the name of the Yocona Ridge State Park  
619 to the "George Payne Cossar State Park." From and after the  
620 transfer of state park administration powers and duties on July 1,  
621 2022, the division shall maintain this name.

622           Any reference in any laws of the State of Mississippi to the  
623 Yocona Ridge State Park shall be deemed to mean the George Payne  
624 Cossar State Park.

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

627           55-3-101. As supplemental to and in addition to all other  
628 power and authority which may now be vested in the Governor of the  
629 State of Mississippi by the Constitution or statutes, or both, or  
630 any power or authority which may be vested in him by common law as  
631 Governor, as such, the Governor of the State of Mississippi is  
632 hereby vested with the authority to close any or all state parks  
633 in the State of Mississippi when, in his discretion, he determines  
634 such closure would be to the best interest of the county or  
635 counties in which any state park or parks may be situated, or  
636 whenever he so determines such to be to the best interest of the  
637 State of Mississippi. The said Governor, as such, is also vested  
638 with such supplemental and additional authority to close any or  
639 all state parks in the State of Mississippi when, in his



640 discretion, he determines such closure will promote or preserve  
641 the public peace, order or tranquility of the county or counties  
642 in which such park or parks may be situated, or that such closure  
643 will promote or preserve the public peace, order or tranquility in  
644 and of the State of Mississippi.

645 The fact that the power and authority to close any or all of  
646 the state parks may be by some other statute of the State of  
647 Mississippi now or hereafter vested in some other person or  
648 officer or \* \* \* agency shall not cause this section and any other  
649 such law or laws to be in conflict nor shall same be construed to  
650 be in conflict with each other. Such power and authority vested  
651 in each such \* \* \* agency or person or officer, as the case may  
652 be, may be exercised by each or either, independent of any other  
653 such \* \* \* agency or person \* \* \* or officer or officers.

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

656 49-1-1. Wherever used in this chapter, or in any other  
657 statute, or rule or regulation affecting the former State Game and  
658 Fish Commission and any of its functions or duties:

659 (a) "Commission" means the Mississippi Commission on  
660 Wildlife and Fisheries. Any reference in any laws of the State of  
661 Mississippi to the "Commission on Wildlife, Fisheries and Parks"  
662 shall be deemed to mean the Commission on Wildlife and Fisheries.

663 (b) "Department" means the Mississippi Department of  
664 Wildlife and Fisheries. Any reference in any laws of the State of



665 Mississippi to the "Department of Wildlife, Fisheries and Parks"  
666 shall be deemed to mean the Department of Wildlife and Fisheries.

667 (c) "Director" or "executive director" means the  
668 executive director of the \* \* \* department.

669 \* \* \*

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

672 49-1-29. (1) The commission may promulgate rules and  
673 regulations, inaugurate studies and surveys, and establish any  
674 services it deems necessary to carry out wildlife laws. A  
675 violation of any rules or regulations promulgated by the  
676 commission shall constitute a misdemeanor and shall be punished as  
677 provided in Section 49-7-101.

678 (2) The executive director shall have authority with  
679 commission approval:

680 (a) To close or shorten the open season as prescribed  
681 by law in cases of urgent emergency on any species of game birds,  
682 game or fur-bearing animals, reptiles, fish or amphibians, in any  
683 locality, when it finds after investigation and public review that  
684 the action is reasonably necessary to secure the perpetuation of  
685 any species of game birds, game or fur-bearing animals, reptiles,  
686 fish or amphibians and to maintain an adequate supply in the  
687 affected area. The statutes shall continue in full force and  
688 effect, except as restricted and limited by the rules and  
689 regulations promulgated by the commission.



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

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

709 (d) To extend and consolidate lands or waters suitable  
710 for the above purposes by exchange of lands or waters under its  
711 jurisdiction.

712 (e) To capture, propagate, transport, sell or exchange  
713 any species of game birds, game or fur-bearing animals, reptiles,



714 fish or amphibians needed for stocking or restocking any lands or  
715 waters of the state.

716 (f) To enter into cooperative agreements with persons,  
717 firms, corporations or governmental agencies for purposes  
718 consistent with this chapter.

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

722 (h) To conduct research in improved wildlife and  
723 fisheries conservation methods and to disseminate information to  
724 the residents of the state through the schools, public media and  
725 other publications.

726 (i) To have exclusive charge and control of the  
727 propagation and distribution of wild birds, animals, reptiles,  
728 fish and amphibians, the conduct and control of hatcheries,  
729 biological stations and game and fur farms owned or acquired by  
730 the state; to expend for the protection, propagation or  
731 preservation of game birds, game or fur-bearing animals, reptiles,  
732 fish and amphibians all funds of the state acquired for this  
733 purpose arising from licenses, gifts or otherwise; and shall have  
734 charge of the enforcement of all wildlife laws.

735 (j) To grant permits and provide regulations for field  
736 trials and dog trainers.

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



739           (1) To enter into agreements with landowners to trap  
740 and purchase quail on the premises of the landowner and to provide  
741 for the distribution of quail.

742           (m) To operate or lease to third persons concessions or  
743 other rights or privileges on lakes owned or leased by the  
744 department. Owners of land adjoining land owned or leased by the  
745 department shall have priority to the concessions or rights or  
746 privileges, if the owners meet the qualifications established by  
747 the commission.

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

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

755           (p) To require the department to divide the districts  
756 into zones if necessary, and periodically survey the districts or  
757 zones to obtain information that is necessary to properly  
758 determine the population and allowable harvest limits of wildlife  
759 within the district or zone.

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



764 If CWD is detected within an enclosure, the commission shall  
765 not declare surrounding or adjoining properties within a five (5)  
766 mile radius of the enclosure, a CWD Management Zone, until chronic  
767 wasting disease is positively detected within such radius on these  
768 surrounding or adjoining properties.

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

771 49-4-3. For the purposes of this chapter, the following  
772 words shall have the meanings ascribed herein, unless the context  
773 otherwise requires:

774 (a) "Department" means the Mississippi Department of  
775 Wildlife and Fisheries. Any reference in any laws of the State of  
776 Mississippi to the "Department of Wildlife, Fisheries and Parks"  
777 shall be deemed to mean the Department of Wildlife and Fisheries.

778 (b) "Commission" means the Mississippi Commission on  
779 Wildlife and Fisheries. Any reference in any laws of the State of  
780 Mississippi to the "Commission on Wildlife, Fisheries and Parks"  
781 shall be deemed to mean the Commission on Wildlife and Fisheries.

782 (c) "Executive director" means the chief officer of the  
783 department.

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

786 49-4-7. The commission shall establish and appoint advisory  
787 committees for \* \* \* the department. The advisory committees  
788 shall aid the commission in formulating policies, discussing





789 problems and considering other matters related to \* \* \* wildlife  
790 and fisheries as designated by the commission.

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

794 The department shall be responsible for conserving, managing,  
795 developing and protecting the wildlife and freshwater fisheries  
796 resources of the state. The department shall coordinate all  
797 functions of state government related to wildlife and fisheries  
798 resources that are within the jurisdiction of the department.

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

801 49-4-8. The Department of Wildlife \* \* \* and Fisheries \* \* \*  
802 shall have the following powers and duties:

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

805 \* \* \*

806 ( \* \* \* b) To cooperate with other entities and agencies  
807 in developing and implementing such plans as necessary for the  
808 conservation, protection, beautification and improvement of the  
809 quality of the environment and living natural resources.

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



812 49-4-9. Effective July 1, 1979, the Department of  
813 Wildlife \* \* \* and Fisheries \* \* \* shall have the following powers  
814 and duties:

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

817 (b) To apply for, receive and expend any federal or  
818 state funds or contributions, gifts, devises, bequests or funds  
819 from any other source;

820 (c) To commission or conduct studies designed to  
821 determine alternative methods of managing and conserving the  
822 wildlife and fisheries resources of this state in a manner to  
823 insure efficiency and sustained productivity;

824 (d) To receive the advice and counsel of the advisory  
825 committees created for the \* \* \* department; and

826 (e) To discharge such other duties, responsibilities  
827 and powers as are necessary to implement the provisions of this  
828 chapter.

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

831 49-4-11. The executive director shall possess a combination  
832 of educational qualifications, experience and skills that clearly  
833 demonstrate the ability to manage a multifunctional agency. The  
834 minimum qualifications for the position of executive director are  
835 as follows:



836 (a) A master's degree in one (1) of the management  
837 functions of the agency, wildlife or fisheries conservation \* \* \*  
838 or related sciences, or a master's degree in public or business  
839 administration and at least six (6) years' experience in a public  
840 or private organization with administrative management functions  
841 similar to those of the agency. At least three (3) of the six (6)  
842 years' experience must be in a position with administrative  
843 management responsibilities, including personnel supervision and  
844 budget management; or

845 (b) A bachelor's degree in wildlife or fisheries  
846 conservation, biology, \* \* \* forestry, agriculture or related  
847 sciences, or a bachelor's degree in public or business  
848 administration and at least eight (8) years' experience in a  
849 public or private organization with administrative management  
850 functions directly related to those of the agency, with four (4)  
851 of those years in an administrative management position with  
852 personnel supervision and budget management responsibilities.

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

855 49-5-2. For purposes of this chapter, the following words  
856 shall have the meanings ascribed herein unless the context  
857 otherwise requires:

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



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

862 (b) "Department" means the Mississippi Department of  
863 Wildlife and Fisheries. Any reference in any laws of the State of  
864 Mississippi to the "Department of Wildlife, Fisheries and Parks"  
865 shall be deemed to mean the Department of Wildlife and Fisheries.

866 (c) "Executive director" means the executive director  
867 of the \* \* \* department.

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

870 49-5-86. For purposes of Sections 49-5-86 through 49-5-98,  
871 the following words and terms shall have the meaning ascribed  
872 herein unless the context otherwise requires:

873 (a) "General obligation bonds" means bonds of the State  
874 of Mississippi, to the repayment of which, both as to principal  
875 and interest, the full faith, credit and taxing power of the State  
876 of Mississippi are irrevocably pledged until the principal and  
877 interest are paid in full.

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

879 \* \* \*

880 ( \* \* \*c) "Committee" or "Wildlife Heritage Committee"  
881 means the \* \* \* commission.

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



884 49-5-105. The words and phrases when used in Sections  
885 49-5-101 through 49-5-119 shall, for the purposes of such  
886 sections, have the meanings respectively ascribed to them in this  
887 section, except in those instances where the context clearly  
888 indicates a different meaning.

889 \* \* \*

890 ( \* \* \*a) "Director" means the executive director of  
891 the \* \* \* department.

892 ( \* \* \*b) "Ecosystem" means a system of living  
893 organisms and their environment, each influencing the existence of  
894 the other and both necessary for the maintenance of life.

895 ( \* \* \*c) "Endangered species" means any species or  
896 subspecies of wildlife whose prospects of survival or recruitment  
897 within the state are in jeopardy or are likely within the  
898 foreseeable future to become so, due to any of the following  
899 factors: (1) the destruction, drastic modification, or severe  
900 curtailment of its habitat, or (2) its over-utilization for  
901 scientific, commercial or sporting purposes, or (3) the effect on  
902 it of disease, pollution, or predation, or (4) other natural or  
903 man-made factors affecting its prospects of survival or  
904 recruitment within the state, or (5) any combination of the  
905 foregoing factors. The term shall also be deemed to include any  
906 species or subspecies of fish and wildlife appearing on the United  
907 States' List of Endangered Native Fish and Wildlife as it appears  
908 on July 1, 1974, (Part 17 of Title 50 of the Code of Federal



909 Regulations, Appendix D) as well as any species or subspecies of  
910 fish and wildlife appearing on the United States' List of  
911 Endangered Foreign Fish and Wildlife (Part 17 of Title 50 of the  
912 Code of Federal Regulations, Appendix A), as such list may be  
913 modified hereafter.

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

925 ( \* \* \*e) "Nongame species" means any wild mammal,  
926 bird, amphibian, reptile, fish, mollusk, crustacean or other wild  
927 animal not otherwise legally classified by statute or regulation  
928 of this state.

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



933 ( \* \* \*g) "Person" means any individual, firm,  
934 corporation, association or partnership.

935 ( \* \* \*h) "Take" means to harass, hunt, capture, or  
936 kill or attempt to harass, hunt, capture, or kill wildlife.

937 ( \* \* \*i) "Wildlife" means any wild mammal, bird,  
938 reptile, amphibian, fish, mollusk, crustacean or other wild animal  
939 or any part, product, egg or offspring or the dead body or parts  
940 thereof.

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

943 49-5-147. For the purposes of Sections 49-5-141 through  
944 49-5-157, the following words shall have the meaning ascribed  
945 herein unless the context shall otherwise require:

946 \* \* \*

947 ( \* \* \*a) "Committee" or "Wildlife Heritage Committee"  
948 means the \* \* \* commission.

949 ( \* \* \*b) "Dedicate" means the transfer to the \* \* \*  
950 commission of any estate, interest or right in any natural area to  
951 be held for the people of Mississippi in a manner provided in  
952 Section 49-5-155.

953 ( \* \* \*c) "Natural area" means an area of land, water  
954 or air, or combination thereof, which contains an element of the  
955 state's natural diversity, including, but not limited to,  
956 individual plant or animal life, natural geological areas,  
957 habitats of endangered or threatened species, ecosystems or any



958 other area of unique ecological, scientific or educational  
959 interest.

960 ( \* \* \*d) "Natural area preserve" means a natural area  
961 which is voluntarily dedicated.

962 ( \* \* \*e) "Register" means the act of agreement between  
963 the owner of a natural area and the \* \* \* commission for  
964 designation of the natural area and for its placement on the  
965 register of natural areas by voluntary agreement between the owner  
966 of the natural area and the commission.

967 ( \* \* \*f) "Register of natural areas" means a listing  
968 of natural areas which are being managed by the owner of the  
969 natural area according to the rules and regulations of the \* \* \*  
970 commission.

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

973 49-6-1. For the purposes of this chapter, the following  
974 words are defined as follows:

975 (a) "Commission" means the Mississippi Commission on  
976 Wildlife and Fisheries. Any reference in any laws of the State of  
977 Mississippi to the "Commission on Wildlife, Fisheries and Parks"  
978 shall be deemed to mean the Commission on Wildlife and Fisheries.

979 (b) "Department" means the Mississippi Department of  
980 Wildlife and Fisheries. Any reference in any laws of the State of  
981 Mississippi to the "Department of Wildlife, Fisheries and Parks"  
982 shall be deemed to mean the Department of Wildlife and Fisheries.





983                   (c) "Executive director" means the chief officer of the  
984 department.

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

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

990                   49-7-1. For the purposes of this chapter, the following  
991 definitions and interpretations shall govern unless otherwise  
992 provided:

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

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

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

1000                   (d) All freshwater fish in the following families are  
1001 classed as game fish: Sunfish family (Centrarchidae) - including  
1002 largemouth bass (*Micropterus salmoides*), smallmouth bass  
1003 (*Micropterus dolomieu*), spotted bass (*Micropterus punctulatus*),  
1004 white crappie (*Pomoxis annularis*), black crappie (*Pomoxis*  
1005 *nigromaculatus*), redear sunfish (*Lepomis microlophus*), bluegill  
1006 (*Lepomis macrochiris*), warmouth (*Lepomis gulosus*), green sunfish  
1007 (*Lepomis cyanelus*), longear sunfish (*Lepomis megalotis*),



1008 redbreast sunfish (*Lepomis auritus*) and shadow bass (*Ambloplites*  
1009 *ariommus*); Perch family (*Percidae*) - including walleye  
1010 (*Stizostedion vitreum*), sauger (*Stizostedion canadense*) and yellow  
1011 perch (*Perca flavescens*); Pike family (*Esocidae*) - including  
1012 redbfin pickerel (*Esox americanus americanus*), grass pickerel (*Esox*  
1013 *americanus vermiculatus*), chain pickerel (*Esox niger*); Temperate  
1014 bass family (*Moronidae*) including - white bass (*Morone chrysops*),  
1015 yellow bass (*Morone mississippiensis*), striped bass (*Morone*  
1016 *saxatilis*) and hybrid striped bass (*Morone chrysops* x *Morone*  
1017 *saxatilis* and/or *Morone saxatilis* x *Morone chrysops*).

1018       The following fish are classed as nongame gross fish: in the  
1019 Herring family (*Clupeidae*) - gizzard shad (*Dorosoma cepedianum*),  
1020 threadfin shad (*Dorosoma petenense*); in the Catfish family  
1021 (*Ictaluridae*) - channel catfish (*Ictalurus punctatus*), blue  
1022 catfish (*Ictalurus furcatus*), flathead catfish (*Pylodictus*  
1023 *olivaris*), yellow bullhead (*Ameiurus natalis*), black bullhead  
1024 (*Ameiurus melas*), brown bullhead (*Ameiurus nebulosus*); in the Gar  
1025 family - spotted gar (*Lepisosteus oculatus*), longnose gar  
1026 (*Lepisosteus osseus*), shortnose gar (*Lepisosteus platostomus*),  
1027 alligator gar (*Atractosteus spatula*); in the Eel family  
1028 (*Anguillidae*) - American eel (*Anguilla rostrata*); in the Bowfin  
1029 family (*Amiidae*) - bowfin (*Amia calva*); in the Paddlefish family  
1030 (*Polyodontidae*) - paddlefish (*Polyodon spathula*); in the Minnow  
1031 family (*Cyprinidae*) - common carp (*Cyprinus carpio*); in the Sucker  
1032 family (*Catostomidae*) - river carpsucker (*Carpoides carpio*),



1033 quillback (*Carpoides cyprinus*), highfin carpsucker (*Carpoides*  
1034 *velifer*), spotted sucker (*Minytrema melanops*), blacktail redhorse  
1035 (*Moxostoma poecilurum*), smallmouth buffalo (*Ictiobus bubalus*),  
1036 bigmouth buffalo (*Ictiobus cyprinellus*), black buffalo (*Ictiobus*  
1037 *niger*); in the Drum family (*Sciaenidae*) - freshwater drum  
1038 (*Aplodinotus grunniens*).

1039 All fish native to Mississippi that are not classed as game  
1040 fish or nongame gross fish are classed as nongame fish.

1041 All fish native to foreign countries and all fish native to  
1042 the United States but not native to Mississippi are classed as  
1043 nonnative fish.

1044 (e) The following are classed as game birds: geese,  
1045 brant ducks, rails, coots, snipe, gallinules, moorhens, woodcock,  
1046 crow, mergansers, wild turkey, quail and doves.

1047 All other species of wild resident or migratory birds are  
1048 classed as nongame birds.

1049 (f) Closed season: the time during which birds,  
1050 animals or fish may not be taken.

1051 (g) Open season: the time during which birds, animals  
1052 or fish may be lawfully taken.

1053 (h) "Commission" means the Mississippi Commission on  
1054 Wildlife and Fisheries. Any reference in any laws of the State of  
1055 Mississippi to the "Commission on Wildlife, Fisheries and Parks"  
1056 shall be deemed to mean the Commission on Wildlife and Fisheries.



1057 (i) "Department" means the Mississippi Department of  
1058 Wildlife and Fisheries. Any reference in any laws of the State of  
1059 Mississippi to the "Department of Wildlife, Fisheries and Parks"  
1060 shall be deemed to mean the Department of Wildlife and Fisheries.

1061 (j) "Executive director" means the executive director  
1062 of the department \* \* \*.

1063 **SECTION 36.** Section 49-7-39, Mississippi Code of 1972, is  
1064 amended as follows:

1065 49-7-39. (1) The commission shall establish a special  
1066 hunting season for youth under the age of sixteen (16) and for  
1067 handicapped persons in the Natchez State Park. The commission  
1068 shall also establish a primitive weapon season in the Natchez  
1069 State Park. The selection of participants in the primitive weapon  
1070 season shall be by public drawing from all qualified applications.  
1071 The commission shall set the number of permits to be issued and  
1072 the length of the special seasons.

1073 (2) The commission may also establish a special hunting  
1074 season for youth and handicapped persons or a primitive weapon  
1075 season as provided in this section in any other state park under  
1076 the jurisdiction of the \* \* \* Mississippi Development Authority's  
1077 Tourism Division but shall only do so upon the recommendation of  
1078 the staff of the \* \* \* division. The commission shall select  
1079 participants and set the number of permits to be issued and the  
1080 length of the special seasons.



1081 (3) The commission may establish and regulate special youth  
1082 hunts for all nonmigratory game birds and animals outside of the  
1083 open season on wildlife management areas and on private lands.

1084 (4) The commission shall establish and regulate a special  
1085 hunting season for youth under the age of sixteen (16) to run  
1086 concurrently with the primitive weapons season on deer.

1087 **SECTION 37.** Section 49-7-161, Mississippi Code of 1972, is  
1088 amended as follows:

1089 49-7-161. For purposes of Sections 49-7-161 through  
1090 49-7-173, unless the context otherwise requires, the following  
1091 terms shall have the meaning described herein:

1092 (a) "Migratory waterfowl" means any wild goose, brant  
1093 or wild duck.

1094 \* \* \*

1095 ( \* \* \*b) "Stamp" means the state migratory waterfowl  
1096 stamp or the electronic equivalent furnished by the commission.

1097 **SECTION 38.** Section 49-8-3, Mississippi Code of 1972, is  
1098 amended as follows:

1099 49-8-3. For purposes of this chapter:

1100 (a) "Commission" means the Commission on Wildlife and  
1101 Fisheries. Any reference in any laws of the State of Mississippi  
1102 to the "Commission on Wildlife, Fisheries and Parks" shall be  
1103 deemed to mean the Commission on Wildlife and Fisheries.

1104 (b) "Department" means the Department of Wildlife and  
1105 Fisheries. Any reference in any laws of the State of Mississippi



1106 to the "Department of Wildlife, Fisheries and Parks" shall be  
1107 deemed to mean the Department of Wildlife and Fisheries.

1108 (c) "Wild animal" means any wild animal classified as  
1109 inherently dangerous to humans as provided in Section 49-8-5.

1110 **SECTION 39.** Section 49-9-1, Mississippi Code of 1972, is  
1111 amended as follows:

1112 49-9-1. As used in this chapter, the following words shall  
1113 have the meanings ascribed to them in this section:

1114 (a) "Commission" means the Mississippi Commission on  
1115 Wildlife and Fisheries. Any reference in any laws of the State of  
1116 Mississippi to the "Commission on Wildlife, Fisheries and Parks"  
1117 shall be deemed to mean the Commission on Wildlife and Fisheries.

1118 (b) "Department" means the Mississippi Department of  
1119 Wildlife and Fisheries. Any reference in any laws of the State of  
1120 Mississippi to the "Department of Wildlife, Fisheries and Parks"  
1121 shall be deemed to mean the Department of Wildlife and Fisheries.

1122 (c) "Director" means the executive director of the  
1123 department.

1124 (d) "Exporter" means a person, firm or corporation who  
1125 buys or obtains mussels from mussel harvesters or buyers for  
1126 export from Mississippi.

1127 (e) "Mussel" means and embraces the pearly fresh water  
1128 mussel, clam, or naiad, and the shells thereof.

1129 (f) "Mussel Abatement Program" means the killing,  
1130 destruction or permanent eradication of mussels which are attached



1131 to or are blocking water intake structures solely for the purpose  
1132 of safeguarding mechanical equipment used in a company, commercial  
1133 operation or farm and to maintain the continued safe operation of  
1134 such water intake structures and mechanical equipment.

1135 **SECTION 40.** Section 49-11-1, Mississippi Code of 1972, is  
1136 amended as follows:

1137 49-11-1. For purposes of this chapter:

1138 (a) "Commission" means the Commission on Wildlife and  
1139 Fisheries. Any reference in any laws of the State of Mississippi  
1140 to the "Commission on Wildlife, Fisheries and Parks" shall be  
1141 deemed to mean the Commission on Wildlife and Fisheries.

1142 (b) "Department" means the Department of Wildlife and  
1143 Fisheries. Any reference in any laws of the State of Mississippi  
1144 to the "Department of Wildlife, Fisheries and Parks" shall be  
1145 deemed to mean the Department of Wildlife and Fisheries.

1146 (c) "Operator" means a person licensed to operate a  
1147 shooting preserve or a commercial wildlife enclosure.

1148 **SECTION 41.** Section 49-13-3, Mississippi Code of 1972, is  
1149 amended as follows:

1150 49-13-3. As used in this chapter, the term:

1151 (a) "Commission" means the Mississippi Commission on  
1152 Wildlife and Fisheries. Any reference in any laws of the State of  
1153 Mississippi to the "Commission on Wildlife, Fisheries and Parks"  
1154 shall be deemed to mean the Commission on Wildlife and Fisheries.



1155 (b) "Department" means the Mississippi Department of  
1156 Wildlife and Fisheries. Any reference in any laws of the State of  
1157 Mississippi to the "Department of Wildlife, Fisheries and Parks"  
1158 shall be deemed to mean the Department of Wildlife and Fisheries.

1159 (c) "Pen-raised quail" means a quail that has been  
1160 hatched from an egg laid by a quail confined in a pen or coop and  
1161 has itself been wholly raised in a pen or coop by a duly licensed  
1162 quail breeder holding a permit as provided by law from the \* \* \*  
1163 commission.

1164 (d) "Quail" means all species of quail native to North  
1165 America and coturnix quail.

1166 **SECTION 42.** Section 27-7-22.22, Mississippi Code of 1972, is  
1167 amended as follows:

1168 27-7-22.22. (1) A credit is allowed against the taxes  
1169 imposed by this chapter to a taxpayer for allowing land owned by  
1170 the taxpayer to be used as a natural area preserve, a wildlife  
1171 refuge or habitat area, a wildlife management area, or for the  
1172 purpose of providing public outdoor recreational opportunities, as  
1173 authorized under Section 49-1-29, 49-5-71 or 49-5-155, subject to  
1174 the following conditions and limitations:

1175 (a) The land may not be under lease to the Mississippi  
1176 Commission on Wildlife, Fisheries and Parks or, in the case of  
1177 state parks, to the Mississippi Development Authority's Tourism  
1178 Division, and \* \* \* said commission or, for state parks, the





1179 division must approve the land as being suitable for the uses  
1180 described in this section.

1181 (b) The amount of the tax credit allowed by this  
1182 section shall be Five Dollars and Fifty Cents (\$5.50) per acre of  
1183 land in each taxable year.

1184 (c) In no event shall the amount of the tax credits  
1185 allowed by this section for a taxable year exceed the taxpayer's  
1186 liability for those taxes. Any unused credit amount shall be  
1187 allowed to be carried forward for five (5) years from the close of  
1188 the taxable year in which the land was approved for such a use.  
1189 No such credit shall be allowed the taxpayer against prior years'  
1190 tax liability.

1191 (2) To claim a credit allowed by this section, the taxpayer  
1192 shall provide any information required by the Mississippi  
1193 Commission on Wildlife, Fisheries and Parks, the Mississippi  
1194 Development Authority's Tourism Division, or the Mississippi  
1195 Commissioner of Revenue. Every taxpayer claiming a credit under  
1196 this section shall maintain and make available for inspection by  
1197 the Mississippi Commission on Wildlife, Fisheries and Parks, the  
1198 Mississippi Development Authority's Tourism Division, or the  
1199 Mississippi Commissioner of Revenue any records that either entity  
1200 considers necessary to determine and verify the amount of the  
1201 credit to which the taxpayer is entitled. The burden of proving  
1202 eligibility for a credit and the amount of the credit rests upon  
1203 the taxpayer, and no credit may be allowed to a taxpayer that



1204 fails to maintain adequate records or to make them available for  
1205 inspection.

1206 (3) Upon approval of the Commission on Wildlife, Fisheries  
1207 and Parks or, in the case of state parks, the Mississippi  
1208 Development Authority's Tourism Division under subsection (1) (a),  
1209 a taxpayer seeking to claim any tax credit provided for under this  
1210 section must submit an application to the Mississippi Commissioner  
1211 of Revenue for approval of the tax credit. The Mississippi  
1212 Commissioner of Revenue shall promulgate the rules and forms on  
1213 which the application is to be submitted. The Mississippi  
1214 Commissioner of Revenue shall review the application and may  
1215 approve such application upon determining that it meets the  
1216 requirements of this section within sixty (60) days after  
1217 receiving the application.

1218 **SECTION 43.** Section 51-4-3, Mississippi Code of 1972, is  
1219 amended as follows:

1220 51-4-3. Except as otherwise required by the context:

1221 (a) "Department" means the Department of Wildlife and  
1222 Fisheries. Any reference in any laws of the State of Mississippi  
1223 to the "Department of Wildlife, Fisheries and Parks" shall be  
1224 deemed to mean the Department of Wildlife and Fisheries.

1225 (b) "Stream" means any free-flowing stream or segment  
1226 of stream that is a public waterway under Section 51-1-4,  
1227 Mississippi Code of 1972, and has not been channelized within the  
1228 last five (5) years.



1229           **SECTION 44.** Section 59-21-3, Mississippi Code of 1972, is  
1230 amended as follows:

1231           59-21-3. As used in this chapter, unless the context clearly  
1232 requires a different meaning:

1233           (a) "Commission" means the Mississippi Commission on  
1234 Wildlife and Fisheries. Any reference in any laws of the State of  
1235 Mississippi to the "Commission on Wildlife, Fisheries and Parks"  
1236 shall be deemed to mean the Commission on Wildlife and Fisheries.

1237           (b) "Length" means the length of the vessel measured  
1238 from end to end over the deck excluding sheer.

1239           (c) "Livery boat" means any boat for rent or hire.

1240           (d) "Machinery" means inboard and outboard engines and  
1241 all other types of motors or mechanical devices.

1242           (e) "Motorboat" means any undocumented vessel propelled  
1243 by machinery, whether or not such machinery is the principal  
1244 source of propulsion. The term motorboat includes personal  
1245 watercraft.

1246           (f) "Operate" means to navigate or otherwise use a  
1247 motorboat or vessel.

1248           (g) "Operator" means the person who operates or who has  
1249 charge of the navigation or use of a motorboat or a vessel.

1250           (h) "Owner" means the person who claims lawful  
1251 possession of a vessel by virtue of legal title or equitable  
1252 interest therein which entitles him to such possession.



1253 (i) "Person" means an individual, partnership, firm,  
1254 corporation, association or other entity.

1255 (j) "Ships' lifeboats" means lifeboats used solely for  
1256 life-saving purposes and does not include dinghies, tenders,  
1257 speedboats, or other type of craft carried aboard a vessel and  
1258 used for other than life-saving purposes.

1259 (k) "Undocumented vessel" means any vessel which is not  
1260 required to have, and does not have, a valid marine document  
1261 issued by the Bureau of Customs.

1262 (l) "Vessel" means every description of watercraft,  
1263 other than seaplane on the water, used or capable of being used as  
1264 a means of transportation on water.

1265 (m) "Waters of this state" means any waters within the  
1266 territorial limits of this state, and the marginal sea adjacent to  
1267 this state and the high seas when navigated as a part of a journey  
1268 or ride to or from the shore of the state; however, "waters of  
1269 this state" does not mean any private pond or lake which is not  
1270 used for boat rentals or the charging of fees for fishing therein.

1271 **SECTION 45.** Section 59-25-1, Mississippi Code of 1972, is  
1272 amended as follows:

1273 59-25-1. The following words, as used in this chapter, shall  
1274 have the following meanings:

1275 (a) "Certificate of origin" means the document provided  
1276 by the manufacturer of a new vessel, or its distributor, which is  
1277 the only valid indication of ownership between the manufacturer,



1278 its distributor, its franchised new vessel dealers and the  
1279 original purchaser.

1280 (b) "Dealer" means any person engaged wholly or in part  
1281 in the business of selling or offering for sale, buying or taking  
1282 in trade for the purpose of resale, or exchanging, displaying,  
1283 demonstrating or offering for sale vessels or motors, and who  
1284 receive or expect to receive money, profit or any other thing of  
1285 value.

1286 (c) "Department" means the Department of Wildlife and  
1287 Fisheries. Any reference in any laws of the State of Mississippi  
1288 to the "Department of Wildlife, Fisheries and Parks" shall be  
1289 deemed to mean the Department of Wildlife and Fisheries.

1290 (d) "Documented vessel" means a vessel documented under  
1291 46 \* \* \* USCS, Chapter 121.

1292 (e) "Lienholder" means a person holding a security  
1293 interest.

1294 (f) "Manufacturer" means any person engaged in the  
1295 manufacture, construction or assembly of vessels, or their  
1296 importation into the United States, for the purpose of sale or  
1297 trade.

1298 (g) "Motor" means any type of outboard device providing  
1299 motorized propulsion for vessels operated by any type fuel.

1300 (h) "Operate" means to navigate or otherwise use a  
1301 vessel.



1302 (i) "Owner" means a person, other than a lienholder,  
1303 having the property in or title to a vessel or motor. The term  
1304 includes a person entitled to the use or possession of a vessel or  
1305 motor subject to an interest in another person, reserved or  
1306 created by agreement and securing payment of performance of an  
1307 obligation, but the term excludes a lessee under a lease not  
1308 intended as security.

1309 (j) "Person" means an individual, firm, partnership,  
1310 corporation, company, association, joint-stock association or  
1311 governmental entity and includes a trustee, receiver, assignee or  
1312 similar representative of any of them.

1313 (k) "Security interest" means an interest which is  
1314 reserved or created by an agreement which secures payment or  
1315 performance of an obligation and is valid against third parties  
1316 generally.

1317 (l) "State of principal operation" means the state on  
1318 whose waters a vessel is used or to be used most during a calendar  
1319 year.

1320 (m) "Titling authority" means a state whose vessel  
1321 titling system has been certified by the Coast Guard as complying  
1322 with the guidelines for state vessel titling systems listed in 33  
1323 CFR, Part 187.

1324 (n) "Use" means to operate, navigate or employ a  
1325 vessel. A vessel is in use whenever it is upon the water.



1326 (o) "Vessel" means every description of watercraft,  
1327 other than a seaplane on the water, used or capable of being used  
1328 as a means of transportation on water, that is required to be  
1329 numbered in accordance with the Mississippi Boating Law, Chapter  
1330 21 of Title 59, Mississippi Code of 1972.

1331 **SECTION 46.** Section 67-1-5, Mississippi Code of 1972, is  
1332 amended as follows:

1333 67-1-5. For the purposes of this chapter and unless  
1334 otherwise required by the context:

1335 (a) "Alcoholic beverage" means any alcoholic liquid,  
1336 including wines of more than five percent (5%) of alcohol by  
1337 weight, capable of being consumed as a beverage by a human being,  
1338 but shall not include light wine, light spirit product and beer,  
1339 as defined in Section 67-3-3, Mississippi Code of 1972, but shall  
1340 include native wines and native spirits. The words "alcoholic  
1341 beverage" shall not include ethyl alcohol manufactured or  
1342 distilled solely for fuel purposes or beer of an alcoholic content  
1343 of more than eight percent (8%) by weight if the beer is legally  
1344 manufactured in this state for sale in another state.

1345 (b) "Alcohol" means the product of distillation of any  
1346 fermented liquid, whatever the origin thereof, and includes  
1347 synthetic ethyl alcohol, but does not include denatured alcohol or  
1348 wood alcohol.

1349 (c) "Distilled spirits" means any beverage containing  
1350 more than six percent (6%) of alcohol by weight produced by



1351 distillation of fermented grain, starch, molasses or sugar,  
1352 including dilutions and mixtures of these beverages.

1353 (d) "Wine" or "vinous liquor" means any product  
1354 obtained from the alcoholic fermentation of the juice of sound,  
1355 ripe grapes, fruits, honey or berries and made in accordance with  
1356 the revenue laws of the United States.

1357 (e) "Person" means and includes any individual,  
1358 partnership, corporation, association or other legal entity  
1359 whatsoever.

1360 (f) "Manufacturer" means any person engaged in  
1361 manufacturing, distilling, rectifying, blending or bottling any  
1362 alcoholic beverage.

1363 (g) "Wholesaler" means any person, other than a  
1364 manufacturer, engaged in distributing or selling any alcoholic  
1365 beverage at wholesale for delivery within or without this state  
1366 when such sale is for the purpose of resale by the purchaser.

1367 (h) "Retailer" means any person who sells, distributes,  
1368 or offers for sale or distribution, any alcoholic beverage for use  
1369 or consumption by the purchaser and not for resale.

1370 (i) "State Tax Commission," "commission" or  
1371 "department" means the Department of Revenue of the State of  
1372 Mississippi, which shall create a division in its organization to  
1373 be known as the Alcoholic Beverage Control Division. Any  
1374 reference to the commission or the department hereafter means the





1375 powers and duties of the Department of Revenue with reference to  
1376 supervision of the Alcoholic Beverage Control Division.

1377 (j) "Division" means the Alcoholic Beverage Control  
1378 Division of the Department of Revenue.

1379 (k) "Municipality" means any incorporated city or town  
1380 of this state.

1381 (l) "Hotel" means an establishment within a  
1382 municipality, or within a qualified resort area approved as such  
1383 by the department, where, in consideration of payment, food and  
1384 lodging are habitually furnished to travelers and wherein are  
1385 located at least twenty (20) adequately furnished and completely  
1386 separate sleeping rooms with adequate facilities that persons  
1387 usually apply for and receive as overnight accommodations. Hotels  
1388 in towns or cities of more than twenty-five thousand (25,000)  
1389 population are similarly defined except that they must have fifty  
1390 (50) or more sleeping rooms. Any such establishment described in  
1391 this paragraph with less than fifty (50) beds shall operate one or  
1392 more regular dining rooms designed to be constantly frequented by  
1393 customers each day. When used in this chapter, the word "hotel"  
1394 shall also be construed to include any establishment that meets  
1395 the definition of "bed and breakfast inn" as provided in this  
1396 section.

1397 (m) "Restaurant" means:

1398 (i) A place which is regularly and in a bona fide  
1399 manner used and kept open for the serving of meals to guests for



1400 compensation, which has suitable seating facilities for guests,  
1401 and which has suitable kitchen facilities connected therewith for  
1402 cooking an assortment of foods and meals commonly ordered at  
1403 various hours of the day; the service of such food as sandwiches  
1404 and salads only shall not be deemed in compliance with this  
1405 requirement. Except as otherwise provided in this paragraph, no  
1406 place shall qualify as a restaurant under this chapter unless  
1407 twenty-five percent (25%) or more of the revenue derived from such  
1408 place shall be from the preparation, cooking and serving of meals  
1409 and not from the sale of beverages, or unless the value of food  
1410 given to and consumed by customers is equal to twenty-five percent  
1411 (25%) or more of total revenue; or

1412 (ii) Any privately owned business located in a  
1413 building in a historic district where the district is listed in  
1414 the National Register of Historic Places, where the building has a  
1415 total occupancy rating of not less than one thousand (1,000) and  
1416 where the business regularly utilizes ten thousand (10,000) square  
1417 feet or more in the building for live entertainment, including not  
1418 only the stage, lobby or area where the audience sits and/or  
1419 stands, but also any other portion of the building necessary for  
1420 the operation of the business, including any kitchen area, bar  
1421 area, storage area and office space, but excluding any area for  
1422 parking. In addition to the other requirements of this  
1423 subparagraph, the business must also serve food to guests for  
1424 compensation within the building and derive the majority of its



1425 revenue from event-related fees, including, but not limited to,  
1426 admission fees or ticket sales to live entertainment in the  
1427 building, and from the rental of all or part of the facilities of  
1428 the business in the building to another party for a specific event  
1429 or function.

1430 (n) "Club" means an association or a corporation:

1431 (i) Organized or created under the laws of this  
1432 state for a period of five (5) years prior to July 1, 1966;

1433 (ii) Organized not primarily for pecuniary profit  
1434 but for the promotion of some common object other than the sale or  
1435 consumption of alcoholic beverages;

1436 (iii) Maintained by its members through the  
1437 payment of annual dues;

1438 (iv) Owning, hiring or leasing a building or space  
1439 in a building of such extent and character as may be suitable and  
1440 adequate for the reasonable and comfortable use and accommodation  
1441 of its members and their guests;

1442 (v) The affairs and management of which are  
1443 conducted by a board of directors, board of governors, executive  
1444 committee, or similar governing body chosen by the members at a  
1445 regular meeting held at some periodic interval; and

1446 (vi) No member, officer, agent or employee of  
1447 which is paid, or directly or indirectly receives, in the form of  
1448 a salary or other compensation any profit from the distribution or  
1449 sale of alcoholic beverages to the club or to members or guests of



1450 the club beyond such salary or compensation as may be fixed and  
1451 voted at a proper meeting by the board of directors or other  
1452 governing body out of the general revenues of the club.

1453         The department may, in its discretion, waive the five-year  
1454 provision of this paragraph. In order to qualify under this  
1455 paragraph, a club must file with the department, at the time of  
1456 its application for a license under this chapter, two (2) copies  
1457 of a list of the names and residences of its members and similarly  
1458 file, within ten (10) days after the election of any additional  
1459 member, his name and address. Each club applying for a license  
1460 shall also file with the department at the time of the application  
1461 a copy of its articles of association, charter of incorporation,  
1462 bylaws or other instruments governing the business and affairs  
1463 thereof.

1464         (o) "Qualified resort area" means any area or locality  
1465 outside of the limits of incorporated municipalities in this state  
1466 commonly known and accepted as a place which regularly and  
1467 customarily attracts tourists, vacationists and other transients  
1468 because of its historical, scenic or recreational facilities or  
1469 attractions, or because of other attributes which regularly and  
1470 customarily appeal to and attract tourists, vacationists and other  
1471 transients in substantial numbers; however, no area or locality  
1472 shall so qualify as a resort area until it has been duly and  
1473 properly approved as such by the department. The department may  
1474 not approve an area as a qualified resort area after July 1, 2018,



1475 if any portion of such proposed area is located within two (2)  
1476 miles of a convent or monastery that is located in a county  
1477 traversed by Interstate 55 and U.S. Highway 98. A convent or  
1478 monastery may waive such distance restrictions in favor of  
1479 allowing approval by the department of an area as a qualified  
1480 resort area. Such waiver shall be in written form from the owner,  
1481 the governing body, or the appropriate officer of the convent or  
1482 monastery having the authority to execute such a waiver, and the  
1483 waiver shall be filed with and verified by the department before  
1484 becoming effective.

1485 (i) The department may approve an area or locality  
1486 outside of the limits of an incorporated municipality that is in  
1487 the process of being developed as a qualified resort area if such  
1488 area or locality, when developed, can reasonably be expected to  
1489 meet the requisites of the definition of the term "qualified  
1490 resort area." In such a case, the status of qualified resort area  
1491 shall not take effect until completion of the development.

1492 (ii) The term includes any state park which is  
1493 declared a resort area by the department; however, such  
1494 declaration may only be initiated in a written request for resort  
1495 area status made to the department by the \* \* \* Mississippi  
1496 Development Authority's Tourism Division, and no permit for the  
1497 sale of any alcoholic beverage, as defined in this chapter, except  
1498 an on-premises retailer's permit, shall be issued for a hotel,  
1499 restaurant or bed and breakfast inn in such park.



1500 (iii) The term includes:

1501 1. The clubhouses associated with the state  
1502 park golf courses at the Lefleur's Bluff State Park, the John Kyle  
1503 State Park, the Percy Quin State Park and the Hugh White State  
1504 Park;

1505 2. The clubhouse and associated golf course,  
1506 tennis courts and related facilities and swimming pool and related  
1507 facilities where the golf course, tennis courts and related  
1508 facilities and swimming pool and related facilities are adjacent  
1509 to one or more planned residential developments and the golf  
1510 course and all such developments collectively include at least  
1511 seven hundred fifty (750) acres and at least four hundred (400)  
1512 residential units;

1513 3. Any facility located on property that is a  
1514 game reserve with restricted access that consists of at least  
1515 three thousand (3,000) contiguous acres with no public roads and  
1516 that offers as a service hunts for a fee to overnight guests of  
1517 the facility;

1518 4. Any facility located on federal property  
1519 surrounding a lake and designated as a recreational area by the  
1520 United States Army Corps of Engineers that consists of at least  
1521 one thousand five hundred (1,500) acres;

1522 5. Any facility that is located in a  
1523 municipality that is bordered by the Pearl River, traversed by  
1524 Mississippi Highway 25, adjacent to the boundaries of the Jackson



1525 International Airport and is located in a county which has voted  
1526 against coming out from under the dry law; however, any such  
1527 facility may only be located in areas designated by the governing  
1528 authorities of such municipality;

1529                   6. Any municipality with a population in  
1530 excess of ten thousand (10,000) according to the latest federal  
1531 decennial census that is located in a county that is bordered by  
1532 the Pearl River and is not traversed by Interstate Highway 20,  
1533 with a population in excess of forty-five thousand (45,000)  
1534 according to the latest federal decennial census; however, the  
1535 governing authorities of such a municipality may by ordinance:

1536                   a. Specify the hours of operation of  
1537 facilities that offer alcoholic beverages for sale;

1538                   b. Specify the percentage of revenue  
1539 that facilities that offer alcoholic beverages for sale must  
1540 derive from the preparation, cooking and serving of meals and not  
1541 from the sale of beverages;

1542                   c. Designate the areas in which  
1543 facilities that offer alcoholic beverages for sale may be located;

1544                   7. The West Pearl Restaurant Tax District as  
1545 defined in Chapter 912, Local and Private Laws of 2007;

1546                   8. a. Land that is located in any county in  
1547 which Mississippi Highway 43 and Mississippi Highway 25 intersect  
1548 and:



1549 A. Owned by the Pearl River Valley  
1550 Water Supply District, and/or

1551 B. Located within the Reservoir  
1552 Community District, zoned commercial, east of Old Fannin Road,  
1553 north of Regatta Drive, south of Spillway Road, west of Hugh Ward  
1554 Boulevard and accessible by Old Fannin Road, Spillway Road, Spann  
1555 Drive and/or Lake Vista Place, and/or

1556 C. Located within the Reservoir  
1557 Community District, zoned commercial, west of Old Fannin Road,  
1558 south of Spillway Road and extending to the boundary of the  
1559 corporate limits of the City of Flowood, Mississippi;

1560 b. The board of supervisors of such  
1561 county, with respect to B and C of item 8.a., may by resolution or  
1562 other order:

1563 A. Specify the hours of operation  
1564 of facilities that offer alcoholic beverages for sale,

1565 B. Specify the percentage of  
1566 revenue that facilities that offer alcoholic beverages for sale  
1567 must derive from the preparation, cooking and serving of meals and  
1568 not from the sale of beverages, and

1569 C. Designate the areas in which  
1570 facilities that offer alcoholic beverages for sale may be located;

1571 9. Any facility located on property that is a  
1572 game reserve with restricted access that consists of at least  
1573 eight hundred (800) contiguous acres with no public roads, that





1574 offers as a service hunts for a fee to overnight guests of the  
1575 facility, and has accommodations for at least fifty (50) overnight  
1576 guests;

1577                                   10. Any facility that:

1578                                   a. Consists of at least six thousand  
1579 (6,000) square feet being heated and cooled along with an  
1580 additional adjacent area that consists of at least two thousand  
1581 two hundred (2,200) square feet regardless of whether heated and  
1582 cooled,

1583                                   b. For a fee is used to host events such  
1584 as weddings, reunions and conventions,

1585                                   c. Provides lodging accommodations  
1586 regardless of whether part of the facility and/or located adjacent  
1587 to or in close proximity to the facility, and

1588                                   d. Is located on property that consists  
1589 of at least thirty (30) contiguous acres;

1590                                   11. Any facility and related property:

1591                                   a. Located on property that consists of  
1592 at least one hundred twenty-five (125) contiguous acres and  
1593 consisting of an eighteen (18) hole golf course, and/or located in  
1594 a facility that consists of at least eight thousand (8,000) square  
1595 feet being heated and cooled,

1596                                   b. Used for the purpose of providing  
1597 meals and hosting events, and



1598 c. Used for the purpose of teaching  
1599 culinary arts courses and/or turf management and grounds keeping  
1600 courses, and/or outdoor recreation and leadership courses;

1601 12. Any facility and related property that:

1602 a. Consist of at least eight thousand  
1603 (8,000) square feet being heated and cooled,

1604 b. For a fee is used to host events,

1605 c. Is used for the purpose of culinary  
1606 arts courses, and/or live entertainment courses and art  
1607 performances, and/or outdoor recreation and leadership courses;

1608 13. The clubhouse and associated golf course  
1609 where the golf course is adjacent to one or more residential  
1610 developments and the golf course and all such developments  
1611 collectively include at least two hundred (200) acres and at least  
1612 one hundred fifty (150) residential units and are located a. in a  
1613 county that has voted against coming out from under the dry law;  
1614 and b. outside of but in close proximity to a municipality in such  
1615 county which has voted under Section 67-1-14, after January 1,  
1616 2013, to come out from under the dry law;

1617 14. The clubhouse and associated eighteen  
1618 (18) hole golf course located in a municipality traversed by  
1619 Interstate Highway 55 and U.S. Highway 51 that has voted to come  
1620 out from under the dry law;

1621 15. a. Land that is planned for mixed use  
1622 development and consists of at least two hundred (200) contiguous



1623 acres with one or more planned residential developments  
1624 collectively planned to include at least two hundred (200)  
1625 residential units when completed, and also including a facility  
1626 that consists of at least four thousand (4,000) square feet that  
1627 is not part of such land but is located adjacent to or in close  
1628 proximity thereto, and which land is located:

1629                   A. In a county that has voted to  
1630 come out from under the dry law,

1631                   B. Outside the corporate limits of  
1632 any municipality in such county and adjacent to or in close  
1633 proximity to a golf course located in a municipality in such  
1634 county, and

1635                   C. Within one (1) mile of a state  
1636 institution of higher learning;

1637                   b. The board of supervisors of such  
1638 county may by resolution or other order:

1639                   A. Specify the hours of operation  
1640 of facilities that offer alcoholic beverages for sale,

1641                   B. Specify the percentage of  
1642 revenue that facilities that offer alcoholic beverages for sale  
1643 must derive from the preparation, cooking and serving of meals and  
1644 not from the sale of beverages, and

1645                   C. Designate the areas in which  
1646 facilities that offer alcoholic beverages for sale may be located;



1647                   16. Any facility with a capacity of five  
1648 hundred (500) people or more, to be used as a venue for private  
1649 events, on a tract of land in the Southwest Quarter of Section 33,  
1650 Township 2 South, Range 7 East, of a county where U.S. Highway 45  
1651 and U.S. Highway 72 intersect and that has not voted to come out  
1652 from under the dry law;

1653                   17. One hundred five (105) contiguous acres,  
1654 more or less, located in Hinds County, Mississippi, and in the  
1655 City of Jackson, Mississippi, whereon are constructed a variety of  
1656 buildings, improvements, grounds or objects for the purpose of  
1657 holding events thereon to promote agricultural and industrial  
1658 development in Mississippi;

1659                   18. Land that is owned by a state institution  
1660 of higher learning and:

1661                   a. Located entirely within a county that  
1662 has elected by majority vote not to permit the transportation,  
1663 storage, sale, distribution, receipt and/or manufacture of light  
1664 wine and beer pursuant to Section 67-3-7, and

1665                   b. Adjacent to but outside the  
1666 incorporated limits of a municipality that has elected by majority  
1667 vote to permit the sale, receipt, storage and transportation of  
1668 light wine and beer pursuant to Section 67-3-9.

1669                   If any portion of the land described in this item 18 has been  
1670 declared a qualified resort area by the department before July 1,



1671 2020, then that qualified resort area shall be incorporated into  
1672 the qualified resort area created by this item 18;

1673 19. Any facility and related property:

1674 a. Used as a flea market or similar  
1675 venue during a weekend (Saturday and Sunday) immediately preceding  
1676 the first Monday of a month and having an annual average of at  
1677 least one thousand (1,000) visitors for each such weekend and five  
1678 hundred (500) vendors for Saturday of each such weekend, and

1679 b. Located in a county that has not  
1680 voted to come out from under the dry law and outside of but in  
1681 close proximity to a municipality located in such county and which  
1682 municipality has voted to come out from under the dry law;

1683 20. Blocks 1, 2 and 3 of the original town  
1684 square in any municipality with a population in excess of one  
1685 thousand five hundred (1,500) according to the latest federal  
1686 decennial census and which is located in:

1687 a. A county traversed by Interstate 55  
1688 and Interstate 20, and

1689 b. A judicial district that has not  
1690 voted to come out from under the dry law;

1691 21. Any municipality with a population in  
1692 excess of two thousand (2,000) according to the latest federal  
1693 decennial census and in which is located a part of White's Creek  
1694 Lake and in which U.S. Highway 82 intersects with Mississippi  
1695 Highway 9 and located in a county that is partially bordered on



1696 one (1) side by the Big Black River; however, the governing  
1697 authorities of such a municipality may by ordinance:

1698 a. Specify the hours of operation of  
1699 facilities that offer alcoholic beverages for sale;

1700 b. Specify the percentage of revenue  
1701 that facilities that offer alcoholic beverages for sale must  
1702 derive from the preparation, cooking and serving of meals and not  
1703 from the sale of beverages; and

1704 c. Designate the areas in which  
1705 facilities that offer alcoholic beverages for sale may be located;

1706 22. A restaurant located on a two-acre tract  
1707 adjacent to a five-hundred-fifty-acre lake in the northeast corner  
1708 of a county traversed by U.S. Interstate 55 and U.S. Highway 84;

1709 23. Any tracts of land in Oktibbeha County,  
1710 situated north of Bailey Howell Drive, Lee Boulevard and Old  
1711 Mayhew Road, east of George Perry Street and south of Mississippi  
1712 Highway 182, and not located on the property of a state  
1713 institution of higher learning; however, the board of supervisors  
1714 of such county may by resolution or other order:

1715 a. Specify the hours of operation of  
1716 facilities that offer alcoholic beverages for sale;

1717 b. Specify the percentage of revenue  
1718 that facilities that offer alcoholic beverages for sale must  
1719 derive from the preparation, cooking and serving of meals and not  
1720 from the sale of beverages; and



1721 c. Designate the areas in which  
1722 facilities that offer alcoholic beverages for sale may be located;

1723 24. A municipality in which Mississippi  
1724 Highway 27 and Mississippi Highway 28 intersect; however, the  
1725 governing authorities of such a municipality may by ordinance:

1726 a. Specify the hours of operation of  
1727 facilities offering alcoholic beverages for sale;

1728 b. Specify the percentage of revenue  
1729 that facilities offering alcoholic beverages for sale must derive  
1730 from the preparation, cooking and serving of meals and not from  
1731 the sale of beverages; and

1732 c. Designate the areas in which  
1733 facilities offering alcoholic beverages for sale may be located;

1734 25. A municipality through which run  
1735 Mississippi Highway 35 and Interstate 20; however, the governing  
1736 authorities of such a municipality may by ordinance:

1737 a. Specify the hours of operation of  
1738 facilities that offer alcoholic beverages for sale;

1739 b. Specify the percentage of revenue  
1740 that facilities that offer alcoholic beverages for sale must  
1741 derive from the preparation, cooking and serving of meals and not  
1742 from the sale of beverages; and

1743 c. Designate the areas in which  
1744 facilities that offer alcoholic beverages for sale may be located;



1745                   26. A municipality in which Mississippi  
1746 Highway 16 and Mississippi Highway 35 intersect; however, the  
1747 governing authorities of such a municipality may by ordinance:  
1748                   a. Specify the hours of operation of  
1749 facilities that offer alcoholic beverages for sale;  
1750                   b. Specify the percentage of revenue  
1751 that facilities that offer alcoholic beverages for sale must  
1752 derive from the preparation, cooking and serving of meals and not  
1753 from the sale of beverages; and  
1754                   c. Designate the areas in which  
1755 facilities that offer alcoholic beverages for sale may be located;

1756                   27. A municipality in which U.S. Highway 82  
1757 and Old Highway 61 intersect; however, the governing authorities  
1758 of such a municipality may by ordinance:  
1759                   a. Specify the hours of operation of  
1760 facilities that offer alcoholic beverages for sale;  
1761                   b. Specify the percentage of revenue  
1762 that facilities that offer alcoholic beverages for sale must  
1763 derive from the preparation, cooking and serving of meals and not  
1764 from the sale of beverages; and  
1765                   c. Designate the areas in which  
1766 facilities that offer alcoholic beverages for sale may be located;

1767                   28. A municipality in which Mississippi  
1768 Highway 8 meets Mississippi Highway 1; however, the governing  
1769 authorities of such a municipality may by ordinance:





1770 a. Specify the hours of operation of  
1771 facilities that offer alcoholic beverages for sale;  
1772 b. Specify the percentage of revenue  
1773 that facilities that offer alcoholic beverages for sale must  
1774 derive from the preparation, cooking and serving of meals and not  
1775 from the sale of beverages; and

1776 c. Designate the areas in which  
1777 facilities that offer alcoholic beverages for sale may be located;

1778 29. A municipality in which U.S. Highway 82  
1779 and Mississippi Highway 1 intersect; however, the governing  
1780 authorities of such a municipality may by ordinance:

1781 a. Specify the hours of operation of  
1782 facilities that offer alcoholic beverages for sale;  
1783 b. Specify the percentage of revenue  
1784 that facilities that offer alcoholic beverages for sale must  
1785 derive from the preparation, cooking and serving of meals and not  
1786 from the sale of beverages; and

1787 c. Designate the areas in which  
1788 facilities that offer alcoholic beverages for sale may be located;

1789 30. A municipality in which Mississippi  
1790 Highway 50 meets Mississippi Highway 9; however, the governing  
1791 authorities of such a municipality may by ordinance:

1792 a. Specify the hours of operation of  
1793 facilities that offer alcoholic beverages for sale;



1794                                   b. Specify the percentage of revenue  
1795 that facilities that offer alcoholic beverages for sale must  
1796 derive from the preparation, cooking and serving of meals and not  
1797 from the sale of beverages; and

1798                                   c. Designate the areas in which  
1799 facilities that offer alcoholic beverages for sale may be located;

1800                                   31. An area bounded on the north by Pearl  
1801 Street, on the east by West Street, on the south by Court Street  
1802 and on the west by Farish Street, within a municipality bordered  
1803 on the east by the Pearl River and through which run Interstate 20  
1804 and Interstate 55; however, the governing authorities of the  
1805 municipality in which such area is located may by ordinance:

1806                                   a. Specify the hours of operation of  
1807 facilities that offer alcoholic beverages for sale;

1808                                   b. Specify the percentage of revenue  
1809 that facilities that offer alcoholic beverages for sale must  
1810 derive from the preparation, cooking and serving of meals and not  
1811 from the sale of beverages; and

1812                                   c. Designate the areas in which  
1813 facilities that offer alcoholic beverages for sale may be located;

1814                                   32. Any facility and related property that:

1815                                   a. Is contracted for mixed-use  
1816 development improvements consisting of office and residential  
1817 space and a restaurant and lounge, partially occupying the  
1818 renovated space of a four-story commercial building which



1819 previously served as a financial institution; and adjacent  
1820 property to the west consisting of a single-story office building  
1821 that was originally occupied by the Brotherhood of Carpenters and  
1822 Joiners of American Local Number 569; and

1823                                   b. Is situated on a tract of land  
1824 consisting of approximately one and one-tenth (1.10) acres, and  
1825 the adjacent property to the west consisting of approximately 0.5  
1826 acres, located in a municipality which is the seat of county  
1827 government, situated south of Interstate 10, traversed by U.S.  
1828 Highway 90, partially bordered on one (1) side by the Pascagoula  
1829 River and having its most southern boundary bordered by the Gulf  
1830 of Mexico, with a population greater than twenty-two thousand  
1831 (22,000) according to the 2010 federal decennial census; however,  
1832 the governing authorities of such a municipality may by ordinance:

1833                                   A. Specify the hours of operation  
1834 of facilities that offer alcoholic beverages for sale;

1835                                   B. Specify the percentage of  
1836 revenue that facilities that offer alcoholic beverages for sale  
1837 must derive from the preparation, cooking and serving of meals and  
1838 not from the sale of beverages; and

1839                                   C. Designate the areas within the  
1840 facilities in which alcoholic beverages may be offered for sale;

1841                                   33. Any facility with a maximum capacity of  
1842 one hundred twenty (120) people that consists of at least three  
1843 thousand (3,000) square feet being heated and cooled, has a



1844 commercial kitchen, has a pavilion that consists of at least nine  
1845 thousand (9,000) square feet and is located on land more  
1846 particularly described as follows:

1847 All that part of the East Half of the Northwest Quarter of Section  
1848 21, Township 7 South, Range 4 East, Union County, Mississippi,  
1849 that lies South of Mississippi State Highway 348 right-of-way and  
1850 containing 19.48 acres, more or less.

1851 ALSO,

1852 The Northeast 38 acres of the Southwest Quarter of Section 21,  
1853 Township 7 South, Range 4 East, Union County, Mississippi.

1854 ALSO,

1855 The South 81 1/2 acres of the Southwest Quarter of Section 21,  
1856 Township 7 South, Range 4 East, Union County, Mississippi; and

1857 34. A municipality in which U.S. Highway 51  
1858 and Mississippi Highway 16 intersect; however, the governing  
1859 authorities of such a municipality may by ordinance:

1860 a. Specify the hours of operation of  
1861 facilities that offer alcoholic beverages for sale;

1862 b. Specify the percentage of revenue  
1863 that facilities that offer alcoholic beverages for sale must  
1864 derive from the preparation, cooking and serving of meals and not  
1865 from the sale of beverages; and

1866 c. Designate the areas in which  
1867 facilities that offer alcoholic beverages for sale may be located.



1868           The status of these municipalities, districts, clubhouses,  
1869 facilities, golf courses and areas described in subparagraph (iii)  
1870 of this paragraph (o) as qualified resort areas does not require  
1871 any declaration of same by the department.

1872           (p) "Native wine" means any product, produced in  
1873 Mississippi for sale, having an alcohol content not to exceed  
1874 twenty-one percent (21%) by weight and made in accordance with  
1875 revenue laws of the United States, which shall be obtained  
1876 primarily from the alcoholic fermentation of the juice of ripe  
1877 grapes, fruits, berries, honey or vegetables grown and produced in  
1878 Mississippi; provided that bulk, concentrated or fortified wines  
1879 used for blending may be produced without this state and used in  
1880 producing native wines. The department shall adopt and promulgate  
1881 rules and regulations to permit a producer to import such bulk  
1882 and/or fortified wines into this state for use in blending with  
1883 native wines without payment of any excise tax that would  
1884 otherwise accrue thereon.

1885           (q) "Native winery" means any place or establishment  
1886 within the State of Mississippi where native wine is produced, in  
1887 whole or in part, for sale.

1888           (r) "Bed and breakfast inn" means an establishment  
1889 within a municipality where in consideration of payment, breakfast  
1890 and lodging are habitually furnished to travelers and wherein are  
1891 located not less than eight (8) and not more than nineteen (19)  
1892 adequately furnished and completely separate sleeping rooms with



1893 adequate facilities, that persons usually apply for and receive as  
1894 overnight accommodations; however, such restriction on the minimum  
1895 number of sleeping rooms shall not apply to establishments on the  
1896 National Register of Historic Places. No place shall qualify as a  
1897 bed and breakfast inn under this chapter unless on the date of the  
1898 initial application for a license under this chapter more than  
1899 fifty percent (50%) of the sleeping rooms are located in a  
1900 structure formerly used as a residence.

1901 (s) "Board" shall refer to the Board of Tax Appeals of  
1902 the State of Mississippi.

1903 (t) "Spa facility" means an establishment within a  
1904 municipality or qualified resort area and owned by a hotel where,  
1905 in consideration of payment, patrons receive from licensed  
1906 professionals a variety of private personal care treatments such  
1907 as massages, facials, waxes, exfoliation and hairstyling.

1908 (u) "Art studio or gallery" means an establishment  
1909 within a municipality or qualified resort area that is in the sole  
1910 business of allowing patrons to view and/or purchase paintings and  
1911 other creative artwork.

1912 (v) "Cooking school" means an establishment within a  
1913 municipality or qualified resort area and owned by a nationally  
1914 recognized company that offers an established culinary education  
1915 curriculum and program where, in consideration of payment, patrons  
1916 are given scheduled professional group instruction on culinary  
1917 techniques. For purposes of this paragraph, the definition of



1918 cooking school shall not include schools or classes offered by  
1919 grocery stores, convenience stores or drugstores.

1920 (w) "Campus" means property owned by a public school  
1921 district, community or junior college, college or university in  
1922 this state where educational courses are taught, school functions  
1923 are held, tests and examinations are administered or academic  
1924 course credits are awarded; however, the term shall not include  
1925 any "restaurant" or "hotel" that is located on property owned by a  
1926 community or junior college, college or university in this state,  
1927 and is operated by a third party who receives all revenue  
1928 generated from food and alcoholic beverage sales.

1929 (x) "Native spirit" shall mean any beverage, produced  
1930 in Mississippi for sale, manufactured primarily by the  
1931 distillation of fermented grain, starch, molasses or sugar  
1932 produced in Mississippi, including dilutions and mixtures of these  
1933 beverages. In order to be classified as "native spirit" under the  
1934 provisions of this chapter, at least fifty-one percent (51%) of  
1935 the finished product by volume shall have been obtained from  
1936 distillation of fermented grain, starch, molasses or sugar grown  
1937 and produced in Mississippi.

1938 (y) "Native distillery" shall mean any place or  
1939 establishment within this state where native spirit is produced in  
1940 whole or in part for sale.

1941 **SECTION 47.** This act shall take effect and be in force from  
1942 and after July 1, 2022.

