

By: Representatives Holden, Perkins, Bailey, Banks, Chaney, Clark, Coleman (29th), Flaggs, Franks, Fredericks, Green (34th), Grist, Howell, Martinson, McElwain, Middleton, Miller, Myers, Nettles, Peranich, Perry, Reynolds, Smith (27th), Straughter, Thornton, Walker, Wallace, West, Williams, Roberson

To: Ways and Means; Game and Fish

HOUSE BILL NO. 668
(As Sent to Governor)

1 AN ACT TO AUTHORIZE THE ISSUANCE OF GENERAL OBLIGATION BONDS
2 OF THE STATE OF MISSISSIPPI FOR THE PURPOSE OF CONSTRUCTION AND
3 DEVELOPMENT OF A GOLF COURSE AND RELATED FACILITIES AT THE HUGH
4 WHITE STATE PARK; TO ALLOW LOCAL GOVERNMENTS TO PARTICIPATE IN THE
5 GOLF COURSE PROJECT AT THE HUGH WHITE STATE PARK, AS PROVIDED IN
6 THIS ACT; TO AMEND SECTION 67-1-5, MISSISSIPPI CODE OF 1972, TO
7 PROVIDE THAT THE GOLF COURSE CLUBHOUSE AT THE HUGH WHITE STATE
8 PARK SHALL BE A QUALIFIED RESORT AREA FOR PURPOSES OF THE STATE
9 LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL LAW; AND FOR RELATED
10 PURPOSES.

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

12 SECTION 1. As used in Sections 1 through 16 of this act, the
13 following words shall have the meanings ascribed herein unless the
14 context clearly requires otherwise:

15 (a) "Commission" means the Commission on Wildlife,
16 Fisheries and Parks.

17 (b) "Department" means the Department of Finance and
18 Administration.

19 SECTION 2. (1) (a) A special fund, to be designated as the
20 "1999 Hugh White Golf Course Construction Fund" is created within
21 the State Treasury. The fund shall be maintained by the State
22 Treasurer as a separate and special fund, separate and apart from
23 the General Fund of the state and investment earnings on amounts
24 in the fund shall be deposited into such fund.

25 (b) Monies deposited into the fund shall be disbursed,
26 in the discretion of the Commission on Wildlife, Fisheries and
27 Parks, to pay the costs of construction and development of a golf
28 course and related facilities at Hugh White State Park as
29 described in Section 3 of this act.

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31 (2) Amounts deposited into such special fund shall be

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

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

50 SECTION 3. (1) (a) Before any bonds may be issued under
51 Sections 1 through 16 of this act, the Commission on Wildlife,
52 Fisheries and Parks shall adopt and enter on its minutes a
53 resolution in which it determines, based upon studies, surveys and
54 recommendations of the Department of Wildlife, Fisheries and
55 Parks, that the construction and development of a golf course and
56 related facilities at Hugh White State Park is financially
57 feasible and, upon its completion, is reasonably projected to
58 attract the numbers of patrons and visitors sufficient to produce
59 revenues necessary for the normal operation, upkeep and
60 maintenance of such golf course and facilities.

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

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

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

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

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

100 proceeds derived from the sale of such bonds.

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

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

133 SECTION 7. All bonds and interest coupons issued under

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

270 collected during the preceding reporting period.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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