

By: Jennings

To: Transportation; Ways
and Means

HOUSE BILL NO. 1482

1 AN ACT TO AMEND SECTION 65-4-5, MISSISSIPPI CODE OF 1972, TO
2 INCLUDE POWER PLANTS WITHIN THE DEFINITION OF PRIVATE COMPANY
3 UNDER THE ECONOMIC DEVELOPMENT HIGHWAY ACT; TO AMEND SECTION
4 65-4-7, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE UTILIZATION OF
5 ECONOMIC DEVELOPMENT HIGHWAY ACT FUNDS TO CONSTRUCT OR IMPROVE
6 GAS, WATER OR SEWER FACILITIES IN CONNECTION WITH THE CONSTRUCTION
7 OR IMPROVEMENT OF HIGHWAY SEGMENTS UNDER SUCH ACT; TO AMEND
8 SECTIONS 65-4-9, 65-4-11, 65-4-13 AND 65-4-15, MISSISSIPPI CODE OF
9 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

11 SECTION 1. Section 65-4-5, Mississippi Code of 1972, is
12 amended as follows:[WAN1]

13 65-4-5. (1) The following words when used in this chapter
14 shall have the meanings herein ascribed unless the context
15 otherwise clearly requires:

16 (a) "Board" means the Mississippi Department of
17 Economic and Community Development;

18 (b) "Department" means the Mississippi Department of
19 Transportation;

20 (c) "High economic benefit project" means (i) any new
21 investment by a private company with capital investments in land,
22 buildings, depreciable fixed assets and improvements of at least
23 Fifty Million Dollars (\$50,000,000.00); (ii) any new investment of
24 at least Twenty Million Dollars (\$20,000,000.00) by a private
25 company having capital investments in this state in land,
26 buildings, depreciable fixed assets and improvements of at least
27 One Billion Dollars (\$1,000,000,000.00) in the aggregate; (iii)
28 public investment of at least One Hundred Million Dollars
29 (\$100,000,000.00) to take place over a specified period of time

30 and in accordance with a master plan duly adopted by the
31 controlling political subdivision; (iv) any new investments in
32 land, buildings, depreciable fixed assets and improvements by two
33 (2) private companies upon land that is adjacent whenever the new
34 investments of both companies is at least Sixty Million Dollars
35 (\$60,000,000.00) in the aggregate, and such new investments by
36 both private companies provide for the employment of at least five
37 hundred (500) employees in the aggregate; (v) any project which
38 would benefit from the construction of any highway bypass which
39 would aid in economic development and would provide an alternate
40 route to avoid an existing route which underpasses a railroad and
41 which would aid in existing or proposed industry; or (vi) any
42 master planned community consisting of an integrated commercial,
43 industrial, recreational, educational, health care and residential
44 development and improvements located on a project site of which
45 not less than fifty percent (50%) of the housing units within such
46 residential development is set aside for and devoted to retirees
47 and which development is the product of a long-range, multi-phase
48 development plan combining a complementary mix of land uses
49 representing unifying characteristics and design elements and
50 providing comprehensive planning and logical and staged
51 implementation and development;

52 (d) "Political subdivision" means one or more counties
53 or incorporated municipalities in the state, or a state-owned port
54 located in a county bordering on the Gulf of Mexico;

55 (e) "Private company" means (i) any agricultural,
56 aquacultural, maricultural, processing, distribution, warehousing,
57 manufacturing or research and development enterprise; (ii) any air
58 transportation and maintenance facility, regional shopping mall,
59 hospital, large hotel, resort or movie industry studio; (iii) the
60 federal government with respect to any specific project which
61 meets the criteria established in paragraph (c)(i) of this
62 subsection; (iv) any existing or proposed industry in regard to a
63 project described in paragraph (c)(v) of this subsection; * * *
64 (v) a developer with respect to any specific project which meets
65 the criteria established in paragraph (c)(vi) of this subsection
66 or (vi) any power plant.

67 (2) The Mississippi Department of Transportation is hereby
68 authorized to purchase rights-of-way and construct and maintain
69 roads and highways authorized to be constructed pursuant to this
70 chapter.

71 SECTION 2. Section 65-4-7, Mississippi Code of 1972, is
72 amended as follows:[WAN2]

73 65-4-7. Any political subdivision desiring the assistance of
74 the state in order to construct or improve any highways or highway
75 segments, or to construct or improve gas, water or sewer
76 facilities in connection with the construction or improvement of
77 such highways or highway segments, the primary purpose of such
78 construction or improvement being to encourage a private company
79 to engage in a high economic benefit project within the geographic
80 boundaries of the political subdivision, may apply to the board
81 for such approval and assistance. The application from the
82 political subdivision shall include, but not be limited to:

83 (a) A description of the highways or highway segments
84 requested to be constructed or improved;

85 (b) A description of the gas, water or sewer facilities
86 requested to be constructed or improved;

87 (c) A certified resolution from the governing
88 authorities of the political subdivision detailing the source and
89 amount of funds which the political subdivision has committed or
90 is willing to commit for construction or improvement of such
91 highways or highway segments or gas, water or sewer facilities;

92 (d) A certified copy of a signed letter of intent from
93 the private company to the political subdivision describing in
94 detail the high economic benefit project in which it is committed
95 to engage upon construction or improvement of the highways or
96 highway segments or gas, water or sewer facilities within the
97 political subdivision and the proposed timetable for completion of
98 such project;

99 (e) Demonstration that the private company is

100 financially sound and is likely to fulfill the commitments made in
101 its letter of intent; and

102 (f) An estimate by the private company of the number,
103 size and weight of motor vehicles and the frequency of travel of
104 such vehicles upon the highways or highway segments requested to
105 be constructed or improved after completion of the project by the
106 private company.

107 (g) An estimate by the private company of its gas,
108 water and sewer facility needs.

109 SECTION 3. Section 65-4-9, Mississippi Code of 1972, is
110 amended as follows:[WAN3]

111 65-4-9. Upon receipt of an application by a political
112 subdivision as provided under Section 65-4-7, Mississippi Code of
113 1972, the board shall review the application and may approve the
114 application if it determines:

115 (a) The highways or highway segments or gas, water or
116 sewer facilities for which the political subdivision is requesting
117 assistance in constructing or improving are necessary and
118 essential to ensure adequate and appropriate access to the
119 proposed project or to ensure the gas, water and sewer needs of
120 the proposed project are met for the purpose of encouraging its
121 location within the geographical boundaries of the political
122 subdivision;

123 (b) The project proposed by the private company meets
124 the definition of a "high economic benefit project" as such term
125 is defined in Section 65-4-5, Mississippi Code of 1972;

126 (c) The private company has demonstrated financial
127 soundness and appears to have such assets and credit worthiness as
128 to permit it to secure necessary funds to complete the project
129 according to its commitments; and

130 (d) The costs for the construction or improvement of
131 such highways or highway segments or the gas, water or sewer
132 facilities to be funded hereunder will not exceed the funds

133 available in the Economic Development Highway Fund created by
134 Section 65-4-15, Mississippi Code of 1972.

135 SECTION 4. Section 65-4-11, Mississippi Code of 1972, is
136 amended as follows:[WAN4]

137 65-4-11. Before approving any application under this chapter
138 the board shall have the Mississippi Department of Transportation,
139 or the political subdivision, if the political subdivision will
140 have the construction or improvement performed, prepare and submit
141 to it a detailed engineering study and report of all estimated
142 costs associated with the construction and improvement of the
143 highways and highway segments or the gas, water or sewer
144 facilities requested by the application of the political
145 subdivision along with the estimated annual costs necessary to be
146 expended for maintenance of the highways or highway segments. If
147 the political subdivision will have the construction or
148 improvement performed on a state designated highway that will be
149 maintained by the Mississippi Department of Transportation, the
150 board shall not approve the application of such political
151 subdivision for construction and improvement of highways or
152 highway segments until the engineering study of all estimated cost
153 associated with the construction and improvement of the highways
154 and highway segments required in this section has been submitted
155 by the board to the Mississippi Department of Transportation and
156 has been certified by the Transportation Department to the board
157 as proposing construction or improvement of highways and highway
158 segments that meets Transportation Department standards for such
159 work. If the political subdivision will have the construction or
160 improvement performed on a highway that is not on the designated
161 state highway system, the board shall not approve the application
162 of such political subdivision until the engineering study required
163 in this section has been submitted by the board to the Office of
164 State Aid Road Construction and has been certified by the Office
165 of State Aid Road Construction to the board as proposing

166 construction or improvement of highways and highway segments that
167 meets Office of State Aid Road Construction standards for such
168 work.

169 The Mississippi Department of Transportation or the Office of
170 State Aid Road Construction, as the case may be, may recommend
171 modifications to the location and route of those highways and
172 highway segments proposed in the application of the political
173 subdivision if such modifications are more cost effective and
174 would not have a substantially negative economic impact on the
175 project of the private company.

176 SECTION 5. Section 65-4-13, Mississippi Code of 1972, is
177 amended as follows:[WAN5]

178 65-4-13. If, after reviewing the application of the
179 political subdivision and the report of the State Highway
180 Department or political subdivision, the board determines that the
181 application meets the requirements for approval and should be
182 approved, the board shall notify the political subdivision and the
183 department of its approval and contracts may be let. Upon
184 certification by the board that monies currently available in the
185 Economic Development Highway Fund are sufficient to defray the
186 costs of the construction or improvement, then contracts with
187 respect to such work may be executed by the * * * department or
188 political subdivision and work necessary for the construction or
189 improvement of the highways and highway segments or the gas, water
190 or sewer facilities so approved shall commence by the * * *
191 department or political subdivision, as determined by the
192 Department of Economic and Community Development. If the
193 construction or improvement of a highway or highway segment is by
194 a political subdivision, the State Aid Engineer shall have such
195 work inspected periodically during the progress of such
196 construction or improvement to ensure that it meets the standards
197 prescribed in Section 65-4-17, Mississippi Code of 1972. However,
198 no application shall be approved by the board if the total costs

199 for constructing or improving the proposed highways or highway
200 segments or gas, water or sewer facilities to be funded hereunder,
201 according to estimates in the report of the * * * department or
202 political subdivision, will exceed monies currently available in
203 the Economic Development Highway Fund created in Section 65-4-15,
204 Mississippi Code of 1972.

205 SECTION 6. Section 65-4-15, Mississippi Code of 1972, is
206 amended as follows:[WAN6]

207 65-4-15. There is hereby established a special fund in the
208 State Treasury to be known as the "Economic Development Highway
209 Fund" which shall consist of such monies as the Legislature shall
210 appropriate thereto or such other monies as the Legislature may
211 designate to be deposited therein. Any monies to the credit of
212 such fund may be expended by the Mississippi Department of
213 Transportation or political subdivision, as appropriate, upon
214 approval of requisitions therefor by the Department of Economic
215 and Community Development for any expenses incurred by the
216 Transportation Department or political subdivision in constructing
217 and improving highways and highway segments or gas, water or sewer
218 facilities which have been approved by the Department of Economic
219 and Community Development under the provisions of this chapter.
220 The Office of State Aid Road Construction shall be entitled to
221 reimbursement from monies in the fund, upon approval by the
222 Department of Economic and Community Development of requisitions
223 therefor by the State Aid Engineer, for the actual expenses
224 incurred by the office in administering and providing engineering
225 services to political subdivisions. Monies remaining unexpended
226 to the credit of such special fund at the end of a fiscal year
227 shall not lapse into the State General Fund, and any interest
228 earned on the investment of monies in the special fund shall be
229 deposited to the credit of the fund.

230 SECTION 7. This act shall take effect and be in force from
231 and after July 1, 2000.