

By: Representatives Peranich, Upshaw

To: Tourism; Ways and Means

## HOUSE BILL NO. 1467

1 AN ACT TO AMEND SECTION 57-26-1, MISSISSIPPI CODE OF 1972, TO  
2 REVISE THE DEFINITION OF THE TERM "TOURISM PROJECT" FOR PURPOSES  
3 OF THE TOURISM PROJECT SALES TAX INCENTIVE PROGRAM, TO PROVIDE  
4 THAT THE TERM MAY INCLUDE PROJECTS OWNED, LEASED OR CONTROLLED BY  
5 A BUSINESS, CORPORATION OR ENTITY HAVING A LICENSE ISSUED UNDER  
6 THE MISSISSIPPI GAMING CONTROL ACT OR IN WHICH SUCH A BUSINESS,  
7 CORPORATION OR ENTITY HAS A DIRECT OR INDIRECT FINANCIAL INTEREST  
8 IF THE PROJECT IS IN EXCESS OF DEVELOPMENT REQUIRED FOR THE  
9 ISSUANCE OR RENEWAL OF A GAMING LICENSE AND IS NOT PART OF A  
10 LICENSED GAMING ESTABLISHMENT IN WHICH GAMING ACTIVITIES ARE  
11 CONDUCTED; TO PROVIDE THAT THE TERM "TOURISM PROJECT" MAY INCLUDE  
12 CERTAIN RETAIL ACTIVITIES THAT ARE PART OF A RESORT DEVELOPMENT  
13 AND TO DEFINE THE TERMS "RESORT DEVELOPMENT" AND "RETAIL ACTIVITY"  
14 FOR SUCH PURPOSES; TO CREATE SECTION 57-26-7, MISSISSIPPI CODE OF  
15 1972, TO PROVIDE THAT THE MISSISSIPPI DEVELOPMENT AUTHORITY SHALL  
16 NOT APPROVE ANY APPLICATION SUBMITTED AFTER JUNE 30, 2014, FOR A  
17 PROJECT THAT INCLUDES ANY RESORT DEVELOPMENT; AND FOR RELATED  
18 PURPOSES.

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

20 **SECTION 1.** Section 57-26-1, Mississippi Code of 1972, is  
21 amended as follows:

22 57-26-1. As used in Sections 57-26-1 through 57-26-5, the  
23 following terms and phrases shall have the meanings ascribed in  
24 this section unless the context clearly indicates otherwise:

25 (a) "Approved project costs" means actual costs  
26 incurred by an approved participant for land acquisition,  
27 construction, engineering, design and other costs approved by the  
28 Mississippi Development Authority relating to a tourism project.  
29 All costs must be verified by an independent third party approved  
30 by the MDA. An approved participant shall pay the costs for the  
31 third-party verification of costs. Approved project costs may not  
32 increase regardless of the actual costs incurred by the project.



33 (b) "Approved participant" means a person, corporation  
34 or other entity issued a certificate by the Mississippi  
35 Development Authority under Section 57-26-5.

36 (c) "MDA" means the Mississippi Development Authority.

37 (d) "Tourism project" shall include any of the  
38 following as may be approved by the MDA:

39 (i) Theme parks, water parks, entertainment parks  
40 or outdoor adventure parks, cultural or historical interpretive  
41 educational centers or museums, motor speedways, indoor or outdoor  
42 entertainment centers or complexes, convention centers,  
43 professional sports facilities, spas, attractions created around a  
44 natural phenomenon or scenic landscape and marinas open to the  
45 public with a minimum private investment of not less than Ten  
46 Million Dollars (\$10,000,000.00);

47 (ii) A hotel with a minimum private investment of  
48 Forty Million Dollars (\$40,000,000.00) in land, buildings,  
49 architecture, engineering, fixtures, equipment, furnishings,  
50 amenities and other related soft costs approved by the Mississippi  
51 Development Authority, and having a minimum private investment of  
52 One Hundred Fifty Thousand Dollars (\$150,000.00) per guest room  
53 which amount shall be included within the minimum private  
54 investment of Forty Million Dollars (\$40,000,000.00);

55 (iii) A public golf course with a minimum private  
56 investment of Ten Million Dollars (\$10,000,000.00).

57 The term "tourism project" does not include any licensed  
58 gaming establishment owned, leased or controlled by a business,  
59 corporation or entity having a gaming license issued under Section  
60 75-76-1 et seq.; however, the term "tourism project" may include a  
61 project described in this paragraph (d) that is owned, leased or  
62 controlled by such a business, corporation or entity or in which  
63 the business, corporation or entity has a direct or indirect  
64 financial interest if the project is in excess of development that  
65 the State Gaming Commission requires for the issuance or renewal



66 of a gaming license and is not part of a licensed gaming  
67 establishment in which gaming activities are conducted.

68 The term "tourism project" does not include any facility  
69 within the project whose primary business is retail sales or any  
70 expansions of existing projects; however, pro shops, souvenir  
71 shops, gift shops, concessions and similar retail activities may  
72 be included within the definition of the term "tourism project."  
73 In addition, retail activities, regardless of whether the primary  
74 business is retail sales, that are part of a resort development  
75 may be included within the definition of "tourism project."

76 (e) "Resort development" means a travel destination  
77 development with a minimum private investment of One Hundred  
78 Million Dollars (\$100,000,000.00) and which consists of (a) a  
79 hotel with a minimum of two hundred (200) guest rooms or suites  
80 and having a minimum private investment of Two Hundred Thousand  
81 Dollars (\$200,000.00) per guest room or suite, and (b) guest  
82 amenities such as restaurants, golf courses, spas, fitness  
83 facilities, entertainment activities and other amenities as  
84 determined by the MDA. Not more than an amount equal to forty  
85 percent (40%) of the private investment required by this paragraph  
86 may be expended on facilities to house retail activity.

87 (f) "Retail activity" means businesses whose inventory  
88 consists primarily of upscale name brands or their equivalent as  
89 determined by the MDA.

90 (g) "State" means the State of Mississippi.

91 **SECTION 2.** This provision shall be codified as Section  
92 57-26-7, Mississippi Code of 1972:

93 57-26-7. The MDA shall not approve any application submitted  
94 after June 30, 2014, pursuant to Section 57-26-5 for a project  
95 that includes any resort development.

96 **SECTION 3.** This act shall take effect and be in force from  
97 and after its passage.

