

By: Representative McGee

To: Transportation;
Appropriations

HOUSE BILL NO. 1383
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 65-4-5, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE DEFINITION OF HIGH ECONOMIC BENEFIT PROJECT FOR THE
3 ECONOMIC DEVELOPMENT HIGHWAY ACT TO INCLUDE CERTAIN NEW
4 INVESTMENTS TO ESTABLISH A PRIVATE REGIONAL OR NATIONAL
5 HEADQUARTERS; TO AMEND SECTION 65-4-15, MISSISSIPPI CODE OF 1972,
6 TO CLARIFY THAT A MIXED-USE DEVELOPMENT THAT INCLUDES RETAIL SPACE
7 THAT IS NO MORE THAN 20% OF THE SQUARE FOOTAGE OF THE DEVELOPMENT
8 IS NOT PROHIBITED FROM RECEIVING MONIES AS A HIGH ECONOMIC BENEFIT
9 PROJECT; 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:

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 Development
17 Authority;

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

20 (c) "High economic benefit project" means:



21 (i) Any new investment by a private company with
22 capital investments in land, buildings, depreciable fixed assets
23 and improvements of at least Seventy Million Dollars
24 (\$70,000,000.00);

25 (ii) Any new investment of at least Twenty Million
26 Dollars (\$20,000,000.00) by a private company having capital
27 investments in this state in land, buildings, depreciable fixed
28 assets and improvements of at least One Billion Dollars
29 (\$1,000,000,000.00) in the aggregate;

30 (iii) Public investment of at least One Hundred
31 Million Dollars (\$100,000,000.00) to take place over a specified
32 period of time and in accordance with a master plan duly adopted
33 by the controlling political subdivision;

34 (iv) Any new investments in land, buildings,
35 depreciable fixed assets and improvements by two (2) private
36 companies upon land that is adjacent whenever the new investments
37 of both companies are at least Sixty Million Dollars
38 (\$60,000,000.00) in the aggregate, and such new investments by
39 both private companies provide for the employment of at least five
40 hundred (500) employees in the aggregate;

41 (v) Any project which would benefit from the
42 construction of any highway bypass which would aid in economic
43 development and would provide an alternate route to avoid an
44 existing route which underpasses a railroad and which would aid in
45 existing or proposed industry;



46 (vi) Any master planned community;
47 (vii) Any new investments in land, buildings,
48 depreciable fixed assets and improvements by not more than three
49 (3) private companies physically located within a one-half-mile
50 radius of each other whenever the new investments of such
51 companies are at least Sixty Million Dollars (\$60,000,000.00) in
52 the aggregate, and such new investments by such companies provide
53 for the employment of at least three hundred (300) new employees
54 in the aggregate;

55 (viii) Any new investments in land, buildings,
56 depreciable fixed assets and improvements by two (2) or more
57 private companies upon lands originally adjacent, but now divided
58 by a four-lane state highway and bordered by a two-lane state
59 highway, and the new investments of the companies are at least
60 Fifty Million Dollars (\$50,000,000.00) in the aggregate, and a
61 portion of such new investment will be utilized for the
62 construction of a hospital;

63 (ix) [Repealed]

64 (x) Any project as defined in Section
65 57-75-5(f)(xxi); however, the term "high economic benefit project"
66 does not include the construction of Mississippi Highway 348;

67 (xi) Any project as defined in Section 17-25-17;

68 (xii) Any project which would allow access to a
69 national intermodal facility with a minimum capital investment of
70 One Hundred Million Dollars (\$100,000,000.00) that is located



71 within five (5) miles of the State of Mississippi and has direct
72 access into an industrial park within the state * * *;

73 (xiii) Any new investments in land, buildings and
74 depreciable fixed assets and improvements by a private company of
75 at least One Hundred Million Dollars (\$100,000,000.00) over a
76 specified period of time in accordance with a defined capital
77 improvement project approved by the board * * *;

78 (xiv) Any new investments in land, buildings,
79 depreciable fixed assets and improvements of at least Fifteen
80 Million Dollars (\$15,000,000.00) by a private company to establish
81 a private regional or national headquarters and such new
82 investments provide for the employment of at least one hundred
83 (100) new employees in the aggregate over a five-year period with
84 those new employees earning an annual average salary, excluding
85 benefits which are not subject to Mississippi income taxes, of at
86 least one hundred fifty percent (150%) of the most recently
87 published state average annual wage or the most recently published
88 average annual wage of the county in which the qualified private
89 regional or national headquarters is located, as determined by the
90 Mississippi Department of Employment Security, whichever is less;

91 However, if the initial investments that a private company
92 made in order to meet the definition of a high economic benefit
93 project under this paragraph (c) (i) and in order to be approved
94 for such project exceeded Fifty Million Dollars (\$50,000,000.00),
95 or if subsequent to being approved for the initial project the



96 same company and/or one or more other private companies made
97 additional capital investments exceeding Fifty Million Dollars
98 (\$50,000,000.00) in aggregate value in land, buildings,
99 depreciable fixed assets and improvements physically attached to
100 or forming a part of the initially planned site development, then
101 an amount equal to fifty percent (50%) of all such investments
102 that exceeds Fifty Million Dollars (\$50,000,000.00) shall be
103 subtracted from the Sixty Million Dollars (\$60,000,000.00) in
104 aggregate value of new investments required under this paragraph
105 (c) (vii);

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

109 (e) "Private company" means:

110 (i) Any agricultural, aquacultural, maricultural,
111 processing, distribution, warehousing, manufacturing,
112 transportation, tourism or research and development enterprise;

113 (ii) Any air transportation and maintenance
114 facility, regional shopping mall, hospital, large hotel, resort or
115 movie industry studio;

116 (iii) The federal government with respect to any
117 specific project which meets the criteria established in paragraph
118 (c) (i) of this subsection;

119 (iv) Any existing or proposed industry in regard
120 to a project described in paragraph (c) (v) of this subsection;



121 (v) A developer with respect to any specific
122 project which meets the criteria established in paragraph (c)(vi)
123 of this subsection; or

124 (vi) A tourism project approved by the board;

125 (f) "Master planned community" shall have the same
126 meaning as that term is defined in Section 19-5-10.

127 (2) The Mississippi Department of Transportation is hereby
128 authorized to purchase rights-of-way and construct and maintain
129 roads and highways authorized to be constructed pursuant to this
130 chapter.

131 **SECTION 2.** Section 65-4-15, Mississippi Code of 1972, is
132 amended as follows:

133 65-4-15. (1) There is hereby established a special fund in
134 the State Treasury to be known as the "Economic Development
135 Highway Fund" which shall consist of such monies as the
136 Legislature shall appropriate thereto or such other monies as the
137 Legislature may designate to be deposited therein. Any monies to
138 the credit of such fund may be expended by the Mississippi
139 Department of Transportation or political subdivision, as
140 appropriate, upon approval of requisitions therefor by the
141 Mississippi Development Authority for any expenses incurred by the
142 Transportation Department or political subdivision in constructing
143 and improving highways and highway segments which have been
144 approved by the Mississippi Development Authority under the
145 provisions of this chapter. From and after July 1, 2004, no



146 monies to the credit of the fund may be expended for the
147 construction and improvement of highways for high economic benefit
148 projects that are being developed for the primary purpose of
149 conducting retail sales unless the Mississippi Development
150 Authority has received an application for the project prior to
151 July 1, 2004; however, the primary purpose is not conducting
152 retail sales if the project is a mixed-use development for which
153 retail space is no more than twenty percent (20%) of the square
154 footage of the development. With regard to a high economic
155 benefit project as defined in Section 65-4-5(1)(c)(xiii) for which
156 the Mississippi Development Authority approved and allocated
157 monies in the fund before January 1, 2016, for constructing or
158 improving a highway or highway segment related to the high
159 economic benefit project, the Mississippi Development Authority
160 may reallocate such monies from the original highway or highway
161 segment purpose and allocate the funds for constructing or
162 improving another highway or highway segment provided that such
163 highway or highway segment is located within three (3) miles of
164 the high economic benefit project for which the Mississippi
165 Development Authority originally allocated and approved the
166 monies. The Office of State Aid Road Construction shall be
167 entitled to reimbursement from monies in the fund, upon approval
168 by the Mississippi Development Authority of requisitions therefor
169 by the State Aid Engineer, for the actual expenses incurred by the
170 office in administering and providing engineering services to



171 political subdivisions. Monies remaining unexpended to the credit
172 of such special fund at the end of a fiscal year shall not lapse
173 into the State General Fund, and any interest earned on the
174 investment of monies in the special fund shall be deposited to the
175 credit of the fund.

176 (2) Monies in the Economic Development Highway Fund which
177 are derived from proceeds of bonds issued under this chapter after
178 July 1, 2003, may be used to reimburse reasonable actual and
179 necessary costs incurred by the Mississippi Development Authority
180 for the administration of the various grant, loan and financial
181 incentive programs administered by the authority. An accounting
182 of actual costs incurred for which reimbursement is sought shall
183 be maintained by the Mississippi Development Authority.
184 Reimbursement of reasonable actual and necessary costs shall not
185 exceed three percent (3%) of the proceeds of bonds issued.
186 Reimbursements to the Mississippi Development Authority under this
187 subsection shall satisfy any applicable federal tax law
188 requirements.

189 **SECTION 3.** This act shall take effect and be in force from
190 and after July 1, 2020.

