

By: Representative Haney

To: Ways and Means

HOUSE BILL NO. 1578

1 AN ACT TO AMEND SECTION 57-1-701, MISSISSIPPI CODE OF 1972,
 2 TO REVISE THE DEFINITION OF CERTAIN TERMS UNDER THE MISSISSIPPI
 3 SITE DEVELOPMENT GRANT FUND PROGRAM FOR THE PURPOSE OF EXPANDING
 4 QUALIFYING ENTITIES TO INCLUDE PUBLIC SCHOOL DISTRICTS AND URBAN
 5 RENEWAL AGENCIES AND THE EXTENDED LEASE PROJECTS ADMINISTERED
 6 UNDER THEIR RESPECTIVE PROGRAMS RELATED TO 16TH SECTION LAND
 7 LEASES AND URBAN RENEWAL PROJECTS; TO INCLUDE SITE DEVELOPMENTS ON
 8 PUBLICLY OWNED COMMERCIAL PROPERTY AND CONTRIBUTIONS TOWARD SITE
 9 DEVELOPMENT ON SUCH COMMERCIAL PROPERTY WITH AN OVERALL INVESTMENT
 10 IN EXCESS OF \$50,000,000.00, AS AN ELIGIBLE EXPENSE FOR PURPOSES
 11 OF THE PROGRAM; AND FOR RELATED PURPOSES.

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

13 **SECTION 1.** Section 57-1-701, Mississippi Code of 1972, is
 14 amended as follows:

15 57-1-701. (1) For the purposes of this section, the
 16 following words and phrases shall have the meanings ascribed in
 17 this subsection unless the context clearly indicates otherwise:

18 (a) "Eligible entity" means any (i) county, (ii)
 19 municipality * * * , (iii) public school district board of
 20 education, (* * *iv) public or private nonprofit local economic
 21 development entity or urban renewal agency including, but not
 22 limited to, local authorities, commissions, or other entities



23 created by local and private legislation or pursuant to Section
24 19-5-99.

25 (b) "Optioned property" means industrial property that
26 is subject to a real estate option to purchase contract or an
27 option for a long-term lease agreement as allowed under Sections
28 29-3-69 or 43-35-1, et seq., entered into between an eligible
29 entity and a real estate owner, where such option shall be for a
30 minimum of three (3) years and the option price shall not exceed
31 the appraised fair market value of the real estate.

32 (c) "Eligible expenditures" means:

33 (i) Fees for architects, engineers, environmental
34 consultants, attorneys, and such other advisors, consultants and
35 agents that MDA determines are necessary to complete site due
36 diligence associated with site development improvements located on
37 industrial or commercial property that is publicly owned or is
38 optioned property;

39 (ii) Contributions toward site development
40 improvements, as approved by MDA, located on industrial or
41 commercial property, where the overall investment in the site
42 development, infrastructure and capital improvements is in excess
43 of Fifty Million Dollars (\$50,000,000.00), that is publicly owned;

44 (iii) Contributions toward public infrastructure
45 improvements directly serving industrial property that is publicly
46 owned or is optioned property; and/or



47 (iv) Contributions toward acquisition of publicly
48 owned real property used for economic development purposes by an
49 eligible entity, where the acquisition price or rental amount
50 shall not exceed the appraised fair market value or fair rental
51 value of the property.

52 (d) "MDA" means the Mississippi Development Authority.

53 (e) "Site development improvements" means site
54 clearing, grading, and environmental mitigation; improvements to
55 drainage systems; easement and right-of-way acquisition; sewer
56 systems; transportation directly affecting the site, including
57 roads, bridges or rail; bulkheads; taxiways and parking ramps;
58 land reclamation; water supply (storage, treatment and
59 distribution); telecommunications systems, including fiber optic;
60 natural gas distribution systems; aesthetic improvements; the
61 dredging of channels and basins; or other improvements as approved
62 by MDA.

63 (2) (a) There is hereby created in the State Treasury a
64 special fund to be designated as the "Mississippi Site Development
65 Grant Fund," which shall consist of funds made available by the
66 Legislature in any manner and funds from any other source
67 designated for deposit into such fund. Unexpended amounts
68 remaining in the fund at the end of a fiscal year shall not lapse
69 into the State General Fund, and any investment earnings or
70 interest earned on amounts in the fund shall be deposited to the



71 credit of the fund. Monies in the fund shall be used to make
72 grants to assist eligible entities as provided in this section.

73 (b) Monies in the fund which are derived from proceeds
74 of bonds issued under Section 2 of Chapter 390, Laws of 2017,
75 Section 5 of Chapter 412, Laws of 2018, Section 1 of Chapter 421,
76 Laws of 2019, Section 4 of Chapter 492, Laws of 2020, or Section 8
77 of Chapter 480, Laws of 2021 or provided by the Legislature, may
78 be used to reimburse reasonable actual and necessary costs
79 incurred by MDA for the administration of the various grant, loan
80 and financial incentive programs administered by MDA. An
81 accounting of actual costs incurred for which reimbursement is
82 sought shall be maintained by MDA. Reimbursement of reasonable
83 actual and necessary costs shall not exceed three percent (3%) of
84 the proceeds of bonds issued or the monies provided by the
85 Legislature. Reimbursements under this subsection shall satisfy
86 any applicable federal tax law requirements.

87 (3) (a) MDA shall establish a program to make grants to
88 eligible entities to match local or other funds associated with
89 improving the marketability of publicly owned industrial property
90 for industrial economic development purposes and other property
91 improvements as approved by MDA. An eligible entity may apply to
92 MDA for a grant under this program in the manner provided for in
93 this section. An eligible entity desiring assistance under this
94 section must provide matching funds in an amount determined by



95 MDA. Matching funds may be provided in the form of cash and/or
96 in-kind services as determined by MDA.

97 (b) An eligible entity desiring assistance under this
98 section must submit an application to MDA. The application must
99 include:

100 (i) A description of the eligible expenditures for
101 which assistance is requested;

102 (ii) The amount of assistance requested;

103 (iii) The amount and type of matching funds to be
104 provided by the eligible entity; and

105 (iv) Any other information required by MDA.

106 (c) Upon request by MDA, an eligible entity shall
107 provide MDA with access to all studies, reports, documents and/or
108 plans developed as a result of or related to an eligible entity
109 receiving assistance under this section.

110 (4) MDA shall have all powers necessary to implement and
111 administer the program established under this section, and the
112 department shall promulgate rules and regulations, in accordance
113 with the Mississippi Administrative Procedures Law, necessary for
114 the implementation of this section.

115 (5) MDA shall file an annual report with the Governor, the
116 Secretary of the Senate and the Clerk of the House of
117 Representatives not later than December 1 of each year, describing
118 all assistance provided under this section.



119 **SECTION 2.** This act shall take effect and be in force from
120 and after July 1, 2024.

