

By: Representative Lamar

To: Ways and Means

HOUSE BILL NO. 1241

1 AN ACT TO AMEND SECTION 57-26-1, MISSISSIPPI CODE OF 1972, TO
2 INCREASE THE MINIMUM PRIVATE INVESTMENT REQUIRED FOR CERTAIN
3 TOURISM PROJECTS TO BE ELIGIBLE FOR INCENTIVE PAYMENTS FROM THE
4 TOURISM PROJECT SALES TAX INCENTIVE FUND; TO AMEND SECTION
5 57-26-7, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE BY WHICH
6 APPLICATIONS UNDER THE INCENTIVE PAYMENT PROGRAM MUST BE SUBMITTED
7 TO THE MISSISSIPPI DEVELOPMENT AUTHORITY; AND FOR RELATED
8 PURPOSES.

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

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

12 57-26-1. As used in Sections 57-26-1 through 57-26-5, the
13 following terms and phrases shall have the meanings ascribed in
14 this section unless the context clearly indicates otherwise:

15 (a) "Approved project costs" means actual costs
16 incurred by an approved participant for land acquisition,
17 construction, engineering, design and other costs approved by the
18 Mississippi Development Authority relating to a tourism project;
19 however, for the purposes of a tourism project described in
20 paragraph (d)(iv) of this section, such costs include only those
21 incurred after January 1, 2011, relating to the hotel portion of



the project consisting of facilities used for lodging and common areas in that portion of the project. All costs must be verified by an independent third party approved by the MDA. An approved participant shall pay the costs for the third-party verification of costs. Approved project costs may not increase regardless of the actual costs incurred by the project.

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

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

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

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

(ii) A hotel with a minimum private investment of * * * Fifty Million Dollars (\$50,000,000.00) in land, buildings, architecture, engineering, fixtures, equipment, furnishings, amenities and other related soft costs approved by the Mississippi Development Authority, and having a minimum



47 private investment of * * * Two Hundred Thousand Dollars
48 (\$200,000.00) per guest room which amount shall be included within
49 the minimum private investment of * * * Fifty Million Dollars
50 (\$50,000,000.00);

51 (iii) A public golf course with a minimum private
52 investment of Ten Million Dollars (\$10,000,000.00);

53 (iv) A full service hotel with a minimum private
54 investment of * * * Twenty-five Million Dollars (\$25,000,000.00)
55 in land, buildings, architecture, engineering, fixtures,
56 equipment, furnishings, amenities and other related soft costs
57 approved by the Mississippi Development Authority, and having a
58 minimum private investment of * * * Two Hundred Fifty Thousand
59 Dollars (\$250,000.00) per guest room or suite which amount shall
60 be included within the minimum private investment of * * *
61 Twenty-five Million Dollars (\$25,000,000.00), a minimum of
62 twenty-five (25) guest rooms or suites, and guest amenities such
63 as restaurants, spas and other amenities as determined by the
64 Mississippi Development Authority; however, in a county in which
65 the Grammy Museum Mississippi or the Mississippi Arts and
66 Entertainment Center is located, in a county in which the Saenger
67 Theater and the main campus of a state institution of higher
68 learning are located, and in the downtown historic district of the
69 city in which the NWCC Performing Arts Center is located, the
70 minimum private investment per guest room or suite shall be * * *
71 Two Hundred Thousand Dollars (\$200,000.00) which amount shall be



72 included within the minimum private investment of * * *

73 Twenty-five Million Dollars (\$25,000,000.00);

74 (v) A tourism attraction located within an
75 "entertainment district" as defined in Section 17-29-3 that is
76 open to the public, has seating to accommodate at least forty (40)
77 persons, is open at least five (5) days per week from at least
78 6:00 p.m. until midnight, serves food and beverages, and provides
79 live entertainment at least three (3) nights per week;

80 (vi) A cultural retail attraction;

81 (vii) A tourism attraction located within a
82 historic district where the district is listed in the National
83 Register of Historic Places, where the tourism attraction is open
84 to the public, has seating to accommodate at least forty (40)
85 persons, is open at least five (5) days per week from at least
86 6:00 p.m. until midnight, serves food and beverages, and provides
87 live entertainment at least three (3) nights per week;

88 (viii) A tourism attraction, located in a county
89 bordered by the Mississippi River and including Interstate 69 and
90 U.S. Highways 3, 4 and 61, with a minimum investment of One
91 Hundred Million Dollars (\$100,000,000.00) and subject to an urban
92 renewal plan that redevelops two (2) hotels, a golf course and
93 clubhouse, a shooting range and a convention center and develops
94 an entertainment center and waterpark, together with other
95 attraction-related amenities, on an area not less than two
96 thousand (2,000) acres.



97 The term "tourism project" does not include any licensed
98 gaming establishment owned, leased or controlled by a business,
99 corporation or entity having a gaming license issued under Section
100 75-76-1 et seq.; however, the term "tourism project" may include a
101 project described in this paragraph (d) that is owned, leased or
102 controlled by such a business, corporation or entity or in which
103 the business, corporation or entity has a direct or indirect
104 financial interest if the project is in excess of development that
105 the State Gaming Commission requires for the issuance or renewal
106 of a gaming license and is not part of a licensed gaming
107 establishment in which gaming activities are conducted.

108 The term "tourism project" does not include any facility
109 within the project whose primary business is retail sales or any
110 expansions of existing projects; however, pro shops, souvenir
111 shops, gift shops, concessions and similar retail activities, and
112 cultural retail attractions may be included within the definition
113 of the term "tourism project." In addition, retail activities,
114 regardless of whether the primary business is retail sales, that
115 are part of a resort development may be included within the
116 definition of "tourism project."

117 (e) "Resort development" means a travel destination
118 development with a minimum private investment of * * * Two Hundred
119 Million Dollars (\$200,000,000.00) and which consists of (i) a
120 hotel with a minimum of two hundred (200) guest rooms or suites
121 and having a minimum private investment of Two Hundred Thousand



Dollars (\$200,000.00) per guest room or suite, and (ii) guest amenities such as restaurants, golf courses, spas, fitness facilities, entertainment activities and other amenities as determined by the MDA. Not more than an amount equal to * * * thirty percent (30%) of the private investment required by this paragraph may be expended on facilities to house retail activity.

(f) "Cultural retail attraction" means a project which combines destination shopping with cultural or historical interpretive elements specific to Mississippi with a minimum private investment of Fifty Million Dollars (\$50,000,000.00) in land, buildings, architecture, engineering, fixtures, equipment, furnishings, amenities and other related soft costs approved by the Mississippi Development Authority and which:

(i) Is located in a qualified resort area as defined in Section 67-1-5;

(ii) Is a part of a master-planned development with a total investment of not less than One Hundred Million Dollars (\$100,000,000.00) in land, buildings, architecture, engineering, fixtures, equipment, furnishings, amenities and other related soft costs approved by the Mississippi Development Authority;

(iii) Has a minimum of fifty (50) retail tenants with a minimum of three hundred thousand (300,000) square feet of heated and cooled space; and



(iv) Has a minimum investment of One Million Dollars (\$1,000,000.00) in one or more of the following:

1. Art created by Mississippi artists or portraying themes specific to Mississippi;

2. Memorabilia, signage or historical markers which serve to promote the State of Mississippi;

3. Audio/visual equipment used to showcase Mississippi artists;

4. A minimum of one thousand two hundred fifty (1,250) square feet of heated and cooled space available to the Mississippi Development Authority or its assignee for a period of not less than ten (10) years.

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

(h) "State" means the State of Mississippi.

SECTION 2. Section 57-26-7, Mississippi Code of 1972, is amended as follows:

57-26-7. The MDA shall not approve any application submitted after June 30, * * * 2027, pursuant to Section 57-26-5 for a project that includes any resort development.

SECTION 3. This act shall take effect and be in force from and after July 1, 2025.

