

By: Senator(s) Harkins

To: Finance

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2854

1 AN ACT TO AMEND SECTION 57-26-1, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE DEFINITIONS OF "TOURISM PROJECT" AND "RESORT
3 DEVELOPMENT" TO INCREASE THE MINIMUM PRIVATE INVESTMENT AMOUNTS
4 REQUIRED UNDER THE TOURISM PROJECT INCENTIVE PROGRAM; TO DECREASE
5 THE PERCENTAGE OF THE PRIVATE INVESTMENT AMOUNT REQUIRED FOR
6 RESORT DEVELOPMENTS THAT MAY BE EXPENDED ON FACILITIES TO HOUSE
7 RETAIL ACTIVITY; TO AMEND SECTION 57-26-7, MISSISSIPPI CODE OF
8 1972, TO REAUTHORIZE THE MISSISSIPPI DEVELOPMENT AUTHORITY TO
9 APPROVE APPLICATIONS FOR PROJECTS THAT INCLUDE RESORT
10 DEVELOPMENTS, AND TO EXTEND THE APPLICATION DEADLINE TO JUNE 30,
11 2027; AND FOR RELATED PURPOSES.

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

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

15 57-26-1. As used in Sections 57-26-1 through * * * 57-26-7,
16 the following terms and phrases shall have the meanings ascribed
17 in this section unless the context clearly indicates otherwise:

18 (a) "Approved project costs" means actual costs
19 incurred by an approved participant for land acquisition,
20 construction, engineering, design and other costs approved by the
21 Mississippi Development Authority relating to a tourism project;
22 however, for the purposes of a tourism project described in



paragraph (d)(iv) of this section, such costs include only those 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,



48 furnishings, amenities and other related soft costs approved by
49 the * * * MDA, and having a minimum private investment of * * *
50 Two Hundred Fifty Thousand Dollars (\$250,000.00) per guest room
51 which amount shall be included within the minimum private
52 investment of * * * Fifty Million Dollars (\$50,000,000.00);

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

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



73 included within the minimum private investment of * * *

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

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

81 (vi) A cultural retail attraction;

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

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



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

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

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

(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:



- 148 1. Art created by Mississippi artists or
149 portraying themes specific to Mississippi;
150 2. Memorabilia, signage or historical markers
151 which serve to promote the State of Mississippi;
152 3. Audio/visual equipment used to showcase
153 Mississippi artists;
154 4. A minimum of one thousand two hundred
155 fifty (1,250) square feet of heated and cooled space available to
156 the * * * MDA or its assignee for a period of not less than ten
157 (10) years.

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

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

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

164 57-26-7. The MDA shall not approve any application submitted
165 after June 30, * * * 2027, pursuant to Section 57-26-5 for a
166 project that includes any resort development.

167 **SECTION 3.** This act shall take effect and be in force from
168 and after its passage, and shall stand repealed one (1) day before
169 its passage.

