

By: Representative Brown

To: Ways and Means

HOUSE BILL NO. 1007
(As Passed the House)

1 AN ACT TO AUTHORIZE THE MISSISSIPPI VETERANS MEMORIAL STADIUM
2 COMMISSION TO LEASE CERTAIN STATE-OWNED REAL PROPERTY FOR THE
3 PURPOSE OF THE CONSTRUCTION OF IMPROVEMENTS THEREON AND TO ENTER
4 INTO RELATED AGREEMENTS; TO AMEND SECTIONS 55-23-7, 55-23-9,
5 55-23-11, 55-23-15, 55-23-21, 55-23-41, 55-23-43, 55-23-45,
6 55-23-49, 19-9-5 AND 21-33-303, MISSISSIPPI CODE OF 1972, IN
7 CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

9 SECTION 1. (1) The Mississippi Veterans Memorial Stadium
10 Commission, in its discretion, is authorized to enter into one or
11 more lease agreements with one or more public or private entities
12 in regard to the granting of a property interest to such public or
13 private entities in all or any part of the real property located
14 in Hinds County, Mississippi, generally known as the "Mississippi
15 Veterans Memorial Stadium Property," being any property under the
16 jurisdiction of the Mississippi Veterans Memorial Stadium
17 Commission and any other state-owned property located in the area
18 bounded on the North by Taylor Street, on the West by North West
19 Street, on the South by Woodrow Wilson Avenue and on the East by
20 North State Street used as part of or in connection with
21 Mississippi Veterans Memorial Stadium, for the purpose of the
22 construction of improvements thereon.

23 (2) Any lease authorized in this section may be for such
24 consideration as determined appropriate by the Mississippi
25 Veterans Memorial Stadium Commission and may be for a primary term
26 not to exceed twenty-five (25) years and may be renewed for a term
27 not to exceed twenty-five (25) years.

28 (3) In and for the consideration to be provided under any
29 lease, the Mississippi Veterans Memorial Stadium Commission, in
30 its discretion, is authorized to, on such terms and conditions
31 determined to be appropriate by the Mississippi Veterans Memorial
32 Stadium Commission: (a) enter into agreements with any such
33 lessee or lessees (or any designee of any such lessee or lessees),
34 which agreements may extend over any period of time not exceeding
35 the term of such lease (including renewals and extensions)
36 permitting use of any property referred to in subsection (1) of
37 this section for parking, access and other uses in connection with
38 events in facilities constructed on property leased from the
39 Mississippi Veterans Memorial Stadium Commission; (b) grant, as
40 part of and for the term of any lease, to any lessee or lessees
41 (or any designee of any such lessee or lessees), one or more
42 easements with respect to all or any part of the property referred
43 to in subsection (1) of this section for vehicle and pedestrian
44 ingress and egress, for vehicle parking and for such other
45 purposes necessary and appropriate for the construction, operation
46 and use of the improvements; (c) enter into agreements with any
47 such lessee or lessees (or any designee of any such lessee or
48 lessees), which agreements may extend over any period of time not
49 exceeding the term of such lease (including renewals and
50 extensions), permitting use by such lessee or lessees (or any
51 designee of any such lessee or lessees) of Mississippi Veterans
52 Memorial Stadium for events; (d) enter into agreements with any
53 such lessee or lessees (or any designee of any such lessee or
54 lessees), which agreements may extend over any period of time not
55 exceeding the term of such lease (including renewals and
56 extensions), pursuant to which the state shall be obligated to
57 purchase improvements constructed on such property upon terms and
58 for a purchase price, not to exceed Twelve Million Dollars
59 (\$12,000,000.00), as set forth in or determined in accordance with
60 such agreement; and/or (e) enter into such other agreements with

61 any such lessee or lessees (or any designee of any such lessee or
62 lessees) or any other public or private entities, which agreements
63 may extend over any period of time not exceeding the term of such
64 lease (including renewals and extensions), relating to any such
65 lease and any improvements to be constructed on property leased
66 from the Mississippi Veterans Memorial Stadium Commission as the
67 Mississippi Veterans Memorial Stadium Commission shall determine
68 to be appropriate. However, the State of Mississippi shall not be
69 obligated to purchase any improvements constructed on property
70 leased under this section unless the construction of all such
71 improvements on the property is complete. The Department of
72 Finance and Administration, acting through the Bureau of Building,
73 Grounds and Real Property Management shall make the determination
74 regarding whether the construction of the improvements is
75 complete.

76 (4) Any public body shall be authorized to enter into: (a)
77 agreements (which may extend over any period of time) with the
78 Mississippi Veterans Memorial Stadium Commission, any public body,
79 any party leasing property from the Mississippi Veterans Memorial
80 Stadium Commission (or any designee or designees of any such
81 lessee), and/or any other party to provide or contribute funds in
82 connection with the construction, financing and/or operation of
83 any improvements constructed on property leased from the
84 Mississippi Veterans Memorial Stadium Commission, and any such
85 agreement or agreements and the obligations of any public body
86 thereunder shall not be included in computing amounts subject to
87 any debt limitations applicable to any such public body; and/or
88 (b) agreements (which may extend over any period of time) to lease
89 property from the Mississippi Veterans Memorial Stadium Commission
90 and to provide or contribute funds in connection with the
91 construction, financing and/or operation of any improvements
92 constructed on such property and to lease or sublease any such
93 property or improvements to public or private entities, and any

94 such agreement or agreements shall not be included in computing
95 amounts subject to any debt limitations applicable to any such
96 public body.

97 (5) The Mississippi Veterans Memorial Stadium Commission, in
98 its discretion, is authorized to enter into all other agreements
99 as may be necessary or appropriate in connection with any
100 financing by any lessee or lessees (or any designee of any such
101 lessee or lessees) of any improvements to be constructed on
102 property leased from the Mississippi Veterans Memorial Stadium
103 Commission.

104 (6) The provisions of any statutes establishing a role for
105 the Department of Finance and Administration and the State Bond
106 Commission in financing, construction and improvement of buildings
107 on the Veterans Memorial Stadium property shall not apply to the
108 financing, refinancing, construction, repair or improvement of any
109 improvements on any property leased pursuant to this act.

110 (7) Before entering into any lease or other agreement with
111 any private entity under this section, the Mississippi Veterans
112 Memorial Stadium Commission shall require such entity to enter
113 into a binding commitment providing that if the private entity
114 fails to complete the construction of all improvements commenced
115 by the entity on property leased under this section, such entity
116 shall reimburse the State of Mississippi for costs incurred by the
117 state relating to the improvements. The Department of Finance and
118 Administration, acting through the Bureau of Building, Grounds and
119 Real Property Management shall make the determination regarding
120 whether the construction of the improvements is complete.

121 (8) Any lease or other agreement entered into by the
122 Mississippi Veterans Memorial Stadium Commission under this
123 section shall not be valid unless approved by the Department of
124 Finance and Administration, the Public Procurement Review Board
125 and the Attorney General.

126 (9) The Mississippi Veterans Memorial Stadium Commission may
127 not enter into any lease or other agreement under this section
128 after October 1, 2001.

129 SECTION 2. Section 55-23-7, Mississippi Code of 1972, is
130 amended as follows:

131 55-23-7. Any construction, renovation, repair and
132 reconstruction to the facilities and property of the Mississippi
133 Veterans Memorial Stadium shall be carried on under the direction
134 of the commission, which is authorized to make and enter into such
135 contracts, agreements and undertakings as may be necessary to
136 effect this purpose. The commission may take any action
137 authorized in Section 1 of House Bill No. , 2001 Regular
138 Session, relating to the facilities and property of the
139 Mississippi Veterans Memorial Stadium.

140 SECTION 3. Section 55-23-9, Mississippi Code of 1972, is
141 amended as follows:

142 55-23-9. The commission shall operate the Mississippi
143 Veterans Memorial Stadium and to that end may employ such agents
144 and employees as may be required in connection therewith. It may
145 enter into contracts for the use of the stadium, and fix the
146 amount of the compensation therefor, and collect the same when
147 due. The commission may take any action authorized in Section 1
148 of House Bill No. , 2001 Regular Session, relating to the
149 Mississippi Veterans Memorial Stadium and the property described
150 in Section 1 of House Bill No. , 2001 Regular Session.

151 All monies and revenues, including the amusement tax imposed
152 upon the sale of tickets for admission to the stadium, and all
153 monies arising from the use of stadium property, including that
154 realized from the sale of concessions, shall be paid by the
155 commission to the State Treasurer, to be placed to the credit of a
156 special fund to be known as the "Mississippi Veterans Memorial
157 Stadium Operating Fund" and any references in the laws to the
158 "Mississippi Memorial Stadium Fund" or the "Mississippi Veterans

159 Memorial Stadium Fund" shall mean the "Mississippi Veterans
160 Memorial Stadium Operating Fund" unless the context clearly
161 indicates otherwise. Any interest earned on amounts deposited in
162 the Mississippi Veterans Memorial Stadium Operating Fund shall be
163 credited to such special fund. Provided, however, that
164 twenty-five percent (25%) of all profits realized by the
165 commission from the sale of concessions at athletic events when
166 Jackson State University is the home team shall be deposited to
167 the credit of a special auxiliary fund and authorized for
168 expenditure by the Board of Trustees of State Institutions of
169 Higher Learning exclusively for the support of intercollegiate
170 athletics at such university. All expenses incident to the
171 operation and upkeep of the facilities and property managed by the
172 commission shall be paid out of the Mississippi Veterans Memorial
173 Stadium Operating Fund by warrants drawn by the Department of
174 Finance and Administration, which shall be issued on the
175 requisition of the commission.

176 All tickets sold to an event conducted in the Mississippi
177 Veterans Memorial Stadium shall have printed in an appropriate and
178 prominent place thereon the words A.C. "Butch" Lambert Field.

179 SECTION 4. Section 55-23-11, Mississippi Code of 1972, is
180 amended as follows:

181 55-23-11. The commission shall promulgate rules and
182 regulations governing the use of the lands and facilities under
183 its supervision. The commission may take any action authorized in
184 Section 1 of House Bill No. , 2001 Regular Session, relating
185 to the property described in such section.

186 SECTION 5. Section 55-23-15, Mississippi Code of 1972, is
187 amended as follows:

188 55-23-15. The Mississippi Veterans Memorial Stadium
189 Commission is hereby authorized to utilize certain state-owned
190 land in Hinds County bounded on the east by North State Street, on
191 the north by Taylor Street, on the west by North West Street, and

192 on the south by a street or driveway known as Stadium Drive as a
193 public parking facility establishing reasonable rules and
194 regulations connected with the operation of such a facility,
195 including fees for the privilege of parking. The parking
196 facilities shall not be extended any farther to the east than as
197 the facilities existed on January 1, 1996. Further, the portion
198 of the property described in this section, except the property
199 west of the stadium between the stadium and North West Street,
200 that was undeveloped as of January 1, 1996, shall remain
201 undeveloped unless the Legislature enacts legislation approving
202 the development of such property. The portion of the property
203 described in this section that is west of the stadium between the
204 stadium and North West Street may be developed to provide parking
205 facilities for the Mississippi Department of Transportation
206 offices located on North West Street. The Mississippi Veterans
207 Memorial Stadium Commission may take any action authorized in
208 Section 1 of House Bill No. _____, 2001 Regular Session, relating
209 to the property described in such section.

210 SECTION 6. Section 55-23-21, Mississippi Code of 1972, is
211 amended as follows:

212 55-23-21. The Building Commission is hereby authorized and
213 empowered, in addition to all other powers and duties of such
214 commission, to enlarge and renovate the Mississippi Veterans
215 Memorial Stadium in order to provide for a modern stadium having a
216 seating capacity of approximately sixty-two thousand seven hundred
217 thirty-one (62,731) persons, such authority to be conditioned upon
218 a contribution by Hinds County, Mississippi, to the Building
219 Commission of a sum of One Million Dollars (\$1,000,000.00) for
220 such enlargement and renovation. The parking facilities shall not
221 be extended any farther to the east than as the facilities existed
222 on January 1, 1996. Further, the portion of the state-owned
223 property on which the stadium and parking facilities are located,
224 except the property west of the stadium between the stadium and

225 North West Street, that was undeveloped as of January 1, 1996,
226 shall remain undeveloped unless the Legislature enacts legislation
227 approving the development of such property. The portion of the
228 state-owned property on which the stadium is located that is west
229 of the stadium between the stadium and North West Street may be
230 developed to provide parking facilities for the Mississippi
231 Department of Transportation offices located on North West Street.
232 The Mississippi Veterans Memorial Stadium Commission may take any
233 action authorized in Section 1 of House Bill No. , 2001
234 Regular Session, relating to the property described in such
235 section.

236 SECTION 7. Section 55-23-41, Mississippi Code of 1972, is
237 amended as follows:

238 55-23-41. The proceeds of the bonds authorized in Sections
239 55-23-21 through 55-23-43 and funds appropriated for the
240 enlargement and renovation of the Mississippi Veterans Memorial
241 Stadium, including the funds to be supplied by Hinds County and
242 also including funds from any and all other sources set aside for
243 such enlargement and renovation by the Building Commission shall
244 be used for the purpose of enlarging and renovating all physical
245 components which make up the Mississippi Veterans Memorial Stadium
246 and, except for the funds contributed by Hinds County, shall be
247 deposited in the Mississippi Memorial Stadium Construction Fund,
248 hereby created in the State Treasury. The funds contributed by
249 Hinds County shall be deposited as provided in Section 55-23-23.
250 To that end the commission is hereby authorized and empowered to
251 make and enter into such contracts and execute such instruments
252 containing such reasonably appropriate terms and conditions as, in
253 its discretion, it may deem necessary, proper or advisable for the
254 purpose of carrying out the terms of Sections 55-23-21 through
255 55-23-43, including the acceptance of that proportion of the cost
256 of improvements required by the terms of Sections 55-23-21 through
257 55-23-43 to be contributed by Hinds County. Any funds received by

258 the Mississippi Veterans Memorial Stadium Commission under Section
259 1 of House Bill No. , 2001 Regular Session, may be used for
260 any purpose authorized in this section or Section 1 of House Bill
261 No. , 2001 Regular Session, or both.

262 SECTION 8. Section 55-23-43, Mississippi Code of 1972, is
263 amended as follows:

264 55-23-43. The Building Commission may employ competent
265 architects, engineers and other qualified agents to prepare plans,
266 specifications and such other data as may be necessary to enable
267 it to carry out the purposes of Sections 55-23-21 through 55-23-43
268 in a manner consistent with sound construction principles. When
269 the plans and specifications have been approved and accepted by
270 the Building Commission, contracts for the various phases of
271 construction shall then be let by the Building Commission in the
272 manner provided by law to competent and responsible firms or
273 individuals whose work shall proceed under the constant inspection
274 of a reliable and competent inspector to be furnished for that
275 purpose by the State Building Commission. All expenses incurred
276 in the enlargement and renovation under the provisions of Sections
277 55-23-21 through 55-23-43 shall be paid from the Mississippi
278 Memorial Stadium Construction Fund created herein. The
279 Mississippi Veterans Memorial Stadium Commission may take any
280 action authorized in Section 1 of House Bill No. , 2001
281 Regular Session, relating to the property described in such
282 section.

283 SECTION 9. Section 55-23-45, Mississippi Code of 1972, is
284 amended as follows:

285 55-23-45. The Building Commission is hereby authorized and
286 empowered to repair and remodel the Mississippi Memorial Stadium
287 and, notwithstanding the seating capacity limitations set out in
288 Sections 55-23-21 through 55-23-43, to enlarge said stadium as
289 funds become available for said purpose. The parking facilities
290 shall not be extended any farther to the east than as the

291 facilities existed on January 1, 1996. Further, the portion of
292 the state-owned property on which the stadium and parking
293 facilities are located, except the property west of the stadium
294 between the stadium and North West Street, that was undeveloped as
295 of January 1, 1996, shall remain undeveloped unless the
296 Legislature enacts legislation approving the development of such
297 property. The portion of state-owned property on which the
298 stadium is located that is west of the stadium between the stadium
299 and North West Street may be developed to provide parking
300 facilities for the Mississippi Department of Transportation
301 offices located on North West Street. The Mississippi Veterans
302 Memorial Stadium Commission may take any action authorized in
303 Section 1 of House Bill No. , 2001 Regular Session, relating
304 to the property described in such section.

305 SECTION 10. Section 55-23-49, Mississippi Code of 1972, is
306 amended as follows:

307 55-23-49. The cost of repairing, remodeling and enlarging
308 the Mississippi Memorial Stadium shall be paid from any funds
309 appropriated by the Legislature for such purposes, or from the
310 sale of revenue bonds or general obligation bonds issued for this
311 purpose, as may be hereafter authorized by the Legislature. The
312 costs of construction of improvements made under Section 1 of
313 House Bill No. , 2001 Regular Session, may be paid from any
314 funds provided under this section or Section 1 of House Bill No. ,
315 2001 Regular Session, or both.

316 SECTION 11. Section 19-9-5, Mississippi Code of 1972, is
317 amended as follows:

318 19-9-5. No county shall hereafter issue bonds secured by a
319 pledge of its full faith and credit for the purposes authorized by
320 law in an amount which, when added to the then outstanding bonds
321 of such county, shall exceed either (a) fifteen percent (15%) of
322 the assessed value of the taxable property within such county
323 according to the last completed assessment for taxation, or (b)

324 fifteen percent (15%) of the assessment upon which taxes were
325 levied for its fiscal year ending September 30, 1984, whichever is
326 greater.

327 However, any county in the state which shall have experienced
328 washed-out or collapsed bridges on the public roads of the county
329 for any cause or reason may hereafter issue bonds for bridge
330 purposes as now authorized by law in an amount which, when added
331 to the then outstanding general obligation bonds of such county,
332 shall not exceed either (a) twenty percent (20%) of the assessed
333 value of the taxable property within such county according to the
334 last completed assessment for taxation or (b) fifteen percent
335 (15%) of the assessment upon which taxes were levied for its
336 fiscal year ending September 30, 1984, whichever is greater.

337 Provided further, in computing such indebtedness, there may
338 be deducted all bonds or other evidences of indebtedness
339 heretofore or hereafter issued, for the construction of hospitals,
340 ports or other capital improvements which are payable primarily
341 from the net revenue to be generated from such hospital, port or
342 other capital improvement, which revenue shall be pledged to the
343 retirement of such bonds or other evidences of indebtedness,
344 together with the full faith and credit of the county. However,
345 in no case shall any county contract any indebtedness payable in
346 whole or in part from proceeds of ad valorem taxes which, when
347 added to all of the outstanding general obligation indebtedness,
348 both bonded and floating, shall exceed either (a) twenty percent
349 (20%) of the assessed value of all taxable property within such
350 county according to the last completed assessment for taxation, or
351 (b) fifteen percent (15%) of the assessment upon which taxes were
352 levied for its fiscal year ending September 30, 1984, whichever is
353 greater. Nothing herein contained shall be construed to apply to
354 contract obligations in any form heretofore or hereafter incurred
355 by any county which are subject to annual appropriations therefor,
356 or to bonds heretofore or hereafter issued by any county for

357 school purposes, or to bonds issued by any county under the
358 provisions of Sections 57-1-1 through 57-1-51, or to any
359 indebtedness incurred under Section 1 of House Bill No. _____,
360 2001 Regular Session.

361 SECTION 12. Section 21-33-303, Mississippi Code of 1972, is
362 amended as follows:

363 21-33-303. No municipality shall hereafter issue bonds
364 secured by a pledge of its full faith and credit for the purposes
365 authorized by law in an amount which, when added to the then
366 outstanding bonded indebtedness of such municipality, shall exceed
367 either (a) fifteen percent (15%) of the assessed value of the
368 taxable property within such municipality, according to the last
369 completed assessment for taxation, or (b) ten percent (10%) of the
370 assessment upon which taxes were levied for its fiscal year ending
371 September 30, 1984, whichever is greater. In computing such
372 indebtedness, there may be deducted all bonds or other evidences
373 of indebtedness, heretofore or hereafter issued, for school,
374 water, sewerage systems, gas, and light and power purposes and for
375 the construction of special improvements primarily chargeable to
376 the property benefited, or for the purpose of paying the
377 municipality's proportion of any betterment program, a portion of
378 which is primarily chargeable to the property benefited. However,
379 in no case shall any municipality contract any indebtedness which,
380 when added to all of the outstanding general obligation
381 indebtedness, both bonded and floating, shall exceed either (a)
382 twenty percent (20%) of the assessed value of all taxable property
383 within such municipality according to the last completed
384 assessment for taxation or (b) fifteen percent (15%) of the
385 assessment upon which taxes were levied for its fiscal year ending
386 September 30, 1984, whichever is greater. Nothing herein
387 contained shall be construed to apply to contract obligations in
388 any form heretofore or hereafter incurred by any municipality
389 which are subject to annual appropriations therefor, or to bonds

390 heretofore issued by any municipality for school purposes, or to
391 contract obligations in any form heretofore or hereafter incurred
392 by any municipality which are payable exclusively from the
393 revenues of any municipally-owned utility, or to bonds issued by
394 any municipality under the provisions of Sections 57-1-1 through
395 57-1-51, or to any special assessment improvement bonds issued by
396 any municipality under the provisions of Sections 21-41-1 through
397 21-41-53, or to any indebtedness incurred under Section 1 of House
398 Bill No. _____, 2001 Regular Session.

399 All bonds issued prior to July 1, 1990, pursuant to this
400 chapter by any municipality for the purpose of the constructing,
401 replacing, renovating or improving wastewater collection and
402 treatment facilities in order to comply with an administrative
403 order of the Mississippi Department of Natural Resources issued
404 pursuant to the Federal Water Pollution Control Act and amendments
405 thereto, are hereby exempt from the limitation imposed by this
406 section if the governing body of the municipality adopts an order,
407 resolution or ordinance to the effect that the rates paid by the
408 users of such facilities shall be increased to the extent
409 necessary to provide sufficient funds for the payment of the
410 principal of and interest on such bonds as each respectively
411 becomes due and payable as well as the necessary expenses in
412 connection with the operation and maintenance of such facilities.

413 SECTION 13. This act shall take effect and be in force from
414 and after its passage.