

By: Representative Brown

To: Ways and Means

HOUSE BILL NO. 1007
(As Sent to Governor)

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 and/or any
58 residual rights in connection with such improvements upon terms
59 and for a purchase price, not to exceed Ten Million Dollars
60 (\$10,000,000.00), as set forth in or determined in accordance with

61 such agreement; (e) enter into agreements with any such lessee or
62 lessees (or any designee of any such lessee or lessees) providing
63 that such lessee or lessees (or any designee of any such lessee or
64 lessees) shall indemnify and hold harmless the Mississippi
65 Veterans Memorial Stadium Commission for any personal injury or
66 property damage related to events conducted on property leased
67 from the Mississippi Veterans Memorial Stadium Commission; and/or
68 (f) enter into such other agreements with any such lessee or
69 lessees (or any designee of any such lessee or lessees) or any
70 other public or private entities, which agreements may extend over
71 any period of time not exceeding the term of such lease (including
72 renewals and extensions), relating to any such lease and any
73 improvements to be constructed on property leased from the
74 Mississippi Veterans Memorial Stadium Commission as the
75 Mississippi Veterans Memorial Stadium Commission shall determine
76 to be appropriate. However, the State of Mississippi shall not be
77 obligated to purchase any improvements constructed on property
78 leased under this section and/or any residual rights in connection
79 with such improvements unless the construction of all such
80 improvements on the property is complete. The Department of
81 Finance and Administration, acting through the Bureau of Building,
82 Grounds and Real Property Management shall make the determination
83 regarding whether the construction of the improvements is
84 complete.

85 (4) Any public body shall be authorized to enter into: (a)
86 agreements (which may extend over any period of time) with the
87 Mississippi Veterans Memorial Stadium Commission, any public body,
88 any party leasing property from the Mississippi Veterans Memorial
89 Stadium Commission (or any designee or designees of any such
90 lessee), and/or any other party to provide or contribute funds in
91 connection with the construction, financing and/or operation of
92 any improvements constructed on property leased from the
93 Mississippi Veterans Memorial Stadium Commission, and any such

94 agreement or agreements and the obligations of any public body
95 thereunder shall not be included in computing amounts subject to
96 any debt limitations applicable to any such public body; and/or
97 (b) agreements (which may extend over any period of time) to lease
98 property from the Mississippi Veterans Memorial Stadium Commission
99 and to provide or contribute funds in connection with the
100 construction, financing and/or operation of any improvements
101 constructed on such property and to lease or sublease any such
102 property or improvements to public or private entities, and any
103 such agreement or agreements shall not be included in computing
104 amounts subject to any debt limitations applicable to any such
105 public body.

106 (5) The Mississippi Veterans Memorial Stadium Commission, in
107 its discretion, is authorized to enter into all other agreements
108 as may be necessary or appropriate in connection with any
109 financing by any lessee or lessees (or any designee of any such
110 lessee or lessees) of any improvements to be constructed on
111 property leased from the Mississippi Veterans Memorial Stadium
112 Commission.

113 (6) The provisions of any statutes establishing a role for
114 the Department of Finance and Administration and the State Bond
115 Commission in financing, construction and improvement of buildings
116 on the Veterans Memorial Stadium property shall not apply to the
117 financing, refinancing, construction, repair or improvement of any
118 improvements on any property leased pursuant to this act.

119 (7) Before entering into any lease or other agreement with
120 any private entity under this section, the Mississippi Veterans
121 Memorial Stadium Commission shall require such entity to enter
122 into a binding commitment providing that if the private entity
123 fails to complete the construction of all improvements commenced
124 by the entity on property leased under this section, such entity
125 shall reimburse the State of Mississippi for costs incurred by the
126 state relating to the improvements. The Department of Finance and

127 Administration, acting through the Bureau of Building, Grounds and
128 Real Property Management shall make the determination regarding
129 whether the construction of the improvements is complete.

130 (8) Any lease or other agreement entered into by the
131 Mississippi Veterans Memorial Stadium Commission under this
132 section shall not be valid unless approved by the Department of
133 Finance and Administration, the Public Procurement Review Board
134 and the Attorney General.

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

138 (10) Any lessee or lessees (or any designee of any such
139 lessee or lessees) of property leased from the Mississippi
140 Veterans Memorial Stadium Commission under this section shall not
141 be considered as being the state, any political subdivision of the
142 state or any officer or servant of the state for the purposes of
143 any liability that may be waived under Section 11-46-1 et seq.,
144 Mississippi Code of 1972.

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

147 55-23-7. Any construction, renovation, repair and
148 reconstruction to the facilities and property of the Mississippi
149 Veterans Memorial Stadium shall be carried on under the direction
150 of the commission, which is authorized to make and enter into such
151 contracts, agreements and undertakings as may be necessary to
152 effect this purpose. The commission may take any action
153 authorized in Section 1 of House Bill No. 1007, 2001 Regular
154 Session, relating to the facilities and property of the
155 Mississippi Veterans Memorial Stadium.

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

158 55-23-9. The commission shall operate the Mississippi
159 Veterans Memorial Stadium and to that end may employ such agents

160 and employees as may be required in connection therewith. It may
161 enter into contracts for the use of the stadium, and fix the
162 amount of the compensation therefor, and collect the same when
163 due. The commission may take any action authorized in Section 1
164 of House Bill No. 1007, 2001 Regular Session, relating to the
165 Mississippi Veterans Memorial Stadium and the property described
166 in Section 1 of House Bill No. 1007, 2001 Regular Session.

167 All monies and revenues, including the amusement tax imposed
168 upon the sale of tickets for admission to the stadium, and all
169 other events on stadium property and all monies arising from other
170 use of stadium property, including that realized from the sale of
171 concessions, shall be paid by the commission to the State
172 Treasurer, to be placed to the credit of a special fund to be
173 known as the "Mississippi Veterans Memorial Stadium Operating
174 Fund" and any references in the laws to the "Mississippi Memorial
175 Stadium Fund" or the "Mississippi Veterans Memorial Stadium Fund"
176 shall mean the "Mississippi Veterans Memorial Stadium Operating
177 Fund" unless the context clearly indicates otherwise. Any
178 interest earned on amounts deposited in the Mississippi Veterans
179 Memorial Stadium Operating Fund shall be credited to such special
180 fund. Provided, however, that twenty-five percent (25%) of all
181 profits realized by the commission from the sale of concessions at
182 athletic events when Jackson State University is the home team
183 shall be deposited to the credit of a special auxiliary fund and
184 authorized for expenditure by the Board of Trustees of State
185 Institutions of Higher Learning exclusively for the support of
186 intercollegiate athletics at such university. All expenses
187 incident to the operation and upkeep of the facilities and
188 property managed by the commission shall be paid out of the
189 Mississippi Veterans Memorial Stadium Operating Fund by warrants
190 drawn by the Department of Finance and Administration, which shall
191 be issued on the requisition of the commission.

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

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

197 55-23-11. The commission shall promulgate rules and
198 regulations governing the use of the lands and facilities under
199 its supervision. The commission may take any action authorized in
200 Section 1 of House Bill No. 1007, 2001 Regular Session, relating
201 to the property described in such section.

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

204 55-23-15. The Mississippi Veterans Memorial Stadium
205 Commission is hereby authorized to utilize certain state-owned
206 land in Hinds County bounded on the east by North State Street, on
207 the north by Taylor Street, on the west by North West Street, and
208 on the south by a street or driveway known as Stadium Drive as a
209 public parking facility establishing reasonable rules and
210 regulations connected with the operation of such a facility,
211 including fees for the privilege of parking. The parking
212 facilities shall not be extended any farther to the east than as
213 the facilities existed on January 1, 1996. Further, the portion
214 of the property described in this section, except the property
215 west of the stadium between the stadium and North West Street,
216 that was undeveloped as of January 1, 1996, shall remain
217 undeveloped unless the Legislature enacts legislation approving
218 the development of such property. The portion of the property
219 described in this section that is west of the stadium between the
220 stadium and North West Street may be developed to provide parking
221 facilities for the Mississippi Department of Transportation
222 offices located on North West Street. The Mississippi Veterans
223 Memorial Stadium Commission may take any action authorized in

224 Section 1 of House Bill No. 1007, 2001 Regular Session, relating
225 to the property described in such section.

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

228 55-23-21. The Building Commission is hereby authorized and
229 empowered, in addition to all other powers and duties of such
230 commission, to enlarge and renovate the Mississippi Veterans
231 Memorial Stadium in order to provide for a modern stadium having a
232 seating capacity of approximately sixty-two thousand seven hundred
233 thirty-one (62,731) persons, such authority to be conditioned upon
234 a contribution by Hinds County, Mississippi, to the Building
235 Commission of a sum of One Million Dollars (\$1,000,000.00) for
236 such enlargement and renovation. The parking facilities shall not
237 be extended any farther to the east than as the facilities existed
238 on January 1, 1996. Further, the portion of the state-owned
239 property on which the stadium and parking facilities are located,
240 except the property west of the stadium between the stadium and
241 North West Street, that was undeveloped as of January 1, 1996,
242 shall remain undeveloped unless the Legislature enacts legislation
243 approving the development of such property. The portion of the
244 state-owned property on which the stadium is located that is west
245 of the stadium between the stadium and North West Street may be
246 developed to provide parking facilities for the Mississippi
247 Department of Transportation offices located on North West Street.
248 The Mississippi Veterans Memorial Stadium Commission may take any
249 action authorized in Section 1 of House Bill No. 1007, 2001
250 Regular Session, relating to the property described in such
251 section.

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

254 55-23-41. The proceeds of the bonds authorized in Sections
255 55-23-21 through 55-23-43 and funds appropriated for the
256 enlargement and renovation of the Mississippi Veterans Memorial

257 Stadium, including the funds to be supplied by Hinds County and
258 also including funds from any and all other sources set aside for
259 such enlargement and renovation by the Building Commission shall
260 be used for the purpose of enlarging and renovating all physical
261 components which make up the Mississippi Veterans Memorial Stadium
262 and, except for the funds contributed by Hinds County, shall be
263 deposited in the Mississippi Memorial Stadium Construction Fund,
264 hereby created in the State Treasury. The funds contributed by
265 Hinds County shall be deposited as provided in Section 55-23-23.
266 To that end the commission is hereby authorized and empowered to
267 make and enter into such contracts and execute such instruments
268 containing such reasonably appropriate terms and conditions as, in
269 its discretion, it may deem necessary, proper or advisable for the
270 purpose of carrying out the terms of Sections 55-23-21 through
271 55-23-43, including the acceptance of that proportion of the cost
272 of improvements required by the terms of Sections 55-23-21 through
273 55-23-43 to be contributed by Hinds County. Any funds received by
274 the Mississippi Veterans Memorial Stadium Commission under Section
275 1 of House Bill No. 1007, 2001 Regular Session, may be used for
276 any purpose authorized in this section or Section 1 of House Bill
277 No. 1007, 2001 Regular Session, or both.

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

280 55-23-43. The Building Commission may employ competent
281 architects, engineers and other qualified agents to prepare plans,
282 specifications and such other data as may be necessary to enable
283 it to carry out the purposes of Sections 55-23-21 through 55-23-43
284 in a manner consistent with sound construction principles. When
285 the plans and specifications have been approved and accepted by
286 the Building Commission, contracts for the various phases of
287 construction shall then be let by the Building Commission in the
288 manner provided by law to competent and responsible firms or
289 individuals whose work shall proceed under the constant inspection

290 of a reliable and competent inspector to be furnished for that
291 purpose by the State Building Commission. All expenses incurred
292 in the enlargement and renovation under the provisions of Sections
293 55-23-21 through 55-23-43 shall be paid from the Mississippi
294 Memorial Stadium Construction Fund created herein. The
295 Mississippi Veterans Memorial Stadium Commission may take any
296 action authorized in Section 1 of House Bill No. 1007, 2001
297 Regular Session, relating to the property described in such
298 section.

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

301 55-23-45. The Building Commission is hereby authorized and
302 empowered to repair and remodel the Mississippi Veterans Memorial
303 Stadium and, notwithstanding the seating capacity limitations set
304 out in Sections 55-23-21 through 55-23-43, to enlarge said stadium
305 as funds become available for said purpose. The parking
306 facilities shall not be extended any farther to the east than as
307 the facilities existed on January 1, 1996. Further, the portion
308 of the state-owned property on which the stadium and parking
309 facilities are located, except the property west of the stadium
310 between the stadium and North West Street, that was undeveloped as
311 of January 1, 1996, shall remain undeveloped unless the
312 Legislature enacts legislation approving the development of such
313 property. The portion of state-owned property on which the
314 stadium is located that is west of the stadium between the stadium
315 and North West Street may be developed to provide parking
316 facilities for the Mississippi Department of Transportation
317 offices located on North West Street. The Mississippi Veterans
318 Memorial Stadium Commission may take any action authorized in
319 Section 1 of House Bill No. 1007, 2001 Regular Session, relating
320 to the property described in such section.

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

323 55-23-49. The cost of repairing, remodeling and enlarging
324 the Mississippi Veterans Memorial Stadium shall be paid from any
325 funds appropriated by the Legislature for such purposes, or from
326 the sale of revenue bonds or general obligation bonds issued for
327 this purpose, as may be hereafter authorized by the Legislature.
328 The costs of construction of improvements made under Section 1 of
329 House Bill No. 1007, 2001 Regular Session, may be paid from any
330 funds provided under this section or Section 1 of House Bill No.
331 1007, 2001 Regular Session, or both.

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

334 19-9-5. No county shall hereafter issue bonds secured by a
335 pledge of its full faith and credit for the purposes authorized by
336 law in an amount which, when added to the then outstanding bonds
337 of such county, shall exceed either (a) fifteen percent (15%) of
338 the assessed value of the taxable property within such county
339 according to the last completed assessment for taxation, or (b)
340 fifteen percent (15%) of the assessment upon which taxes were
341 levied for its fiscal year ending September 30, 1984, whichever is
342 greater.

343 However, any county in the state which shall have experienced
344 washed-out or collapsed bridges on the public roads of the county
345 for any cause or reason may hereafter issue bonds for bridge
346 purposes as now authorized by law in an amount which, when added
347 to the then outstanding general obligation bonds of such county,
348 shall not exceed either (a) twenty percent (20%) of the assessed
349 value of the taxable property within such county according to the
350 last completed assessment for taxation or (b) fifteen percent
351 (15%) of the assessment upon which taxes were levied for its
352 fiscal year ending September 30, 1984, whichever is greater.

353 Provided further, in computing such indebtedness, there may
354 be deducted all bonds or other evidences of indebtedness
355 heretofore or hereafter issued, for the construction of hospitals,

356 ports or other capital improvements which are payable primarily
357 from the net revenue to be generated from such hospital, port or
358 other capital improvement, which revenue shall be pledged to the
359 retirement of such bonds or other evidences of indebtedness,
360 together with the full faith and credit of the county. However,
361 in no case shall any county contract any indebtedness payable in
362 whole or in part from proceeds of ad valorem taxes which, when
363 added to all of the outstanding general obligation indebtedness,
364 both bonded and floating, shall exceed either (a) twenty percent
365 (20%) of the assessed value of all taxable property within such
366 county according to the last completed assessment for taxation, or
367 (b) fifteen percent (15%) of the assessment upon which taxes were
368 levied for its fiscal year ending September 30, 1984, whichever is
369 greater. Nothing herein contained shall be construed to apply to
370 contract obligations in any form heretofore or hereafter incurred
371 by any county which are subject to annual appropriations therefor,
372 or to bonds heretofore or hereafter issued by any county for
373 school purposes, or to bonds issued by any county under the
374 provisions of Sections 57-1-1 through 57-1-51, or to any
375 indebtedness incurred under Section 1 of House Bill No. 1007, 2001
376 Regular Session.

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

379 21-33-303. No municipality shall hereafter issue bonds
380 secured by a pledge of its full faith and credit for the purposes
381 authorized by law in an amount which, when added to the then
382 outstanding bonded indebtedness of such municipality, shall exceed
383 either (a) fifteen percent (15%) of the assessed value of the
384 taxable property within such municipality, according to the last
385 completed assessment for taxation, or (b) ten percent (10%) of the
386 assessment upon which taxes were levied for its fiscal year ending
387 September 30, 1984, whichever is greater. In computing such
388 indebtedness, there may be deducted all bonds or other evidences

389 of indebtedness, heretofore or hereafter issued, for school,
390 water, sewerage systems, gas, and light and power purposes and for
391 the construction of special improvements primarily chargeable to
392 the property benefited, or for the purpose of paying the
393 municipality's proportion of any betterment program, a portion of
394 which is primarily chargeable to the property benefited. However,
395 in no case shall any municipality contract any indebtedness which,
396 when added to all of the outstanding general obligation
397 indebtedness, both bonded and floating, shall exceed either (a)
398 twenty percent (20%) of the assessed value of all taxable property
399 within such municipality according to the last completed
400 assessment for taxation or (b) fifteen percent (15%) of the
401 assessment upon which taxes were levied for its fiscal year ending
402 September 30, 1984, whichever is greater. Nothing herein
403 contained shall be construed to apply to contract obligations in
404 any form heretofore or hereafter incurred by any municipality
405 which are subject to annual appropriations therefor, or to bonds
406 heretofore issued by any municipality for school purposes, or to
407 contract obligations in any form heretofore or hereafter incurred
408 by any municipality which are payable exclusively from the
409 revenues of any municipally-owned utility, or to bonds issued by
410 any municipality under the provisions of Sections 57-1-1 through
411 57-1-51, or to any special assessment improvement bonds issued by
412 any municipality under the provisions of Sections 21-41-1 through
413 21-41-53, or to any indebtedness incurred under Section 1 of House
414 Bill No. 1007, 2001 Regular Session.

415 All bonds issued prior to July 1, 1990, pursuant to this
416 chapter by any municipality for the purpose of the constructing,
417 replacing, renovating or improving wastewater collection and
418 treatment facilities in order to comply with an administrative
419 order of the Mississippi Department of Natural Resources issued
420 pursuant to the Federal Water Pollution Control Act and amendments
421 thereto, are hereby exempt from the limitation imposed by this

422 section if the governing body of the municipality adopts an order,
423 resolution or ordinance to the effect that the rates paid by the
424 users of such facilities shall be increased to the extent
425 necessary to provide sufficient funds for the payment of the
426 principal of and interest on such bonds as each respectively
427 becomes due and payable as well as the necessary expenses in
428 connection with the operation and maintenance of such facilities.

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