

## REPORT OF CONFERENCE COMMITTEE

**MR. SPEAKER AND MADAM PRESIDENT:**

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

H. B. No. 1007: Mississippi Veterans Memorial Stadium Commission; authorize to enter leases and other agreements regarding property under its control.

We, therefore, respectfully submit the following report and recommendation:

1. That the Senate recede from its Amendment No. 1.
2. That the House and Senate adopt the following amendment:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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.

CONFEREES FOR THE HOUSE

CONFEREES FOR THE SENATE

X \_\_\_\_\_

William J. McCoy

X \_\_\_\_\_

William R. Minor

X \_\_\_\_\_

Bobby B. Howell

X \_\_\_\_\_

Thomas E. Robertson

X \_\_\_\_\_

Jeffrey C. Smith

\_\_\_\_\_

Walter Michel