

By: Senator(s) Gollott, Hewes, Cuevas, Lee
(47th), Dawkins

To: Public Property

SENATE BILL NO. 3137

1 AN ACT TO AMEND SECTION 55-24-9, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE THE MISSISSIPPI COAST COLISEUM COMMISSION TO SELL,
3 EXCHANGE OR LEASE ITS SURPLUS REAL PROPERTY BY MEANS OF
4 COMPETITIVE BIDS OR RESOLUTION; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 55-24-9, Mississippi Code of 1972, is
7 amended as follows:

8 55-24-9. The Mississippi Coast Coliseum Commission, a
9 political subdivision of the State of Mississippi, shall have
10 jurisdiction and authority over all matters relating to
11 establishing, promoting, developing, locating, constructing,
12 maintaining and operating a multipurpose coliseum and related
13 facilities within Harrison County, Mississippi. Multipurpose
14 coliseum and related facilities shall include a multipurpose
15 coliseum or arena facility, a convention center and/or a fine arts
16 center. Such commission is authorized to acquire lands by
17 purchase, gift or the exercise of eminent domain as provided by
18 Section 11-27-1 et seq., above or below mean high-water mark. The
19 acquisition of lands below mean high-water mark by the commission
20 for the purposes authorized herein are declared to be in all
21 respects for the benefit of the people of the State of
22 Mississippi, a public purpose, and an essential governmental
23 function in the exercise of the powers conferred upon them by said
24 act.

25 Said commission, acting on behalf of the State of
26 Mississippi, shall have the right to reclaim submerged lands for
27 the purpose of constructing a coliseum and related facilities
28 thereon, and to acquire in its name on behalf of the state any

29 estate or property right therein or in other land necessary to the
30 purpose of this chapter by purchase, gift, deed or other transfer.
31 Title to all oil, gas and other minerals in, on or under any
32 lands, title to which is held by the State of Mississippi on
33 August 8, 1968, shall be reserved unto the State of Mississippi,
34 and all income derived from the sale or lease of such minerals
35 shall inure to the benefit of the State of Mississippi for such
36 purposes as the Legislature may direct. Provided, that prior to
37 utilization of lands in which title vests in the State of
38 Mississippi, a description of such land shall be submitted to the
39 Department of Finance and Administration and said utilization
40 shall not be commenced until or unless approval of such
41 utilization is given by the Department of Finance and
42 Administration.

43 The commission is authorized to own, furnish, equip and
44 operate said coliseum and all facilities and equipment necessary
45 or useful in the operation of said coliseum, to receive and
46 expend, subject to the provisions of this chapter, revenues from
47 any source, including the operation of the said coliseum and
48 related facilities, and to do all other things necessary to carry
49 out the purposes of this chapter. It is the intent of the
50 Legislature that no General Fund appropriations shall ever be made
51 for the operation and maintenance of such facilities operated
52 under the provisions of this chapter or for the cost of
53 administration.

54 The commission is authorized and directed to adopt uniform
55 rules and regulations regarding the granting of franchises,
56 licenses or leases, or the use, operation and maintenance of the
57 premises, and to publish the same for three (3) consecutive weeks
58 in a newspaper having a general circulation in the county and
59 fixing a time and place not more than ten (10) days after the last
60 publication to receive and hear objections to such rules and
61 regulations. In addition, a copy of such rules and regulations or

62 any revisions or amendments thereto shall be filed with the Clerk
63 of the Harrison County Board of Supervisors and with the Director
64 of the Department of Finance and Administration of the State of
65 Mississippi. The commission may revise or amend such rules and
66 regulations but such revisions shall be uniform and shall not be
67 adopted unless the commission shall publish the proposed change
68 three (3) consecutive weeks in a paper having a general
69 circulation in the county, and fixing a time and place not more
70 than ten (10) days after the last publication to receive and hear
71 objections to such changes.

72 Before granting any franchise, license or lease, the
73 commission shall first publish its intent to grant such franchise,
74 license or lease and the conditions upon which same shall be
75 granted. Such publication shall be made for three (3) consecutive
76 weeks in a newspaper having a general circulation in Harrison
77 County. All bids received shall be sealed, and shall be opened at
78 a date, time and place set forth in the publications, which date
79 shall not be less than five (5) days nor more than ten (10) days
80 after the last publication.

81 Unless the commission shall find that the successful bidder
82 cannot demonstrate financial responsibility to comply with the
83 terms and conditions of the franchise, license or lease, or cannot
84 perform the services required thereunder, it shall, subject to the
85 limitations set forth under this chapter, grant said franchise,
86 license or lease to the bidder whose proposal shall be in the best
87 financial interest of the commission. Provided, however, should
88 the apparent successful bid be rejected for the reasons
89 hereinabove set out, such rejection shall not be effective unless
90 such decision is concurred in by the Department of Finance and
91 Administration.

92 No such franchise, license or lease shall exceed a term of
93 five (5) years but may, at the option of the commission, be

94 extended under previously agreed and bid terms and conditions for
95 a period not to exceed five (5) additional years.

96 Any person aggrieved by any action of the commission may
97 appeal to the Circuit Court of Harrison County in the manner
98 provided for appeals from orders of the board of supervisors.

99 The commission is granted the power to sue and be sued in its
100 own name, and the commission is hereby authorized to take
101 liability insurance on the operation of said facilities in an
102 amount equal to the extent of its liability for claims or causes
103 of action arising from acts or omissions as provided in Section
104 11-46-15, Mississippi Code of 1972; provided, however, that
105 immunity from suit is only waived to the extent of such liability
106 insurance carried, and a judgment creditor shall have recourse
107 only to the proceeds or right to proceeds of such liability
108 insurance. No attempt shall be made in the trial of any case to
109 suggest the existence of any insurance which covers in whole or in
110 part any judgment or award rendered in favor of a claimant, but if
111 the verdict rendered by the jury exceeds the limit of applicable
112 insurance, the court on motion shall reduce the amount of said
113 judgment to a sum equal to the applicable limit stated in the
114 insurance policy.

115 The commission is granted the power to invest funds credited
116 to the Mississippi Coast Coliseum Commission Operating Fund. The
117 commission is vested with authority to designate depositories of
118 its funds, and to deposit said funds in interest-bearing accounts.
119 Provided, however, all funds in excess of ninety (90) days'
120 operating expenses, to the extent practicable, shall be invested
121 in Treasury bills or in interest-bearing accounts or approved
122 securities to include, but not limited to, U.S. Treasury bills and
123 U.S. Treasury notes and bonds, federal agency securities or
124 mortgage-backed securities guaranteed as to repayment of principal
125 by said government or an agency of said government, certificates
126 of deposit fully covered by insurance administered by the Federal

127 Deposit Insurance Corporation or covered by pledged securities,
128 repurchase agreements and short-term money market funds invested
129 in United States Government and United States Government agencies.

130 The commission is authorized to contract with any agency of
131 the United States or the State of Mississippi for a loan or grant,
132 and to give such agency any assurances of compliance with federal
133 or state laws which are not in conflict with the laws of the State
134 of Mississippi. It is the intent and purpose of this chapter that
135 the Coliseum Commission cooperate with agencies administering the
136 National Seashore Act of 1970.

137 Whenever any real property belonging to the commission shall
138 cease to be used or needed for the commission's purposes, the
139 commission may sell, exchange or lease the property on such terms
140 as the commission may elect. The deed of conveyance in such
141 transactions shall be executed in the name of the commission by
142 its commissioners pursuant to their order issued on the minutes of
143 their meetings. In any sale, exchange or lease of real property,
144 the commission shall retain all mineral rights that it owns,
145 together with the right of ingress and egress to remove same.
146 Before any sale, exchange or lease is made, the commissioners
147 shall publish at least once each week for three (3) consecutive
148 weeks, in a public newspaper of Harrison County, Mississippi, the
149 intention to sell, exchange or lease, as the case may be, the real
150 property and to accept sealed competitive bids for the sale,
151 exchange or lease. The commissioners shall thereafter accept bids
152 for the sale, exchange or lease and shall sell, exchange or lease
153 the property to the highest bidder in the manner provided by law.
154 However, whenever the commissioners shall find and determine, by
155 resolution duly and lawfully adopted and spread upon its minutes,
156 (a) that any commission owned real property is no longer needed
157 for commission purposes and is not to be used in the operation of
158 a multipurpose coliseum and related facilities, (b) that the sale,
159 exchange or lease of such property in the manner otherwise

160 provided for herein is not necessary or desirable for the
161 financial welfare of a multipurpose coliseum and related
162 facilities, and (c) that the use of such property for the purpose
163 for which it is to be sold, exchanged or leased will promote and
164 foster the development and improvement of the coliseum and its
165 related facilities, the commissioners shall be authorized and
166 empowered in their discretion to sell, exchange or lease the
167 property without having to advertise for and accept competitive
168 bids. In any case in which the commission proposes to sell,
169 exchange or lease real property under the provisions of this
170 section without advertising for accepting competitive bids,
171 consideration for the sale, exchange or lease of the property
172 shall be not less than the average of the fair market price for
173 the property as determined by three (3) professional property
174 appraisers selected by the commission and approved by the
175 purchaser, lessee or devisee. Appraisal fees shall be shared
176 equally by the commission and the purchaser, lessee or devisee.

177 The enumeration of any specific rights and powers contained
178 herein or elsewhere in this chapter where followed by general
179 powers shall not be construed in the restrictive sense but rather
180 in as broad and comprehensive sense as possible to effectuate the
181 purposes and intent of this chapter.

182 **SECTION 2.** This act shall take effect and be in force from
183 and after its passage.