

By: Representative Brown

To: Public Property

HOUSE BILL NO. 1126

1 AN ACT TO AMEND SECTION 55-23-8, MISSISSIPPI CODE OF 1972, TO
 2 REVISE THE TERM OF EXISTING LEASES ON ALL OR ANY PART OF THE
 3 MISSISSIPPI VETERANS MEMORIAL STADIUM PROPERTY ENTERED INTO BY THE
 4 MISSISSIPPI VETERANS MEMORIAL STADIUM COMMISSION FOR A MAXIMUM
 5 LEASE TERM NOT TO EXCEED FIFTY YEARS; TO PROVIDE LESSEES THE
 6 OPTION TO CONVERT ANY LEASE TO A FIFTY-YEAR TERM LEASE; TO
 7 AUTHORIZE SUCH COMMISSION TO TAKE ANY ACTIONS NECESSARY TO CARRY
 8 OUT SUCH PURPOSES; TO PROVIDE LESSEES THE OPTION TO CONVERT ANY
 9 LEASE ENTERED INTO WITH THE MISSISSIPPI VETERANS MEMORIAL STADIUM
 10 COMMISSION BEFORE THE EFFECTIVE DATE OF THIS ACT TO FIFTY-YEAR
 11 LEASES; AND FOR RELATED PURPOSES.

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

13 **SECTION 1.** Section 55-23-8, Mississippi Code of 1972, is
 14 amended as follows:

15 55-23-8. (1) The Mississippi Veterans Memorial Stadium
 16 Commission, in its discretion, is authorized to enter into one or
 17 more lease agreements with one or more public or private entities
 18 in regard to the granting of a property interest to such public or
 19 private entities in all or any part of the real property located
 20 in Hinds County, Mississippi, generally known as the "Mississippi
 21 Veterans Memorial Stadium Property," being any property under the
 22 jurisdiction of the Mississippi Veterans Memorial Stadium
 23 Commission and any other state-owned property located in the area
 24 bounded on the North by Taylor Street, on the West by North West
 25 Street, on the South by Woodrow Wilson Avenue and on the East by
 26 North State Street used as part of or in connection with
 27 Mississippi Veterans Memorial Stadium, for the purpose of the
 28 construction of improvements thereon.

29 (2) Except as otherwise provided in this subsection, any
 30 lease authorized in this section may be for such consideration as
 31 determined appropriate by the Mississippi Veterans Memorial

32 Stadium Commission and may be for a primary term not to exceed
33 twenty-five (25) years and may be renewed for a term not to exceed
34 twenty-five (25) years. However, any lease authorized under this
35 section and entered into before October 1, 2001, may, at the
36 option of the lessee, be converted to a fifty-year term lease
37 beginning on the date of the original lease and may not be renewed
38 after the end of the lease. The commission may prepare and
39 execute any documents and take any actions necessary to carry out
40 such purposes.

41 (3) In and for the consideration to be provided under any
42 lease, the Mississippi Veterans Memorial Stadium Commission, in
43 its discretion, is authorized to, on such terms and conditions
44 determined to be appropriate by the Mississippi Veterans Memorial
45 Stadium Commission: (a) enter into agreements with any such
46 lessee or lessees (or any designee of any such lessee or lessees),
47 which agreements may extend over any period of time not exceeding
48 the term of such lease (including renewals and extensions)
49 permitting use of any property referred to in subsection (1) of
50 this section for parking, access and other uses in connection with
51 events in facilities constructed on property leased from the
52 Mississippi Veterans Memorial Stadium Commission; (b) grant, as
53 part of and for the term of any lease, to any lessee or lessees
54 (or any designee of any such lessee or lessees), one or more
55 easements with respect to all or any part of the property referred
56 to in subsection (1) of this section for vehicle and pedestrian
57 ingress and egress, for vehicle parking and for such other
58 purposes necessary and appropriate for the construction, operation
59 and use of the improvements; (c) enter into agreements with any
60 such lessee or lessees (or any designee of any such lessee or
61 lessees), which agreements may extend over any period of time not
62 exceeding the term of such lease (including renewals and
63 extensions), permitting use by such lessee or lessees (or any
64 designee of any such lessee or lessees) of Mississippi Veterans

65 Memorial Stadium for events; (d) enter into agreements with any
66 such lessee or lessees (or any designee of any such lessee or
67 lessees), which agreements may extend over any period of time not
68 exceeding the term of such lease (including renewals and
69 extensions), pursuant to which the state shall be obligated to
70 purchase improvements constructed on such property and/or any
71 residual rights in connection with such improvements upon terms
72 and for a purchase price, not to exceed Ten Million Dollars
73 (\$10,000,000.00), as set forth in or determined in accordance with
74 such agreement; (e) enter into agreements with any such lessee or
75 lessees (or any designee of any such lessee or lessees) providing
76 that such lessee or lessees (or any designee of any such lessee or
77 lessees) shall indemnify and hold harmless the Mississippi
78 Veterans Memorial Stadium Commission for any personal injury or
79 property damage related to events conducted on property leased
80 from the Mississippi Veterans Memorial Stadium Commission; and/or
81 (f) enter into such other agreements with any such lessee or
82 lessees (or any designee of any such lessee or lessees) or any
83 other public or private entities, which agreements may extend over
84 any period of time not exceeding the term of such lease (including
85 renewals and extensions), relating to any such lease and any
86 improvements to be constructed on property leased from the
87 Mississippi Veterans Memorial Stadium Commission as the
88 Mississippi Veterans Memorial Stadium Commission shall determine
89 to be appropriate. However, the State of Mississippi shall not be
90 obligated to purchase any improvements constructed on property
91 leased under this section and/or any residual rights in connection
92 with such improvements unless the construction of all such
93 improvements on the property is complete. The Department of
94 Finance and Administration, acting through the Bureau of Building,
95 Grounds and Real Property Management shall make the determination
96 regarding whether the construction of the improvements is
97 complete.

98 (4) Any public body shall be authorized to enter into: (a)
99 agreements (which may extend over any period of time) with the
100 Mississippi Veterans Memorial Stadium Commission, any public body,
101 any party leasing property from the Mississippi Veterans Memorial
102 Stadium Commission (or any designee or designees of any such
103 lessee), and/or any other party to provide or contribute funds in
104 connection with the construction, financing and/or operation of
105 any improvements constructed on property leased from the
106 Mississippi Veterans Memorial Stadium Commission, and any such
107 agreement or agreements and the obligations of any public body
108 thereunder shall not be included in computing amounts subject to
109 any debt limitations applicable to any such public body; and/or
110 (b) agreements (which may extend over any period of time) to lease
111 property from the Mississippi Veterans Memorial Stadium Commission
112 and to provide or contribute funds in connection with the
113 construction, financing and/or operation of any improvements
114 constructed on such property and to lease or sublease any such
115 property or improvements to public or private entities, and any
116 such agreement or agreements shall not be included in computing
117 amounts subject to any debt limitations applicable to any such
118 public body.

119 (5) The Mississippi Veterans Memorial Stadium Commission, in
120 its discretion, is authorized to enter into all other agreements
121 as may be necessary or appropriate in connection with any
122 financing by any lessee or lessees (or any designee of any such
123 lessee or lessees) of any improvements to be constructed on
124 property leased from the Mississippi Veterans Memorial Stadium
125 Commission.

126 (6) The provisions of any statutes establishing a role for
127 the Department of Finance and Administration and the State Bond
128 Commission in financing, construction and improvement of buildings
129 on the Veterans Memorial Stadium property shall not apply to the

130 financing, refinancing, construction, repair or improvement of any
131 improvements on any property leased pursuant to this section.

132 (7) Before entering into any lease or other agreement with
133 any private entity under this section, the Mississippi Veterans
134 Memorial Stadium Commission shall require such entity to enter
135 into a binding commitment providing that if the private entity
136 fails to complete the construction of all improvements commenced
137 by the entity on property leased under this section, such entity
138 shall reimburse the State of Mississippi for costs incurred by the
139 state relating to the improvements. The Department of Finance and
140 Administration, acting through the Bureau of Building, Grounds and
141 Real Property Management shall make the determination regarding
142 whether the construction of the improvements is complete.

143 (8) Any lease or other agreement entered into by the
144 Mississippi Veterans Memorial Stadium Commission under this
145 section shall not be valid unless approved by the Department of
146 Finance and Administration, the Public Procurement Review Board
147 and the Attorney General.

148 (9) Except as otherwise provided in subsection (2) the
149 Mississippi Veterans Memorial Stadium Commission may not enter
150 into any lease or other agreement under this section after October
151 1, 2001.

152 (10) Any lessee or lessees (or any designee of any such
153 lessee or lessees) of property leased from the Mississippi
154 Veterans Memorial Stadium Commission under this section shall not
155 be considered as being the state, any political subdivision of the
156 state or any officer or servant of the state for the purposes of
157 any liability that may be waived under Section 11-46-1 et seq.,
158 Mississippi Code of 1972.

159 **SECTION 2.** Any lease entered into under this chapter before
160 the effective date of this act, may, at the option of the lessee,
161 be converted to a fifty-year term lease beginning on the date of
162 the original lease and may not be renewed after the end of the

163 lease. The commission may prepare and execute any documents and
164 take any actions necessary to carry out such purposes.

165 **SECTION 3.** This act shall take effect and be in force from
166 and after its passage.