

By: Senator(s) Michel

To: Public Property

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 2924

1 AN ACT TO AMEND SECTION 55-23-8, MISSISSIPPI CODE OF 1972, TO  
2 ALLOW EXISTING LEASES ON ALL OR ANY PART OF THE MISSISSIPPI  
3 VETERANS MEMORIAL STADIUM PROPERTY TO BE CONVERTED, AT THE OPTION  
4 OF THE LESSEE, TO 50-YEAR LEASES; AND FOR RELATED PURPOSES.

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

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

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

22 (2) Any lease authorized in this section may be for such  
23 consideration as determined appropriate by the Mississippi  
24 Veterans Memorial Stadium Commission and may be for a primary term  
25 not to exceed twenty-five (25) years and may be renewed for a term  
26 not to exceed twenty-five (25) years. However, any lease  
27 authorized under this section and entered into before the  
28 effective date of Senate Bill No. 2924, 2006 Regular Session, may

29 be converted, at the option of the lessee, to a fifty-year term  
30 lease beginning on the date of the original lease and may not be  
31 renewed after the end of the lease. The commission may prepare  
32 and execute any documents and take any actions necessary to carry  
33 out such purposes.

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

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

91 (4) Any public body shall be authorized to enter into: (a)  
92 agreements (which may extend over any period of time) with the  
93 Mississippi Veterans Memorial Stadium Commission, any public body,  
94 any party leasing property from the Mississippi Veterans Memorial

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

112 (5) The Mississippi Veterans Memorial Stadium Commission, in  
113 its discretion, is authorized to enter into all other agreements  
114 as may be necessary or appropriate in connection with any  
115 financing by any lessee or lessees (or any designee of any such  
116 lessee or lessees) of any improvements to be constructed on  
117 property leased from the Mississippi Veterans Memorial Stadium  
118 Commission.

119 (6) The provisions of any statutes establishing a role for  
120 the Department of Finance and Administration and the State Bond  
121 Commission in financing, construction and improvement of buildings  
122 on the Veterans Memorial Stadium property shall not apply to the  
123 financing, refinancing, construction, repair or improvement of any  
124 improvements on any property leased pursuant to this section.

125 (7) Before entering into any lease or other agreement with  
126 any private entity under this section, the Mississippi Veterans  
127 Memorial Stadium Commission shall require such entity to enter

128 into a binding commitment providing that if the private entity  
129 fails to complete the construction of all improvements commenced  
130 by the entity on property leased under this section, such entity  
131 shall reimburse the State of Mississippi for costs incurred by the  
132 state relating to the improvements. The Department of Finance and  
133 Administration, acting through the Bureau of Building, Grounds and  
134 Real Property Management shall make the determination regarding  
135 whether the construction of the improvements is complete.

136 (8) Any lease or other agreement entered into by the  
137 Mississippi Veterans Memorial Stadium Commission under this  
138 section shall not be valid unless approved by the Department of  
139 Finance and Administration, the Public Procurement Review Board  
140 and the Attorney General.

141 (9) Except as otherwise provided in subsection (2), the  
142 Mississippi Veterans Memorial Stadium Commission may not enter  
143 into any lease or other agreement under this section after October  
144 1, 2001.

145 (10) Any lessee or lessees (or any designee of any such  
146 lessee or lessees) of property leased from the Mississippi  
147 Veterans Memorial Stadium Commission under this section shall not  
148 be considered as being the state, any political subdivision of the  
149 state or any officer or servant of the state for the purposes of  
150 any liability that may be waived under Section 11-46-1 et seq.,  
151 Mississippi Code of 1972.

152 **SECTION 2.** This act shall take effect and be in force from  
153 and after July 1, 2006, and shall repeal on June 30, 2006.