

By: Representative Weathersby

To: Public Property

HOUSE BILL NO. 1275

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) (a) Any lease authorized in this section may be for  
23 such 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.

27 (b) However, the term of any lease authorized under  
28 this section and entered into before the effective date of House

29 Bill No. 1275, 2007 Regular Session, may be converted, at the  
30 option of the lessee, from the primary and renewal terms stated in  
31 the original lease to a primary term of fifty (50) years, with an  
32 option to renew the term for an additional ten (10) years. The  
33 commission shall prepare and execute any documents and take any  
34 actions necessary to carry out the conversion of the term of such  
35 a lease.

36 (c) All lease and rental monies from any lease  
37 authorized in paragraph (b) of this subsection shall be deposited  
38 into a special fund, which is created in the State Treasury.  
39 Monies in the special fund shall be disbursed by the Department of  
40 Finance and Administration, for the benefit of the University of  
41 Mississippi Medical Center. Unexpended amounts remaining in the  
42 special fund at the end of a fiscal year shall not lapse into the  
43 State General Fund, and any interest earned on amounts in the  
44 special fund shall be deposited to the credit of the special fund.

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

62 purposes necessary and appropriate for the construction, operation  
63 and use of the improvements; (c) enter into agreements with any  
64 such lessee or lessees (or any designee of any such lessee or  
65 lessees), which agreements may extend over any period of time not  
66 exceeding the term of such lease (including renewals and  
67 extensions), permitting use by such lessee or lessees (or any  
68 designee of any such lessee or lessees) of Mississippi Veterans  
69 Memorial Stadium for events; (d) enter into agreements with any  
70 such lessee or lessees (or any designee of any such lessee or  
71 lessees), which agreements may extend over any period of time not  
72 exceeding the term of such lease (including renewals and  
73 extensions), pursuant to which the state shall be obligated to  
74 purchase improvements constructed on such property and/or any  
75 residual rights in connection with such improvements upon terms  
76 and for a purchase price, not to exceed Ten Million Dollars  
77 (\$10,000,000.00), as set forth in or determined in accordance with  
78 such agreement; (e) enter into agreements with any such lessee or  
79 lessees (or any designee of any such lessee or lessees) providing  
80 that such lessee or lessees (or any designee of any such lessee or  
81 lessees) shall indemnify and hold harmless the Mississippi  
82 Veterans Memorial Stadium Commission for any personal injury or  
83 property damage related to events conducted on property leased  
84 from the Mississippi Veterans Memorial Stadium Commission; and/or  
85 (f) enter into such other agreements with any such lessee or  
86 lessees (or any designee of any such lessee or lessees) or any  
87 other public or private entities, which agreements may extend over  
88 any period of time not exceeding the term of such lease (including  
89 renewals and extensions), relating to any such lease and any  
90 improvements to be constructed on property leased from the  
91 Mississippi Veterans Memorial Stadium Commission as the  
92 Mississippi Veterans Memorial Stadium Commission shall determine  
93 to be appropriate. However, the State of Mississippi shall not be  
94 obligated to purchase any improvements constructed on property

95 leased under this section and/or any residual rights in connection  
96 with such improvements unless the construction of all such  
97 improvements on the property is complete. The Department of  
98 Finance and Administration, acting through the Bureau of Building,  
99 Grounds and Real Property Management shall make the determination  
100 regarding whether the construction of the improvements is  
101 complete.

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

123 (5) The Mississippi Veterans Memorial Stadium Commission, in  
124 its discretion, is authorized to enter into all other agreements  
125 as may be necessary or appropriate in connection with any  
126 financing by any lessee or lessees (or any designee of any such  
127 lessee or lessees) of any improvements to be constructed on

128 property leased from the Mississippi Veterans Memorial Stadium  
129 Commission.

130 (6) The provisions of any statutes establishing a role for  
131 the Department of Finance and Administration and the State Bond  
132 Commission in financing, construction and improvement of buildings  
133 on the Veterans Memorial Stadium property shall not apply to the  
134 financing, refinancing, construction, repair or improvement of any  
135 improvements on any property leased pursuant to this section.

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

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

152 (9) Except as otherwise provided in subsection (2), the  
153 Mississippi Veterans Memorial Stadium Commission may not enter  
154 into any lease or other agreement under this section after October  
155 1, 2001.

156 (10) Any lessee or lessees (or any designee of any such  
157 lessee or lessees) of property leased from the Mississippi  
158 Veterans Memorial Stadium Commission under this section shall not  
159 be considered as being the state, any political subdivision of the

160 state or any officer or servant of the state for the purposes of  
161 any liability that may be waived under Section 11-46-1 et seq.

162         **SECTION 2.** This act shall take effect and be in force from  
163 and after July 1, 2007.