

By: Representative Deweese

To: Universities and
Colleges

HOUSE BILL NO. 1086

1 AN ACT TO AUTHORIZE THE BOARD OF TRUSTEES OF STATE
2 INSTITUTIONS OF HIGHER LEARNING, ACTING ON BEHALF OF THE
3 UNIVERSITY OF MISSISSIPPI TO ENTER INTO A LONG-TERM LEASE OF ALL
4 OR ANY PORTION OF REAL PROPERTY UNDER ITS CONTROL AND POSSESSION
5 FOR THE PURPOSE OF DEVELOPING ACADEMIC BUILDINGS, HOUSING, DINING
6 HALLS, PARKING FACILITIES, AND/OR OTHER SPACES, INCLUDING RETAIL
7 DEVELOPMENTS, FOR THE BENEFIT OF THE UNIVERSITY; TO PROVIDE THAT
8 ANY SUCH PROPERTY SHALL BE LEASED FOR A PERIOD NOT TO EXCEED 30
9 YEARS; TO SET CERTAIN OTHER LEASE TERMS AND TO REQUIRE ANY LEASE
10 TO BE SUBJECT TO THE APPROVAL OF IHL; TO AUTHORIZE THE UNIVERSITY
11 OF MISSISSIPPI TO NEGOTIATE ALL ASPECTS OF ANY LEASE WITH THE
12 APPROVAL OF IHL; TO PROVIDE THAT ALL PROCEEDS DERIVED FROM ANY
13 SUCH LEASE SHALL BE DEPOSITED INTO A SPECIAL FUND ONLY FOR THE USE
14 OF THE UNIVERSITY; TO REQUIRE ANY PROPERTY LEASED UNDER THIS ACT
15 TO REVERT BACK TO THE UNIVERSITY AT THE END OF THE LEASE; AND FOR
16 RELATED PURPOSES.

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

18 **SECTION 1.** (1) The Board of Trustees of State Institutions
19 of Higher Learning, acting on behalf of the University of
20 Mississippi, is authorized to enter into a long-term lease of all
21 or any portion of real property under its control and possession
22 for the purpose of developing academic buildings, housing, dining
23 halls, parking facilities, and/or other spaces (including retail
24 developments) for the benefit of the university. The property
25 described in this section shall be leased for a period not to



exceed forty-five (45) years, with two (2) additional options for renewal periods not to exceed ten (10) years and one (1) additional option for a renewal period not to exceed five (5) years. The property to be leased being more particularly described as follows:

Property Site - Area 1, commonly referred to as Kincannon, being located on the northern housing core of the university's core campus.

Property Site - Area 2, commonly referred to as the West Row, being adjacent to the university's core campus.

Property Site - Area 3, commonly referred to as the South Parking Lot, being adjacent to the university's core campus.

Property Site - Area 4, commonly referred to as the South Campus Recreation Center, being a parcel of land that is noncontiguous to the university's core campus and located south of Mississippi Highway 6.

Property Site - Area 5, commonly referred to as the area adjacent to the Duff Center, the Thad Cochran Research Center, Coulter Hall, the Library and Archives Annex, and surrounding parking lots.

(2) The lease and any amendments to the lease of all or any portion of the real property authorized for lease under subsection (1) of this section shall be subject to the approval of the Board of Trustees of State Institutions of Higher Learning. The



51 approved lease and any amendments to the lease shall not be
52 cancelled by successor boards based on the binding successor
53 doctrine.

54 **SECTION 2.** (1) The Board of Trustees of State Institutions
55 of Higher Learning, acting on behalf of the University of
56 Mississippi, is authorized to enter into a long-term sublease of
57 all or any portion of the real property described in Section 1 of
58 this act which is under its control and possession for a period
59 not to exceed a term of forty-five (45) years with two (2)
60 additional options for renewal periods not to exceed ten (10)
61 years and one (1) additional option for a renewal period not to
62 exceed five (5) years.

63 (2) The sublease and any amendments to the sublease of all
64 or any portion of the real property described in Section 1 of this
65 act shall be subject to the approval of the Board of Trustees of
66 State Institutions of Higher Learning. The approved sublease and
67 any amendments to the sublease shall not be cancelled by successor
68 boards based on the binding successor doctrine.

69 **SECTION 3.** If all or any portion of the property described
70 in Section 1 of this act is leased, the University of Mississippi,
71 with the approval of the Board of Trustees of State Institutions
72 of Higher Learning, is authorized to negotiate all aspects of any
73 lease or sublease and any terms and ancillary agreements
74 pertaining to any lease or sublease as may be reasonably necessary



75 to effectuate the intent and purposes of this section and to
76 ensure a fair and equitable return to the state.

77 **SECTION 4.** (1) All proceeds derived or received from the
78 agreements and leases entered into under this Sections 1 and 2
79 shall be deposited into a special fund and expended only for the
80 use and benefit of the University of Mississippi.

81 (2) At the end of the lease term provided in this act, the
82 property leased under the authority provided herein shall revert
83 to the University of Mississippi.

84 (3) The State of Mississippi shall retain all mineral rights
85 to the real property leased under Section 1 of this act.

86 (4) The Department of Finance and Administration is
87 authorized to correct any discrepancies in the property described
88 in Section 1 of this act.

89 **SECTION 5.** This act shall take effect and be in force from
90 and after its passage.

