

By: Senator(s) DeLano, Boyd

To: Universities and
Colleges

SENATE BILL NO. 2519

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 LEASES AND SUBLEASES OF
4 PROPERTY LOCATED THEREON FOR THE PURPOSE OF ENTERING INTO PUBLIC
5 PROPERTY LOCATED THEREON FOR THE PURPOSE OF ENTERING INTO PUBLIC-
6 PRIVATE PARTNERSHIPS TO DEVELOP STUDENT HOUSING AND OTHER
7 FACILITIES TO BENEFIT THE UNIVERSITY; TO PROVIDE THAT THE TERM OF
8 SUCH LEASES SHALL NOT EXCEED 45 YEARS AND TWO ADDITIONAL OPTIONS
9 FOR A RENEWAL PERIOD NOT TO EXCEED FIVE YEARS; TO PROVIDE THAT
10 LEASES OR SUBLEASES ENTERED INTO BY THE BOARD SHALL BE PROTECTED
11 FROM ACTIONS OF SUCCESSOR BOARDS BASED ON THE BINDING SUCCESSOR
12 DOCTRINE; AND FOR RELATED PURPOSES.

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

14 **SECTION 1.** (1) The Board of Trustees of State Institutions
15 of Higher Learning, acting on behalf of the University of
16 Mississippi, is authorized to enter into a long-term lease of all
17 or any portion of certain real property under its control and
18 possession. The property described in this section shall be
19 leased for a period not to exceed a term of forty-five (45) years
20 with two (2) additional options for renewal periods not to exceed
21 ten (10) years and one (1) additional option for a renewal period
22 not to exceed five (5) years, for the purposes of developing
23 buildings, housing, parking garage facilities, dining halls and/or



24 other retail developments, and/or other spaces for the benefit of
25 the university. The property to be leased shall be more
26 particularly described upon completion of surveys, but are
27 currently described as follows:

28 (a) "Kincannon" is located on the northern portion of
29 the core campus;

30 (b) "West Row" is located on the western portion of the
31 core campus;

32 (c) "South Parking Lot" is located on the southern
33 portion of the core campus;

34 (d) "South Campus Recreation Center" is located south
35 of the core campus, across Highway 6; and

36 (e) "Duff Center South" is located on the core campus.

37 (2) The lease and any amendments to the lease of all or any
38 portion of the real property authorized for lease under subsection
39 (1) of this section shall be subject to the approval of the Board
40 of Trustees of State Institutions of Higher Learning. The
41 approved lease and any amendments to the lease shall not be
42 cancelled by successor boards based on the binding successor
43 doctrine.

44 **SECTION 2.** (1) The Board of Trustees of State Institutions
45 of Higher Learning, acting on behalf of the University of
46 Mississippi, is authorized to enter into a long-term sublease of
47 all or any portion of the real property described in Section 1 of
48 this act which is under its control and possession for a period



not to exceed a term of 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.

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

SECTION 3. If all or any portion of the property described in Section 1 of this act is leased, the University of Mississippi, with the approval of the Board of Trustees of State Institutions of Higher Learning, is authorized to negotiate all aspects of any lease or sublease and any terms and ancillary agreements pertaining to any lease or sublease as may be reasonably necessary to effectuate the intent and purposes of this section and to ensure a fair and equitable return to the state.

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

(2) At the end of the lease term provided in this act, the property leased under the authority provided herein and all



73 improvements to such property shall revert to the University of
74 Mississippi.

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

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

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

