

By: Representative Brown

To: Ways and Means

HOUSE BILL NO. 1007

1 AN ACT TO AUTHORIZE THE MISSISSIPPI VETERANS MEMORIAL STADIUM  
2 COMMISSION TO LEASE CERTAIN STATE-OWNED REAL PROPERTY FOR THE  
3 PURPOSE OF THE CONSTRUCTION OF IMPROVEMENTS THEREON AND TO ENTER  
4 INTO RELATED AGREEMENTS; TO AMEND SECTIONS 55-23-7, 55-23-9,  
5 55-23-11, 55-23-15, 55-23-21, 55-23-41, 55-23-43, 55-23-45,  
6 55-23-49, 19-9-5 AND 21-33-303, MISSISSIPPI CODE OF 1972, IN  
7 CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

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

23 (2) Any lease authorized in this section may be for such  
24 consideration as determined appropriate by the Mississippi  
25 Veterans Memorial Stadium Commission and may be for a term not to  
26 exceed fifty (50) years.

27 (3) In and for the consideration to be provided under any  
28 lease, the Mississippi Veterans Memorial Stadium Commission, in

29 its discretion, is authorized to, on such terms and conditions  
30 determined to be appropriate by the Mississippi Veterans Memorial  
31 Stadium Commission: (a) enter into agreements with any such  
32 lessee or lessees (or any designee of any such lessee or lessees),  
33 which agreements may extend over any period of time not exceeding  
34 the term of such lease (including renewals and extensions)  
35 permitting use of any property referred to in subsection (1) of  
36 this section for parking, access and other uses in connection with  
37 events in facilities constructed on property leased from the  
38 Mississippi Veterans Memorial Stadium Commission; (b) grant, as  
39 part of and for the term of any lease, to any lessee or lessees  
40 (or any designee of any such lessee or lessees), one or more  
41 easements with respect to all or any part of the property referred  
42 to in subsection (1) of this section for vehicle and pedestrian  
43 ingress and egress, for vehicle parking and for such other  
44 purposes necessary and appropriate for the construction, operation  
45 and use of the improvements; (c) enter into agreements with any  
46 such lessee or lessees (or any designee of any such lessee or  
47 lessees), which agreements may extend over any period of time not  
48 exceeding the term of such lease (including renewals and  
49 extensions), permitting use by such lessee or lessees (or any  
50 designee of any such lessee or lessees) of Mississippi Veterans  
51 Memorial Stadium for events; (d) enter into agreements with any  
52 such lessee or lessees (or any designee of any such lessee or  
53 lessees), which agreements may extend over any period of time not  
54 exceeding the term of such lease (including renewals and  
55 extensions), pursuant to which the state shall be obligated to  
56 purchase improvements constructed on such property upon terms and  
57 for a purchase price as set forth in or determined in accordance  
58 with such agreement; and/or (e) enter into such other agreements  
59 with any such lessee or lessees (or any designee of any such  
60 lessee or lessees) or any other public or private entities, which  
61 agreements may extend over any period of time not exceeding the

62 term of such lease (including renewals and extensions), relating  
63 to any such lease and any improvements to be constructed on  
64 property leased from the Mississippi Veterans Memorial Stadium  
65 Commission as the Mississippi Veterans Memorial Stadium Commission  
66 shall determine to be appropriate.

67 (4) Any public body shall be authorized to enter into: (a)  
68 agreements (which may extend over any period of time) with the  
69 Mississippi Veterans Memorial Stadium Commission, any public body,  
70 any party leasing property from the Mississippi Veterans Memorial  
71 Stadium Commission (or any designee or designees of any such  
72 lessee), and/or any other party to provide or contribute funds in  
73 connection with the construction, financing and/or operation of  
74 any improvements constructed on property leased from the  
75 Mississippi Veterans Memorial Stadium Commission, and any such  
76 agreement or agreements and the obligations of any public body  
77 thereunder shall not be included in computing amounts subject to  
78 any debt limitations applicable to any such public body; and/or  
79 (b) agreements (which may extend over any period of time) to lease  
80 property from the Mississippi Veterans Memorial Stadium Commission  
81 and to provide or contribute funds in connection with the  
82 construction, financing and/or operation of any improvements  
83 constructed on such property and to lease or sublease any such  
84 property or improvements to public or private entities, and any  
85 such agreement or agreements shall not be included in computing  
86 amounts subject to any debt limitations applicable to any such  
87 public body.

88 (5) The Mississippi Veterans Memorial Stadium Commission, in  
89 its discretion, is authorized to enter into all other agreements  
90 as may be necessary or appropriate in connection with any  
91 financing by any lessee or lessees (or any designee of any such  
92 lessee or lessees) of any improvements to be constructed on  
93 property leased from the Mississippi Veterans Memorial Stadium  
94 Commission.

95           (6) The provisions of any statutes establishing a role for  
96 the Department of Finance and Administration and the State Bond  
97 Commission in financing, construction and improvement of buildings  
98 on the Veterans Memorial Stadium property shall not apply to the  
99 financing, refinancing, construction, repair or improvement of any  
100 improvements on any property leased pursuant to this act.

101           SECTION 2. Section 55-23-7, Mississippi Code of 1972, is  
102 amended as follows:

103           55-23-7. Any construction, renovation, repair and  
104 reconstruction to the facilities and property of the Mississippi  
105 Veterans Memorial Stadium shall be carried on under the direction  
106 of the commission, which is authorized to make and enter into such  
107 contracts, agreements and undertakings as may be necessary to  
108 effect this purpose. The commission may take any action  
109 authorized in Section 1 of House Bill No.           , 2001 Regular  
110 Session, relating to the facilities and property of the  
111 Mississippi Veterans Memorial Stadium.

112           SECTION 3. Section 55-23-9, Mississippi Code of 1972, is  
113 amended as follows:

114           55-23-9. The commission shall operate the Mississippi  
115 Veterans Memorial Stadium and to that end may employ such agents  
116 and employees as may be required in connection therewith. It may  
117 enter into contracts for the use of the stadium, and fix the  
118 amount of the compensation therefor, and collect the same when  
119 due. The commission may take any action authorized in Section 1  
120 of House Bill No.           , 2001 Regular Session, relating to the  
121 Mississippi Veterans Memorial Stadium and the property described  
122 in Section 1 of House Bill No.           , 2001 Regular Session.

123           All monies and revenues, including the amusement tax imposed  
124 upon the sale of tickets for admission to the stadium, and all  
125 monies arising from the use of stadium property, including that  
126 realized from the sale of concessions, shall be paid by the  
127 commission to the State Treasurer, to be placed to the credit of a

128 special fund to be known as the "Mississippi Veterans Memorial  
129 Stadium Operating Fund" and any references in the laws to the  
130 "Mississippi Memorial Stadium Fund" or the "Mississippi Veterans  
131 Memorial Stadium Fund" shall mean the "Mississippi Veterans  
132 Memorial Stadium Operating Fund" unless the context clearly  
133 indicates otherwise. Any interest earned on amounts deposited in  
134 the Mississippi Veterans Memorial Stadium Operating Fund shall be  
135 credited to such special fund. Provided, however, that  
136 twenty-five percent (25%) of all profits realized by the  
137 commission from the sale of concessions at athletic events when  
138 Jackson State University is the home team shall be deposited to  
139 the credit of a special auxiliary fund and authorized for  
140 expenditure by the Board of Trustees of State Institutions of  
141 Higher Learning exclusively for the support of intercollegiate  
142 athletics at such university. All expenses incident to the  
143 operation and upkeep of the facilities and property managed by the  
144 commission shall be paid out of the Mississippi Veterans Memorial  
145 Stadium Operating Fund by warrants drawn by the Department of  
146 Finance and Administration, which shall be issued on the  
147 requisition of the commission.

148 All tickets sold to an event conducted in the Mississippi  
149 Veterans Memorial Stadium shall have printed in an appropriate and  
150 prominent place thereon the words A.C. "Butch" Lambert Field.

151 SECTION 4. Section 55-23-11, Mississippi Code of 1972, is  
152 amended as follows:

153 55-23-11. The commission shall promulgate rules and  
154 regulations governing the use of the lands and facilities under  
155 its supervision. The commission may take any action authorized in  
156 Section 1 of House Bill No. \_\_\_\_\_, 2001 Regular Session, relating  
157 to the property described in such section.

158 SECTION 5. Section 55-23-15, Mississippi Code of 1972, is  
159 amended as follows:

160           55-23-15. The Mississippi Veterans Memorial Stadium  
161 Commission is hereby authorized to utilize certain state-owned  
162 land in Hinds County bounded on the east by North State Street, on  
163 the north by Taylor Street, on the west by North West Street, and  
164 on the south by a street or driveway known as Stadium Drive as a  
165 public parking facility establishing reasonable rules and  
166 regulations connected with the operation of such a facility,  
167 including fees for the privilege of parking. The parking  
168 facilities shall not be extended any farther to the east than as  
169 the facilities existed on January 1, 1996. Further, the portion  
170 of the property described in this section, except the property  
171 west of the stadium between the stadium and North West Street,  
172 that was undeveloped as of January 1, 1996, shall remain  
173 undeveloped unless the Legislature enacts legislation approving  
174 the development of such property. The portion of the property  
175 described in this section that is west of the stadium between the  
176 stadium and North West Street may be developed to provide parking  
177 facilities for the Mississippi Department of Transportation  
178 offices located on North West Street. The Mississippi Veterans  
179 Memorial Stadium Commission may take any action authorized in  
180 Section 1 of House Bill No. \_\_\_\_\_, 2001 Regular Session, relating  
181 to the property described in such section.

182           SECTION 6. Section 55-23-21, Mississippi Code of 1972, is  
183 amended as follows:

184           55-23-21. The Building Commission is hereby authorized and  
185 empowered, in addition to all other powers and duties of such  
186 commission, to enlarge and renovate the Mississippi Veterans  
187 Memorial Stadium in order to provide for a modern stadium having a  
188 seating capacity of approximately sixty-two thousand seven hundred  
189 thirty-one (62,731) persons, such authority to be conditioned upon  
190 a contribution by Hinds County, Mississippi, to the Building  
191 Commission of a sum of One Million Dollars (\$1,000,000.00) for  
192 such enlargement and renovation. The parking facilities shall not

193 be extended any farther to the east than as the facilities existed  
194 on January 1, 1996. Further, the portion of the state-owned  
195 property on which the stadium and parking facilities are located,  
196 except the property west of the stadium between the stadium and  
197 North West Street, that was undeveloped as of January 1, 1996,  
198 shall remain undeveloped unless the Legislature enacts legislation  
199 approving the development of such property. The portion of the  
200 state-owned property on which the stadium is located that is west  
201 of the stadium between the stadium and North West Street may be  
202 developed to provide parking facilities for the Mississippi  
203 Department of Transportation offices located on North West Street.  
204 The Mississippi Veterans Memorial Stadium Commission may take any  
205 action authorized in Section 1 of House Bill No. \_\_\_\_\_, 2001  
206 Regular Session, relating to the property described in such  
207 section.

208 SECTION 7. Section 55-23-41, Mississippi Code of 1972, is  
209 amended as follows:

210 55-23-41. The proceeds of the bonds authorized in Sections  
211 55-23-21 through 55-23-43 and funds appropriated for the  
212 enlargement and renovation of the Mississippi Veterans Memorial  
213 Stadium, including the funds to be supplied by Hinds County and  
214 also including funds from any and all other sources set aside for  
215 such enlargement and renovation by the Building Commission shall  
216 be used for the purpose of enlarging and renovating all physical  
217 components which make up the Mississippi Veterans Memorial Stadium  
218 and, except for the funds contributed by Hinds County, shall be  
219 deposited in the Mississippi Memorial Stadium Construction Fund,  
220 hereby created in the State Treasury. The funds contributed by  
221 Hinds County shall be deposited as provided in Section 55-23-23.  
222 To that end the commission is hereby authorized and empowered to  
223 make and enter into such contracts and execute such instruments  
224 containing such reasonably appropriate terms and conditions as, in  
225 its discretion, it may deem necessary, proper or advisable for the

226 purpose of carrying out the terms of Sections 55-23-21 through  
227 55-23-43, including the acceptance of that proportion of the cost  
228 of improvements required by the terms of Sections 55-23-21 through  
229 55-23-43 to be contributed by Hinds County. Any funds received by  
230 the Mississippi Veterans Memorial Stadium Commission under Section  
231 1 of House Bill No. \_\_\_\_\_, 2001 Regular Session, may be used for  
232 any purpose authorized in this section or Section 1 of House Bill  
233 No. \_\_\_\_\_, 2001 Regular Session, or both.

234 SECTION 8. Section 55-23-43, Mississippi Code of 1972, is  
235 amended as follows:

236 55-23-43. The Building Commission may employ competent  
237 architects, engineers and other qualified agents to prepare plans,  
238 specifications and such other data as may be necessary to enable  
239 it to carry out the purposes of Sections 55-23-21 through 55-23-43  
240 in a manner consistent with sound construction principles. When  
241 the plans and specifications have been approved and accepted by  
242 the Building Commission, contracts for the various phases of  
243 construction shall then be let by the Building Commission in the  
244 manner provided by law to competent and responsible firms or  
245 individuals whose work shall proceed under the constant inspection  
246 of a reliable and competent inspector to be furnished for that  
247 purpose by the State Building Commission. All expenses incurred  
248 in the enlargement and renovation under the provisions of Sections  
249 55-23-21 through 55-23-43 shall be paid from the Mississippi  
250 Memorial Stadium Construction Fund created herein. The  
251 Mississippi Veterans Memorial Stadium Commission may take any  
252 action authorized in Section 1 of House Bill No. \_\_\_\_\_, 2001  
253 Regular Session, relating to the property described in such  
254 section.

255 SECTION 9. Section 55-23-45, Mississippi Code of 1972, is  
256 amended as follows:

257 55-23-45. The Building Commission is hereby authorized and  
258 empowered to repair and remodel the Mississippi Memorial Stadium



259 and, notwithstanding the seating capacity limitations set out in  
260 Sections 55-23-21 through 55-23-43, to enlarge said stadium as  
261 funds become available for said purpose. The parking facilities  
262 shall not be extended any farther to the east than as the  
263 facilities existed on January 1, 1996. Further, the portion of  
264 the state-owned property on which the stadium and parking  
265 facilities are located, except the property west of the stadium  
266 between the stadium and North West Street, that was undeveloped as  
267 of January 1, 1996, shall remain undeveloped unless the  
268 Legislature enacts legislation approving the development of such  
269 property. The portion of state-owned property on which the  
270 stadium is located that is west of the stadium between the stadium  
271 and North West Street may be developed to provide parking  
272 facilities for the Mississippi Department of Transportation  
273 offices located on North West Street. The Mississippi Veterans  
274 Memorial Stadium Commission may take any action authorized in  
275 Section 1 of House Bill No. , 2001 Regular Session, relating  
276 to the property described in such section.

277 SECTION 10. Section 55-23-49, Mississippi Code of 1972, is  
278 amended as follows:

279 55-23-49. The cost of repairing, remodeling and enlarging  
280 the Mississippi Memorial Stadium shall be paid from any funds  
281 appropriated by the Legislature for such purposes, or from the  
282 sale of revenue bonds or general obligation bonds issued for this  
283 purpose, as may be hereafter authorized by the Legislature. The  
284 costs of construction of improvements made under Section 1 of  
285 House Bill No. , 2001 Regular Session, may be paid from any  
286 funds provided under this section or Section 1 of House Bill No. ,  
287 2001 Regular Session, or both.

288 SECTION 11. Section 19-9-5, Mississippi Code of 1972, is  
289 amended as follows:

290 19-9-5. No county shall hereafter issue bonds secured by a  
291 pledge of its full faith and credit for the purposes authorized by

292 law in an amount which, when added to the then outstanding bonds  
293 of such county, shall exceed either (a) fifteen percent (15%) of  
294 the assessed value of the taxable property within such county  
295 according to the last completed assessment for taxation, or (b)  
296 fifteen percent (15%) of the assessment upon which taxes were  
297 levied for its fiscal year ending September 30, 1984, whichever is  
298 greater.

299         However, any county in the state which shall have experienced  
300 washed-out or collapsed bridges on the public roads of the county  
301 for any cause or reason may hereafter issue bonds for bridge  
302 purposes as now authorized by law in an amount which, when added  
303 to the then outstanding general obligation bonds of such county,  
304 shall not exceed either (a) twenty percent (20%) of the assessed  
305 value of the taxable property within such county according to the  
306 last completed assessment for taxation or (b) fifteen percent  
307 (15%) of the assessment upon which taxes were levied for its  
308 fiscal year ending September 30, 1984, whichever is greater.

309         Provided further, in computing such indebtedness, there may  
310 be deducted all bonds or other evidences of indebtedness  
311 heretofore or hereafter issued, for the construction of hospitals,  
312 ports or other capital improvements which are payable primarily  
313 from the net revenue to be generated from such hospital, port or  
314 other capital improvement, which revenue shall be pledged to the  
315 retirement of such bonds or other evidences of indebtedness,  
316 together with the full faith and credit of the county. However,  
317 in no case shall any county contract any indebtedness payable in  
318 whole or in part from proceeds of ad valorem taxes which, when  
319 added to all of the outstanding general obligation indebtedness,  
320 both bonded and floating, shall exceed either (a) twenty percent  
321 (20%) of the assessed value of all taxable property within such  
322 county according to the last completed assessment for taxation, or  
323 (b) fifteen percent (15%) of the assessment upon which taxes were  
324 levied for its fiscal year ending September 30, 1984, whichever is

325 greater. Nothing herein contained shall be construed to apply to  
326 contract obligations in any form heretofore or hereafter incurred  
327 by any county which are subject to annual appropriations therefor,  
328 or to bonds heretofore or hereafter issued by any county for  
329 school purposes, or to bonds issued by any county under the  
330 provisions of Sections 57-1-1 through 57-1-51, or to any  
331 indebtedness incurred under Section 1 of House Bill No. \_\_\_\_\_,  
332 2001 Regular Session.

333 SECTION 12. Section 21-33-303, Mississippi Code of 1972, is  
334 amended as follows:

335 21-33-303. No municipality shall hereafter issue bonds  
336 secured by a pledge of its full faith and credit for the purposes  
337 authorized by law in an amount which, when added to the then  
338 outstanding bonded indebtedness of such municipality, shall exceed  
339 either (a) fifteen percent (15%) of the assessed value of the  
340 taxable property within such municipality, according to the last  
341 completed assessment for taxation, or (b) ten percent (10%) of the  
342 assessment upon which taxes were levied for its fiscal year ending  
343 September 30, 1984, whichever is greater. In computing such  
344 indebtedness, there may be deducted all bonds or other evidences  
345 of indebtedness, heretofore or hereafter issued, for school,  
346 water, sewerage systems, gas, and light and power purposes and for  
347 the construction of special improvements primarily chargeable to  
348 the property benefited, or for the purpose of paying the  
349 municipality's proportion of any betterment program, a portion of  
350 which is primarily chargeable to the property benefited. However,  
351 in no case shall any municipality contract any indebtedness which,  
352 when added to all of the outstanding general obligation  
353 indebtedness, both bonded and floating, shall exceed either (a)  
354 twenty percent (20%) of the assessed value of all taxable property  
355 within such municipality according to the last completed  
356 assessment for taxation or (b) fifteen percent (15%) of the  
357 assessment upon which taxes were levied for its fiscal year ending

358 September 30, 1984, whichever is greater. Nothing herein  
359 contained shall be construed to apply to contract obligations in  
360 any form heretofore or hereafter incurred by any municipality  
361 which are subject to annual appropriations therefor, or to bonds  
362 heretofore issued by any municipality for school purposes, or to  
363 contract obligations in any form heretofore or hereafter incurred  
364 by any municipality which are payable exclusively from the  
365 revenues of any municipally-owned utility, or to bonds issued by  
366 any municipality under the provisions of Sections 57-1-1 through  
367 57-1-51, or to any special assessment improvement bonds issued by  
368 any municipality under the provisions of Sections 21-41-1 through  
369 21-41-53, or to any indebtedness incurred under Section 1 of House  
370 Bill No. \_\_\_\_\_, 2001 Regular Session.

371 All bonds issued prior to July 1, 1990, pursuant to this  
372 chapter by any municipality for the purpose of the constructing,  
373 replacing, renovating or improving wastewater collection and  
374 treatment facilities in order to comply with an administrative  
375 order of the Mississippi Department of Natural Resources issued  
376 pursuant to the Federal Water Pollution Control Act and amendments  
377 thereto, are hereby exempt from the limitation imposed by this  
378 section if the governing body of the municipality adopts an order,  
379 resolution or ordinance to the effect that the rates paid by the  
380 users of such facilities shall be increased to the extent  
381 necessary to provide sufficient funds for the payment of the  
382 principal of and interest on such bonds as each respectively  
383 becomes due and payable as well as the necessary expenses in  
384 connection with the operation and maintenance of such facilities.

385 SECTION 13. This act shall take effect and be in force from  
386 and after its passage.