

By: Representative Weathersby

To: Public Property

HOUSE BILL NO. 1275  
(As Passed the House)

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

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

28           (b) The term of any lease authorized under this section  
29 may be renewed for an additional fifty (50) years; provided,  
30 however, that any renewal shall have the terms of the original  
31 lease adjusted upon such renewal and every five (5) years  
32 thereafter. The terms of said adjustments shall be such as to  
33 reflect the then fair market value of the property lease and of  
34 the lease at each time of adjustment.

35           (c) Any lease renewal and adjustment must be approved  
36 by the Vice Chancellor of Health Affairs at UMMC as well as the  
37 Department of Finance and Administration, in consultation with the  
38 Mississippi Development Authority. All funds received from any  
39 lease authorized in paragraph (b) of this subsection shall be  
40 credited to the Mississippi Veterans Memorial Stadium Commission  
41 to the extent that such funds shall not exceed the amount received  
42 on and before June 30, 2007. Any amount received above said  
43 amount shall be credited to the University of Mississippi Medical  
44 Center. In the event the stadium is transferred to the UMMC  
45 and/or is demolished, then all funds received shall be credited to  
46 the UMMC.

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

61 easements with respect to all or any part of the property referred  
62 to in subsection (1) of this section for vehicle and pedestrian  
63 ingress and egress, for vehicle parking and for such other  
64 purposes necessary and appropriate for the construction, operation  
65 and use of the improvements; (c) enter into agreements with any  
66 such lessee or lessees (or any designee of any such lessee or  
67 lessees), which agreements may extend over any period of time not  
68 exceeding the term of such lease (including renewals and  
69 extensions), permitting use by such lessee or lessees (or any  
70 designee of any such lessee or lessees) of Mississippi Veterans  
71 Memorial Stadium for events; (d) enter into agreements with any  
72 such lessee or lessees (or any designee of any such lessee or  
73 lessees), which agreements may extend over any period of time not  
74 exceeding the term of such lease (including renewals and  
75 extensions), pursuant to which the state shall be obligated to  
76 purchase improvements constructed on such property and/or any  
77 residual rights in connection with such improvements upon terms  
78 and for a purchase price, not to exceed Ten Million Dollars  
79 (\$10,000,000.00), as set forth in or determined in accordance with  
80 such agreement; (e) enter into agreements with any such lessee or  
81 lessees (or any designee of any such lessee or lessees) providing  
82 that such lessee or lessees (or any designee of any such lessee or  
83 lessees) shall indemnify and hold harmless the Mississippi  
84 Veterans Memorial Stadium Commission for any personal injury or  
85 property damage related to events conducted on property leased  
86 from the Mississippi Veterans Memorial Stadium Commission; and/or  
87 (f) enter into such other agreements with any such lessee or  
88 lessees (or any designee of any such lessee or lessees) or any  
89 other public or private entities, which agreements may extend over  
90 any period of time not exceeding the term of such lease (including  
91 renewals and extensions), relating to any such lease and any  
92 improvements to be constructed on property leased from the  
93 Mississippi Veterans Memorial Stadium Commission as the

94 Mississippi Veterans Memorial Stadium Commission shall determine  
95 to be appropriate. However, the State of Mississippi shall not be  
96 obligated to purchase any improvements constructed on property  
97 leased under this section and/or any residual rights in connection  
98 with such improvements unless the construction of all such  
99 improvements on the property is complete. The Department of  
100 Finance and Administration, acting through the Bureau of Building,  
101 Grounds and Real Property Management shall make the determination  
102 regarding whether the construction of the improvements is  
103 complete.

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

125 (5) The Mississippi Veterans Memorial Stadium Commission, in  
126 its discretion, is authorized to enter into all other agreements

127 as may be necessary or appropriate in connection with any  
128 financing by any lessee or lessees (or any designee of any such  
129 lessee or lessees) of any improvements to be constructed on  
130 property leased from the Mississippi Veterans Memorial Stadium  
131 Commission.

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

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

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

154 (9) Except as otherwise provided in subsection (2), the  
155 Mississippi Veterans Memorial Stadium Commission may not enter  
156 into any lease or other agreement under this section after October  
157 1, 2001.

158 (10) Any lessee or lessees (or any designee of any such  
159 lessee or lessees) of property leased from the Mississippi

160 Veterans Memorial Stadium Commission under this section shall not  
161 be considered as being the state, any political subdivision of the  
162 state or any officer or servant of the state for the purposes of  
163 any liability that may be waived under Section 11-46-1 et seq.

164 (11) There is created an advisory committee to the  
165 Mississippi Development Authority for the lease of the property  
166 described in subsection (1), which shall be composed of the  
167 following members:

168 (a) The respective Chairmen of the Public Property  
169 Committees of the House of Representatives and the Senate;

170 (b) One (1) member of the House of Representatives who  
171 resides in Hinds County, to be appointed by the Speaker of the  
172 House; and

173 (c) One (1) member of the Senate who resides in Hinds  
174 County, to be appointed by the Lieutenant Governor.

175 Before selecting the private developer to which to lease the  
176 property described in subsection (1), and while negotiating the  
177 terms of the lease with the private developer that has been  
178 selected, the Mississippi Development Authority shall consult with  
179 the advisory committee and consider any suggestions and  
180 recommendations made by the advisory committee regarding the lease  
181 of the property.

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