

# House Bill 1007

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

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

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

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

(3) In and for the consideration to be provided under any lease, the Mississippi Veterans Memorial Stadium Commission, in its discretion, is authorized to, on such terms and conditions determined to be appropriate by the Mississippi Veterans Memorial Stadium Commission:

(a) enter into agreements with any such lessee or lessees (or any designee of any such lessee or lessees), which agreements may extend over any period of time not exceeding the term of such lease (including renewals and extensions)

permitting use of any property referred to in subsection (1) of this section for parking, access and other uses in connection with events in facilities constructed on property leased from the Mississippi Veterans Memorial Stadium Commission;

(b) grant, as part of and for the term of any lease, to any lessee or lessees (or any designee of any such lessee or lessees), one or more easements with respect to all or any part of the property referred to in subsection (1) of this section for vehicle and pedestrian ingress and egress, for vehicle parking and for such other purposes necessary and appropriate for the construction, operation and use of the improvements;

(c) enter into agreements with any such lessee or lessees (or any designee of any such lessee or lessees), which agreements may extend over any period of time not exceeding the term of such lease (including renewals and extensions), permitting use by such lessee or lessees (or any designee of any such lessee or lessees) of Mississippi Veterans Memorial Stadium for events;

(d) enter into agreements with any such lessee or lessees (or any designee of any such lessee or lessees), which agreements may extend over any period of time not exceeding the term of such lease (including renewals and extensions), pursuant to which the state shall be obligated to purchase improvements constructed on such property and/or any residual rights in connection with such improvements upon terms and for a purchase price, not to exceed Ten Million Dollars (\$10,000,000.00), as set forth in or determined in accordance with such agreement;

(e) enter into agreements with any such lessee or lessees (or any designee of any such lessee or lessees) providing that such lessee or lessees (or any designee of any such lessee or lessees) shall indemnify and hold harmless the Mississippi Veterans Memorial Stadium Commission for any personal injury or property damage related to events conducted on property leased from the Mississippi Veterans Memorial Stadium Commission; and/or

(f) enter into such other agreements with any such lessee or lessees (or any designee of any such lessee or lessees) or any other public or private entities, which agreements may extend over any period of time not exceeding the term

of such lease (including renewals and extensions), relating to any such lease and any improvements to be constructed on property leased from the Mississippi Veterans Memorial Stadium Commission as the Mississippi Veterans Memorial Stadium Commission shall determine to be appropriate. However, the State of Mississippi shall not be obligated to purchase any improvements constructed on property leased under this section and/or any residual rights in connection with such improvements unless the construction of all such improvements on the property is complete. The Department of Finance and Administration, acting through the Bureau of Building, Grounds and Real Property Management shall make the determination regarding whether the construction of the improvements is complete.

(4) Any public body shall be authorized to enter into:

(a) agreements (which may extend over any period of time) with the Mississippi Veterans Memorial Stadium Commission, any public body, any party leasing property from the Mississippi Veterans Memorial Stadium Commission (or any designee or designees of any such lessee), and/or any other party to provide or contribute funds in connection with the construction, financing and/or operation of any improvements constructed on property leased from the Mississippi Veterans Memorial Stadium Commission, and any such agreement or agreements and the obligations of any public body thereunder shall not be included in computing amounts subject to any debt limitations applicable to any such public body; and/or

(b) agreements (which may extend over any period of time) to lease property from the Mississippi Veterans Memorial Stadium Commission and to provide or contribute funds in connection with the construction, financing and/or operation of any improvements constructed on such property and to lease or sublease any such property or improvements to public or private entities, and any such agreement or agreements shall not be included in computing amounts subject to any debt limitations applicable to any such public body.

(5) The Mississippi Veterans Memorial Stadium Commission, in its discretion, is authorized to enter into all other agreements as may be necessary or appropriate in connection with any financing by any lessee or lessees (or any

designee of any such lessee or lessees) of any improvements to be constructed on property leased from the Mississippi Veterans Memorial Stadium Commission.

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

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

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

(9) The Mississippi Veterans Memorial Stadium Commission may not enter into any lease or other agreement under this section after October 1, 2001.

(10) Any lessee or lessees (or any designee of any such lessee or lessees) of property leased from the Mississippi Veterans Memorial Stadium Commission under this section shall not be considered as being the state, any political subdivision of the state or any officer or servant of the state for the purposes of any liability that may be waived under Section 11-46-1 et seq., Mississippi Code of 1972.

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

55-23-7. Any construction, renovation, repair and reconstruction to the facilities and property of the Mississippi Veterans Memorial Stadium shall be carried on under the direction of the commission, which is authorized to make and enter into such contracts, agreements and undertakings as may be necessary to effect this purpose. The commission may take any action authorized in Section 1 of House Bill No. 1007, 2001 Regular Session, relating to the facilities and property of the Mississippi Veterans Memorial Stadium.

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

55-23-9. The commission shall operate the Mississippi Veterans Memorial Stadium and to that end may employ such agents and employees as may be required in connection therewith. It may enter into contracts for the use of the stadium, and fix the amount of the compensation therefor, and collect the same when due. The commission may take any action authorized in Section 1 of House Bill No. 1007, 2001 Regular Session, relating to the Mississippi Veterans Memorial Stadium and the property described in Section 1 of House Bill No. 1007, 2001 Regular Session.

All monies and revenues, including the amusement tax imposed upon the sale of tickets for admission to the stadium, and all other events on stadium property and all monies arising from other use of stadium property, including that realized from the sale of concessions, shall be paid by the commission to the State Treasurer, to be placed to the credit of a special fund to be known as the "Mississippi Veterans Memorial Stadium Operating Fund" and any references in the laws to the "Mississippi Memorial Stadium Fund" or the "Mississippi Veterans Memorial Stadium Fund" shall mean the "Mississippi Veterans Memorial Stadium Operating Fund" unless the context clearly indicates otherwise. Any interest earned on amounts deposited in the Mississippi Veterans Memorial Stadium Operating Fund shall be credited to such special fund. Provided, however, that twenty-five percent (25%) of all profits realized by the commission from the sale of concessions at athletic events when Jackson State University is the home team shall be deposited to the credit of a special auxiliary fund and authorized for expenditure by the Board of Trustees of State Institutions of Higher Learning exclusively for the support of intercollegiate athletics at such university.

All expenses incident to the operation and upkeep of the facilities and property managed by the commission shall be paid out of the Mississippi Veterans Memorial Stadium Operating Fund by warrants drawn by the Department of Finance and Administration, which shall be issued on the requisition of the commission.

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

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

55-23-11. The commission shall promulgate rules and regulations governing the use of the lands and facilities under its supervision. The commission may take any action authorized in Section 1 of House Bill No. 1007, 2001 Regular Session, relating to the property described in such section.

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

55-23-15. The Mississippi Veterans Memorial Stadium Commission is hereby authorized to utilize certain state-owned land in Hinds County bounded on the east by North State Street, on the north by Taylor Street, on the west by North West Street, and on the south by a street or driveway known as Stadium Drive as a public parking facility establishing reasonable rules and regulations connected with the operation of such a facility, including fees for the privilege of parking. The parking facilities shall not be extended any farther to the east than as the facilities existed on January 1, 1996. Further, the portion of the property described in this section, except the property west of the stadium between the stadium and North West Street, that was undeveloped as of January 1, 1996, shall remain undeveloped unless the Legislature enacts legislation approving the development of such property. The portion of the property described in this section that is west of the stadium between the stadium and North West Street may be developed to provide parking facilities for the Mississippi Department of Transportation offices located on North West Street. The Mississippi Veterans Memorial Stadium Commission may take any action authorized

in Section 1 of House Bill No. 1007, 2001 Regular Session, relating to the property described in such section.

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

55-23-21. The Building Commission is hereby authorized and empowered, in addition to all other powers and duties of such commission, to enlarge and renovate the Mississippi Veterans Memorial Stadium in order to provide for a modern stadium having a seating capacity of approximately sixty-two thousand seven hundred thirty-one (62,731) persons, such authority to be conditioned upon a contribution by Hinds County, Mississippi, to the Building Commission of a sum of One Million Dollars (\$1,000,000.00) for such enlargement and renovation. The parking facilities shall not be extended any farther to the east than as the facilities existed on January 1, 1996. Further, the portion of the state-owned property on which the stadium and parking facilities are located, except the property west of the stadium between the stadium and North West Street, that was undeveloped as of January 1, 1996, shall remain undeveloped unless the Legislature enacts legislation approving the development of such property. The portion of the state-owned property on which the stadium is located that is west of the stadium between the stadium and North West Street may be developed to provide parking facilities for the Mississippi Department of Transportation offices located on North West Street. The Mississippi Veterans Memorial Stadium Commission may take any action authorized in Section 1 of House Bill No. 1007, 2001 Regular Session, relating to the property described in such section.

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

55-23-41. The proceeds of the bonds authorized in Sections 55-23-21 through 55-23-43 and funds appropriated for the enlargement and renovation of the Mississippi Veterans Memorial Stadium, including the funds to be supplied by Hinds County and also including funds from any and all other sources set aside for such enlargement and renovation by the Building Commission shall be used for the purpose of enlarging and renovating all physical components which make up the Mississippi Veterans Memorial Stadium and, except for the funds contributed by Hinds County, shall be deposited in the Mississippi Memorial Stadium Construction

Fund, hereby created in the State Treasury. The funds contributed by Hinds County shall be deposited as provided in Section 55-23-23. To that end the commission is hereby authorized and empowered to make and enter into such contracts and execute such instruments containing such reasonably appropriate terms and conditions as, in its discretion, it may deem necessary, proper or advisable for the purpose of carrying out the terms of Sections 55-23-21 through 55-23-43, including the acceptance of that proportion of the cost of improvements required by the terms of Sections 55-23-21 through 55-23-43 to be contributed by Hinds County. Any funds received by the Mississippi Veterans Memorial Stadium Commission under Section 1 of House Bill No. 1007, 2001 Regular Session, may be used for any purpose authorized in this section or Section 1 of House Bill No. 1007, 2001 Regular Session, or both.

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

55-23-43. The Building Commission may employ competent architects, engineers and other qualified agents to prepare plans, specifications and such other data as may be necessary to enable it to carry out the purposes of Sections 55-23-21 through 55-23-43 in a manner consistent with sound construction principles. When the plans and specifications have been approved and accepted by the Building Commission, contracts for the various phases of construction shall then be let by the Building Commission in the manner provided by law to competent and responsible firms or individuals whose work shall proceed under the constant inspection of a reliable and competent inspector to be furnished for that purpose by the State Building Commission. All expenses incurred in the enlargement and renovation under the provisions of Sections 55-23-21 through 55-23-43 shall be paid from the Mississippi Memorial Stadium Construction Fund created herein. The Mississippi Veterans Memorial Stadium Commission may take any action authorized in Section 1 of House Bill No. 1007, 2001 Regular Session, relating to the property described in such section.

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



55-23-45. The Building Commission is hereby authorized and empowered to repair and remodel the Mississippi Veterans Memorial Stadium and, notwithstanding the seating capacity limitations set out in Sections 55-23-21 through 55-23-43, to enlarge said stadium as funds become available for said purpose. The parking facilities shall not be extended any farther to the east than as the facilities existed on January 1, 1996. Further, the portion of the state-owned property on which the stadium and parking facilities are located, except the property west of the stadium between the stadium and North West Street, that was undeveloped as of January 1, 1996, shall remain undeveloped unless the Legislature enacts legislation approving the development of such property. The portion of state-owned property on which the stadium is located that is west of the stadium between the stadium and North West Street may be developed to provide parking facilities for the Mississippi Department of Transportation offices located on North West Street. The Mississippi Veterans Memorial Stadium Commission may take any action authorized in Section 1 of House Bill No. 1007, 2001 Regular Session, relating to the property described in such section.

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

55-23-49. The cost of repairing, remodeling and enlarging the Mississippi Veterans Memorial Stadium shall be paid from any funds appropriated by the Legislature for such purposes, or from the sale of revenue bonds or general obligation bonds issued for this purpose, as may be hereafter authorized by the Legislature. The costs of construction of improvements made under Section 1 of House Bill No. 1007, 2001 Regular Session, may be paid from any funds provided under this section or Section 1 of House Bill No. 1007, 2001 Regular Session, or both.

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

19-9-5. No county shall hereafter issue bonds secured by a pledge of its full faith and credit for the purposes authorized by law in an amount which, when added to the then outstanding bonds of such county, shall exceed either (a) fifteen percent (15%) of the assessed value of the taxable property within such county according to the last completed assessment for taxation, or (b) fifteen percent

(15%) of the assessment upon which taxes were levied for its fiscal year ending September 30, 1984, whichever is greater.

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

Provided further, in computing such indebtedness, there may be deducted all bonds or other evidences of indebtedness heretofore or hereafter issued, for the construction of hospitals, ports or other capital improvements which are payable primarily from the net revenue to be generated from such hospital, port or other capital improvement, which revenue shall be pledged to the retirement of such bonds or other evidences of indebtedness, together with the full faith and credit of the county. However, in no case shall any county contract any indebtedness payable in whole or in part from proceeds of ad valorem taxes which, when added to all of the outstanding general obligation indebtedness, both bonded and floating, shall exceed either (a) twenty percent (20%) of the assessed value of all taxable property within such county according to the last completed assessment for taxation, or (b) fifteen percent (15%) of the assessment upon which taxes were levied for its fiscal year ending September 30, 1984, whichever is greater. Nothing herein contained shall be construed to apply to contract obligations in any form heretofore or hereafter incurred by any county which are subject to annual appropriations therefor, or to bonds heretofore or hereafter issued by any county for school purposes, or to bonds issued by any county under the provisions of Sections 57-1-1 through 57-1-51, or to any indebtedness incurred under Section 1 of House Bill No. 1007, 2001 Regular Session.

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

21-33-303. No municipality shall hereafter issue bonds secured by a pledge of its full faith and credit for the purposes authorized by law in an amount which, when added to the then outstanding bonded indebtedness of such municipality, shall exceed either (a) fifteen percent (15%) of the assessed value of the taxable property within such municipality, according to the last completed assessment for taxation, or (b) ten percent (10%) of the assessment upon which taxes were levied for its fiscal year ending September 30, 1984, whichever is greater. In computing such indebtedness, there may be deducted all bonds or other evidences of indebtedness, heretofore or hereafter issued, for school, water, sewerage systems, gas, and light and power purposes and for the construction of special improvements primarily chargeable to the property benefited, or for the purpose of paying the municipality's proportion of any betterment program, a portion of which is primarily chargeable to the property benefited. However, in no case shall any municipality contract any indebtedness which, when added to all of the outstanding general obligation indebtedness, both bonded and floating, shall exceed either (a) twenty percent (20%) of the assessed value of all taxable property within such municipality according to the last completed assessment for taxation or (b) fifteen percent (15%) of the assessment upon which taxes were levied for its fiscal year ending September 30, 1984, whichever is greater. Nothing herein contained shall be construed to apply to contract obligations in any form heretofore or hereafter incurred by any municipality which are subject to annual appropriations therefor, or to bonds heretofore issued by any municipality for school purposes, or to contract obligations in any form heretofore or hereafter incurred by any municipality which are payable exclusively from the revenues of any municipally-owned utility, or to bonds issued by any municipality under the provisions of Sections 57-1-1 through 57-1-51, or to any special assessment improvement bonds issued by any municipality under the provisions of Sections 21-41-1 through 21-41-53, or to any indebtedness incurred under Section 1 of House Bill No. 1007, 2001 Regular Session.

All bonds issued prior to July 1, 1990, pursuant to this chapter by any municipality for the purpose of the constructing, replacing, renovating or improving wastewater collection and treatment facilities in order to comply with an administrative order of the Mississippi Department of Natural Resources issued pursuant to the Federal Water

Pollution Control Act and amendments thereto, are hereby exempt from the limitation imposed by this section if the governing body of the municipality adopts an order, resolution or ordinance to the effect that the rates paid by the users of such facilities shall be increased to the extent necessary to provide sufficient funds for the payment of the principal of and interest on such bonds as each respectively becomes due and payable as well as the necessary expenses in connection with the operation and maintenance of such facilities.

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

Passed House of Representatives  
March 29, 2001

Passed State Senate  
March 30, 2001

APPROVED BY THE GOVERNOR

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GOVERNOR