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Chapter No. 426

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HOUSE BILL NO. 1158

Originated in House Don Richardson Clerk

HOUSE BILL NO. 1158

AN ACT TO AMEND SECTION 55-23-6, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE TRANSFER OF AUTHORITY OVER THE POWERS AND DUTIES RELATED TO THE ADMINISTRATION OF THE MISSISSIPPI VETERANS MEMORIAL STADIUM PROPERTY AND THE MISSISSIPPI VETERANS MEMORIAL STADIUM; TO PROVIDE FOR THE TRANSFER OF CERTAIN PARCELS OF THE MISSISSIPPI VETERANS MEMORIAL STADIUM PROPERTY WHICH IS THE SUBJECT OF A CERTAIN DEVELOPMENT LEASE AGREEMENT TO THE UNIVERSITY OF MISSISSIPPI MEDICAL CENTER; TO PROVIDE FOR THE TRANSFER OF CERTAIN PARCELS OF THE MISSISSIPPI VETERANS MEMORIAL STADIUM PROPERTY CONSISTING OF THE STADIUM AND PARKING TO JACKSON STATE UNIVERSITY; TO PROVIDE THAT THE TRANSFER AUTHORIZED UNDER THIS ACT IS SUBJECT TO AN AGREEMENT BEING REACHED BY THE DEPARTMENT OF FINANCE AND ADMINISTRATION, THE UNIVERSITY OF MISSISSIPPI MEDICAL CENTER AND THE CURRENT DEVELOPER OF THE PROPERTY; TO AMEND SECTION 55-23-8, MISSISSIPPI CODE OF 1972, TO REQUIRE JACKSON STATE UNIVERSITY AND THE UNIVERSITY OF MISSISSIPPI MEDICAL CENTER TO FULLY COMPLY WITH EXISTING LEASE AGREEMENTS WITH ANY PUBLIC OR PRIVATE ENTITIES WITH EXISTING INTERESTS IN THE MISSISSIPPI VETERANS MEMORIAL STADIUM PROPERTY ENTERED INTO BY THE DEPARTMENT OF FINANCE AND ADMINISTRATION; TO AMEND SECTION 55-23-9, MISSISSIPPI CODE OF 1972, TO TRANSFER THE MANAGEMENT AND CONTROL OF OPERATING THE MISSISSIPPI VETERANS MEMORIAL STADIUM FROM THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO JACKSON STATE UNIVERSITY; TO PROVIDE THAT JACKSON STATE UNIVERSITY SHALL MAINTAIN CONTROL OF THE STADIUM UNTIL SUCH TIME THAT IT RELOCATES ITS HOME GAMES TO ANOTHER VENUE; TO PROVIDE THAT ALL MONIES AND REVENUES ARISING FROM THE USE OF THE STADIUM SHALL BE RETAINED BY JACKSON STATE UNIVERSITY FOR OPERATION, MAINTENANCE, IMPROVEMENTS AND CERTAIN OTHER PURPOSES; TO REPEAL SECTION 2, CHAPTER 605, LAWS OF 2007, WHICH PROVIDES THE LEGISLATIVE INTENT TO AUTHORIZE THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO CANCEL LEASES OF THE MISSISSIPPI VETERANS MEMORIAL STADIUM PROPERTY; TO REQUIRE THAT THE TERMS OF LEASES FOR CURRENT LESSEES BE FULLY COMPLIED WITH AND TO PREVENT THE USE OF THE PROCESS OF EMINENT DOMAIN TO ACQUIRE ANY LESSEE'S PROPERTY INTEREST; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 55-23-6, Mississippi Code of 1972, is amended as follows:

55-23-6. (1) From and after the passage of this act:

(a) (i) The Department of Finance and Administration

as managing agency for the Mississippi Veterans Memorial Stadium,

upon consultation with Jackson State University and the Department of Health, shall transfer the operational, administrative and managing powers and duties over the Mississippi Veterans Memorial Stadium to Jackson State University, subject to an agreement reached by the Department of Finance and Administration, Jackson State University and the University of Mississippi Medical Center.

(ii) The Department of Finance and Administration as managing agency for the Mississippi Veterans Memorial Stadium, upon consultation with Jackson State University, the University of Mississippi Medical Center and the Department of Health, shall transfer, 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 Department of Finance and Administration as of July 1, 2008, 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 the Mississippi Veterans Memorial Stadium, to Jackson State University and the University of Mississippi Medical Center in accordance with the provisions of this act and subject to an agreement reached by the Department of Finance and Administration, the University of Mississippi Medical Center and the developer of the property with whom the Department of Finance and Administration entered into a development lease agreement on July 13, 1993, as amended by an agreement on August 19, 1994, less and except any portion of real property excluded from the development agreement pursuant to a settlement agreement issued in the Circuit Court of Hinds County, Mississippi, on September 16, 2009, better described as Parcel B recorded in Book 4216, page 330, at Hinds County Courthouse, First Judicial District, Jackson, Mississippi;

(b) (i) The property that is the subject of the development agreement entered into on July 13, 1993, as amended by

an agreement on August 19, 1994, less and except any portion of real property excluded from the development agreement pursuant to a settlement agreement issued in the Circuit Court of Hinds County, Mississippi, on September 16, 2009, better described as Parcel B recorded in Book 4216, page 330, at Hinds County Courthouse, First Judicial District, Jackson, Mississippi, shall be transferred to the University of Mississippi Medical Center;

(ii) The remainder of the Mississippi Veterans Memorial Stadium Property shall be transferred from the Department of Finance and Administration to Jackson State University, until such time as Jackson State University relocates its home football games to another venue. Once Jackson State University relocates its home football games to another venue, the portion of Mississippi Veterans Memorial Stadium Property conveyed to Jackson State University under this subsection (1) shall be transferred to the University of Mississippi Medical Center. From and after the passage of this act, and at the point Jackson State University assumes possession of an operation of the real property transferred in this paragraph, Jackson State University shall have a three-year option to transfer said property back to the State of Mississippi;

(c) All necessary records, property, funds and other assets * * * of the Mississippi Veterans Memorial Stadium * * * shall be transferred from the Department of Finance and Administration to Jackson State University and/or the University of Mississippi Medical Center as applicable, in proportion to the interests that each such entity retains in the real property transferred under paragraphs (a) and (b) of this subsection; and

(d) Unless otherwise provided in the provisions of this act, any personal service, management or other contracts of like nature entered into by the Department of Finance and Administration, as such may apply to the properties transferred under paragraphs (a) and (b) of this subsection, shall be

transferred to, acknowledged and complied with by Jackson State University and the University of Mississippi Medical Center as applicable to the interests that each such entity retains in the real property transferred under paragraphs (a) and (b) of this subsection.

(2) Any agreement reached by the Department of Finance and Administration, the University of Mississippi Medical Center and the current developer shall * * * comply with all requirements of this act.

(3) From and after the passage of this act, wherever the term "Department of Finance and Administration," the term "Mississippi Veterans Memorial Stadium Commission" or the term "commission," when referring to the Mississippi Veterans Memorial Stadium Commission, appears in the laws of the state, the terms shall mean "Jackson State University" or the "University of Mississippi Medical Center," which shall be applicable to the interests that each such entity retains in the property transferred under subsection (1)(b) as stipulated in any agreement entered into by the Department of Finance and Administration, Jackson State University, the University of Mississippi Medical Center and the developer of the property for the transfer of such property and the administration and operations relating thereto.

SECTION 2. Section 55-23-8, Mississippi Code of 1972, is amended as follows:

55-23-8. (1) Jackson State University and the University of Mississippi Medical Center shall comply fully with the terms of any lease agreement entered into by the Department of Finance and Administration with any public or private entity for that portion of the Mississippi Veterans Memorial Stadium Property transferred to and under its jurisdiction as provided in Section 55-23-6, including the existing lease agreement between the Department of Finance and Administration and the University of Mississippi Medical Center entered into on February 23, 2009, as amended from

time to time, unless and except that public or private entity breaches the terms of the lease agreement or defaults on lease payments or upon an agreement of the parties to terminate.

(2) The University of Mississippi Medical Center may enter into agreements with any developer for the property conveyed to the University of Mississippi Medical Center under Section 55-23-6, or any 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 contractual rights and/or 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) * * *.

* * *

(3) The University of Mississippi Medical Center, 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 University of Mississippi Medical Center.

* * *

(4) Any lease, renewal thereof, or other agreement entered into by the University of Mississippi Medical Center under this section shall not be valid unless approved by the Board of Trustees of State Institutions of Higher Learning * * *.

* * *

(5) Any lessee or lessees (or any designee of any such lessee or lessees) of property leased from the University of Mississippi Medical Center 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.

* * *

(6) The University of Mississippi Medical Center, or the Department of Finance and Administration, acting on behalf of the state or any state agency, is authorized to perform any additional steps and necessary duties to fully implement the provisions of this act, as the exercise of such authority relates to the negotiation or renegotiation of certain leases or acquiring rights in any property under any existing lease with the Department of Finance and Administration.

(7) In addition to the requirement imposed upon the University of Mississippi Medical Center and Jackson State University to fully comply with the terms of all lease agreements entered into concerning the "Mississippi Veterans Memorial Stadium Property," the process of eminent domain shall not be used to acquire possession of any property interest leased under the provision of any existing development lease entered into on the property at anytime before the expiration of the term of the original lease or any amendment made thereto.

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

55-23-9. Jackson State University shall acquire possession of, operate, maintain and improve the Mississippi Veterans Memorial Stadium until such time that Jackson State University relocates its home football games to another venue, in accordance with the provisions of this act. Jackson State University shall employ such agents and employees as may be required in connection therewith. All personnel of the Mississippi Veterans Memorial Stadium Commission shall be transferred from the Department of Finance and Administration to Jackson State University. Jackson State University may enter into contracts for the use of the stadium, and fix the amount of the compensation therefor, and collect the same when due. * * *

Any personal service, management or other contracts of like nature entered into by the Department of Finance and Administration that are applicable to the Mississippi Veterans Memorial Stadium, in whole or in part, shall be transferred to, acknowledged and complied with by Jackson State University for the term of such contracts.

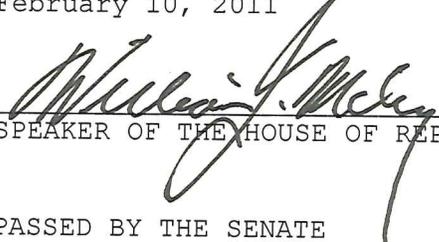
All monies and revenues, including the amusement tax imposed upon the sale of tickets for admission to the stadium, and all other events on stadium property designated for Jackson State University and all monies arising from other use of stadium property, including that realized from the sale of concessions, shall be retained by Jackson State University for the operation, maintenance and improvements to the Mississippi Veterans Memorial Stadium and for the support of intercollegiate athletics at such university. Jackson State University shall seek appropriate state funding through the Department of Finance and Administration for completion by the Bureau of Building, Grounds and Real Property for all expenses incident to the necessary safety, repairs and renovations as determined by the Department of Finance and Administration to the Mississippi Veterans Memorial Stadium.

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 2, Chapter 605, Laws of 2007, which provides the legislative intent to authorize the Department of Finance and Administration to cancel the leases of Mississippi Veterans Memorial Stadium Property, is repealed.

SECTION 5. This act shall take effect and be in force from
and after July 1, 2011.

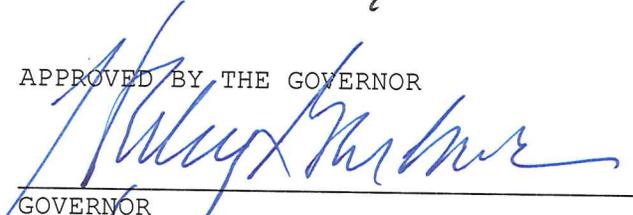
PASSED BY THE HOUSE OF REPRESENTATIVES
February 10, 2011


SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
March 2, 2011


PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR


GOVERNOR
3/16/11 5:14p