

By: Senator(s) Hall

To: Finance

## SENATE BILL NO. 3211

1 AN ACT TO PROVIDE FOR THE ISSUANCE OF GENERAL OBLIGATION  
2 BONDS TO PROVIDE FUNDS TO THE MISSISSIPPI COMMISSION FOR  
3 INTERNATIONAL CULTURAL EXCHANGE FOR COSTS ASSOCIATED WITH THE  
4 EXHIBITION OF SPANISH ART IN JACKSON, MISSISSIPPI; AND FOR RELATED  
5 PURPOSES. BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF  
6 MISSISSIPPI:

7  
8 SECTION 1. (1) Upon the receipt of matching funds or  
9 verification that the matching funds described in this subsection  
10 are forthcoming, the Department of Finance and Administration, at  
11 one time or from time to time, may declare by resolution the  
12 necessity for issuance of general obligation bonds of the State of  
13 Mississippi in an amount not to exceed One Million Five Hundred  
14 Thousand Dollars (\$1,500,000.00) to provide funds to the  
15 Mississippi Commission for International Cultural Exchange for  
16 costs associated with the exhibition of Spanish art in Jackson,  
17 Mississippi. The issuance of the bonds described in this  
18 subsection and the allocation of such funds are conditioned upon  
19 the private sector or local or federal government providing One  
20 Million Dollars (\$1,000,000.00) and the Department of Economic and  
21 Community Development providing Five Hundred Thousand Dollars  
22 (\$500,000.00) to match the funds provided under this section. The  
23 matching funds required pursuant to this subsection may be  
24 provided in the form of cash or in kind contributions or any  
25 combination of cash or in kind contributions.

26 (2) Upon the adoption of a resolution by the Department of  
27 Finance and Administration, declaring the necessity for the  
28 issuance of any part or all of the general obligation bonds  
29 authorized by this section, the department shall deliver a

30 certified copy of its resolution or resolutions to the State Bond  
31 Commission. Upon receipt of such resolution, the State Bond  
32 Commission, in its discretion, may act as the issuing agent,  
33 prescribe the form of the bonds, advertise for and accept bids,  
34 issue and sell the bonds so authorized to be sold, and do any and  
35 all other things necessary and advisable in connection with the  
36 issuance and sale of such bonds.

37 (3) The amount of bonds issued under this act shall not  
38 exceed One Million Five Hundred Thousand Dollars (\$1,500,000.00)  
39 for the project described in subsection (1) of this section.

40 SECTION 2. The principal of and interest on the bonds  
41 authorized under this act shall be payable in the manner provided  
42 in this section. Such bonds shall bear such date or dates, be in  
43 such denomination or denominations, bear interest at such rate or  
44 rates not exceeding the limits set forth in Section 75-17-101, be  
45 payable at such place or places within or without the State of  
46 Mississippi, shall mature absolutely at such time or times not to  
47 exceed twenty (20) years from date of issue, be redeemable before  
48 maturity at such time or times and upon such terms, with or  
49 without premium, shall bear such registration privileges, and  
50 shall be substantially in such form, all as determined by  
51 resolution of the State Bond Commission.

52 SECTION 3. The bonds authorized under this act shall be  
53 signed by the Chairman of the State Bond Commission, or by his  
54 facsimile signature, and the official seal of the State Bond  
55 Commission shall be affixed thereto, attested by the Secretary of  
56 the State Bond Commission. The interest coupons, if any, to be  
57 attached to such bonds may be executed by the facsimile signatures  
58 of such officers. Whenever any such bonds shall have been signed  
59 by the officials designated to sign the bonds who were in office  
60 at the time of such signing but who may have ceased to be such  
61 officers before the sale and delivery of such bonds, or who may  
62 not have been in office on the date such bonds may bear, the  
63 signatures of such officers upon such bonds and coupons shall  
64 nevertheless be valid and sufficient for all purposes and have the  
65 same effect as if the person so officially signing such bonds had  
66 remained in office until their delivery to the purchaser, or had  
67 been in office on the date such bonds may bear. However,

68 notwithstanding anything in this act to the contrary, such bonds  
69 may be issued as provided in the Registered Bond Act of the State  
70 of Mississippi.

71 SECTION 4. All bonds and interest coupons issued under the  
72 provisions of this act have all the qualities and incidents of  
73 negotiable instruments under the provisions of the Uniform  
74 Commercial Code, and in exercising the powers granted by this act,  
75 the State Bond Commission shall not be required to and need not  
76 comply with the provisions of the Uniform Commercial Code.

77 SECTION 5. The State Bond Commission shall act as the  
78 issuing agent for the bonds authorized under this act, prescribe  
79 the form of the bonds, advertise for and accept bids, issue and  
80 sell the bonds so authorized to be sold, pay all fees and costs  
81 incurred in such issuance and sale, and do all other things  
82 necessary and advisable in connection with the issuance and sale  
83 of the bonds. The State Bond Commission may pay the costs that  
84 are incident to the sale, issuance and delivery of the bonds  
85 authorized under this act from the proceeds derived from the sale  
86 of the bonds. The State Bond Commission shall sell such bonds on  
87 sealed bids at public sale, and for such price as it may determine  
88 to be for the best interest of the State of Mississippi, but no  
89 such sale may be made at a price less than par plus accrued  
90 interest to the date of delivery of the bonds to the purchaser.  
91 All interest accruing on such bonds so issued shall be payable  
92 semiannually or annually; however, the first interest payment may  
93 be for any period of not more than one (1) year.

94 Notice of the sale of any such bond shall be published at  
95 least one (1) time, not less than ten (10) days before the date of  
96 sale, and shall be so published in one or more newspapers  
97 published or having a general circulation in the City of Jackson,  
98 Mississippi, and in one or more other newspapers or financial  
99 journals with a national circulation, to be selected by the State  
100 Bond Commission.

101 The State Bond Commission, when issuing any bonds under the

102 authority of this act, may provide that the bonds, at the option  
103 of the State of Mississippi, may be called in for payment and  
104 redemption at the call price named therein and accrued interest on  
105 such date or dates named therein.

106 SECTION 6. The bonds issued under the provisions of this act  
107 are general obligations of the State of Mississippi, and for the  
108 payment thereof the full faith and credit of the State of  
109 Mississippi is irrevocably pledged. If the funds appropriated by  
110 the Legislature are insufficient to pay the principal of and the  
111 interest on such bonds as they become due, then the deficiency  
112 shall be paid by the State Treasurer from any funds in the State  
113 Treasury not otherwise appropriated. All such bonds shall contain  
114 recitals on their faces substantially covering the provisions of  
115 this section.

116 SECTION 7. The State Treasurer is authorized to certify to  
117 the Executive Director of the Department of Finance and  
118 Administration the necessity for warrants, and the Executive  
119 Director of the Department of Finance and Administration is  
120 authorized and directed to issue such warrants, in such amounts as  
121 may be necessary to pay when due the principal of, premium, if  
122 any, and interest on, or the accreted value of, all bonds issued  
123 under this act; and the State Treasurer shall forward the  
124 necessary amount to the designated place or places of payment of  
125 such bonds in ample time to discharge such bonds, or the interest  
126 on the bonds, on their due dates.

127 SECTION 8. Upon the issuance and sale of bonds under this  
128 act, the State Bond Commission shall deposit the proceeds of any  
129 such sale or sales in a special fund created in the State Treasury  
130 to be known as the "Mississippi Commission for International  
131 Cultural Exchange Spanish Art Exhibit Fund." Such fund shall be  
132 maintained by the State Treasurer as a separate and special fund,  
133 separate and apart from the General Fund of the state, and  
134 investment earnings on amounts in the fund shall be deposited into  
135 such fund. The proceeds of such bonds shall be used solely for

136 the purposes provided in this act, including the costs incident to  
137 the issuance and sale of such bonds. The costs incident to the  
138 issuance and sale of such bonds shall be disbursed by warrant upon  
139 requisition of the State Bond Commission, signed by the chairman  
140 of the commission. The remaining monies in the fund shall be  
141 expended solely under the direction of the Department of Finance  
142 and Administration under such restrictions, if any, as may be  
143 contained in the resolution providing for the issuance of the  
144 bonds, and such funds shall be paid by the State Treasurer upon  
145 warrants issued by the Executive Director of the Department of  
146 Finance and Administration. Money in the fund shall be disbursed  
147 by the Department of Finance and Administration to the Mississippi  
148 Commission for International Cultural Exchange as follows:

149 (a) Five Hundred Thousand Dollars (\$500,000.00) shall  
150 be disbursed not sooner than July 1, 1999.

151 (b) Five Hundred Thousand Dollars (\$500,000.00) shall  
152 be disbursed not sooner than July 1, 2000.

153 (c) Five Hundred Thousand Dollars (\$500,000.00) shall  
154 be disbursed not sooner than July 1, 2001.

155 SECTION 9. The bonds authorized under this act may be issued  
156 without any other proceedings or the happening of any other  
157 conditions or things other than those proceedings, conditions and  
158 things that are specified or required by this act. Any resolution  
159 providing for the issuance of bonds under this act shall become  
160 effective immediately upon its adoption by the State Bond  
161 Commission, and any such resolution may be adopted at any regular  
162 or special meeting of the State Bond Commission by a majority of  
163 its members.

164 SECTION 10. The bonds authorized under the authority of this  
165 act may be validated in the Chancery Court of the First Judicial  
166 District of Hinds County, Mississippi, in the manner and with the  
167 force and effect provided by Chapter 13, Title 31, Mississippi  
168 Code of 1972, for the validation of county, municipal, school  
169 district and other bonds. The notice to taxpayers required by

170 such statutes shall be published in a newspaper published or  
171 having a general circulation in the City of Jackson, Mississippi.

172 SECTION 11. Any holder of bonds issued under this act or of  
173 any of the interest coupons pertaining to the bonds may, either at  
174 law or in equity, by suit, action, mandamus or other proceeding,  
175 protect and enforce all rights granted under this act, or under  
176 such resolution, and may enforce and compel performance of all  
177 duties required by this act to be performed, in order to provide  
178 for the payment of bonds and interest on the bonds.

179 SECTION 12. All bonds issued under this act shall be legal  
180 investments for trustees and other fiduciaries, and for savings  
181 banks, trust companies and insurance companies organized under the  
182 laws of the State of Mississippi, and such bonds shall be legal  
183 securities that may be deposited with and shall be received by all  
184 public officers and bodies of this state and all municipalities  
185 and political subdivisions for the purpose of securing the deposit  
186 of public funds.

187 SECTION 13. Bonds issued under this act and income from the  
188 bonds shall be exempt from all taxation in the State of  
189 Mississippi.

190 SECTION 14. This act shall be deemed to be full and complete  
191 authority for the exercise of the powers granted, but this act  
192 shall not be deemed to repeal or to be in derogation of any  
193 existing law of this state.

194 SECTION 15. This act shall take effect and be in force from  
195 and after its passage.