

By: Senator(s) Blackmon, Johnson (19th)

To: Finance

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2729

1 AN ACT TO AUTHORIZE THE ISSUANCE OF GENERAL OBLIGATION BONDS
2 OF THE STATE OF MISSISSIPPI IN THE AMOUNT OF \$1,000,000.00 FOR THE
3 PURPOSE OF DEVELOPING AN ENTERTAINMENT AND FILM CENTER AND MUSEUM
4 AND PROVIDING ASSISTANCE IN THE COST OF COMPLETING A SOUND STAGE
5 IN CANTON, MISSISSIPPI; AND FOR RELATED PURPOSES.

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

7 SECTION 1. As used in this act, the following words shall
8 have the meanings ascribed herein unless the context clearly
9 requires otherwise:

10 (a) "Accreted value" of any bond means, as of any date
11 of computation, an amount equal to the sum of (i) the stated
12 initial value of such bond, plus (ii) the interest accrued thereon
13 from the issue date to the date of computation at the rate,
14 compounded semiannually, that is necessary to produce the
15 approximate yield to maturity shown for bonds of the same
16 maturity.

17 (b) "Commission" means the State Bond Commission.

18 (c) "Board" means the Board of Trustees of the
19 Department of Archives and History.

20 SECTION 2. (1) A special fund, to be designated the "2001
21 Entertainment and Film Center and Museum and Sound Stage Complex
22 Fund" is created within the State Treasury. The fund shall be
23 maintained by the State Treasurer as a separate and special fund,
24 separate and apart from the General Fund of the state, and
25 investment earnings on amounts in the fund shall be deposited into
26 such fund. The expenditure of monies deposited into the fund
27 shall be under the direction of the Department of Finance and
28 Administration, based upon recommendations of the Board of

29 Trustees of the Department of Archives and History, and such funds
30 shall be paid by the State Treasurer upon warrants issued by the
31 Department of Finance and Administration. Monies deposited into
32 such fund shall be allocated and disbursed according to the
33 provisions of this act.

34 (2) Monies deposited into the fund shall be disbursed to pay
35 the costs of the following projects:

36 (a) Development, construction, equipping and furnishing
37 an entertainment and film center and museum to be located in
38 Canton, Mississippi;

39 (b) Completion of a sound stage project located in the
40 City of Canton.

41 (3) Monies in the fund shall be allocated and disbursed
42 through the Department of Finance and Administration, based upon
43 the recommendations of the Board of Trustees of the Department of
44 Archives and History, to pay the costs associated with each
45 project as follows:

46 (a) For the project specified in subsection (2)(a) of
47 this section, (i) the cost of development, construction, equipping
48 and furnishing a film center and museum to be located in the
49 Hickory Street Historic District in Canton, Mississippi; and (ii)
50 the hiring of consultants, preplanners, architects, engineers,
51 exhibit contracting firms and any other museum professionals.

52 (b) For the project specified in subsection (2)(b) of
53 this section, the costs necessary to complete a sound stage
54 complex in Canton, Mississippi.

55 (4) (a) With regard to any project described in this
56 section, any consultant, preplanner, architect, engineer, exhibit
57 contracting firm, historic preservation specialist or other museum
58 professional hired by the Department of Finance and Administration
59 to work on the project shall be selected from a list of such
60 professionals that has been composed and submitted to the

61 Department of Finance and Administration by the Board of Trustees
62 of the Department of Archives and History.

63 (b) With regard to the project described in subsection
64 (2)(b), the Board of Trustees of the Department of Archives and
65 History shall determine the amount necessary to complete the
66 project and disburse such amount to the proper entity.

67 (5) The Department of Finance and Administration, at the
68 direction of the Board of Trustees of the Department of Archives
69 and History, is expressly authorized and empowered to receive and
70 expend any local or other source funds in connection with the
71 expenditures of funds from the 2001 Entertainment and Film Center
72 and Museum and Sound Stage Complex Fund under this section.

73 (6) Plans and specifications for all projects initiated
74 under the provisions of subsection (2)(a) of this act shall be
75 approved by the Board of Trustees of the Department of Archives
76 and History before the awarding of any contracts. The plans and
77 specifications for any work involving Mississippi landmark
78 properties shall be developed in accordance with the Secretary of
79 the Interior's Standards for Rehabilitation and Guidelines for
80 Rehabilitating Historic Buildings.

81 SECTION 3. (1) Upon the recommendation of the Board of
82 Trustees of the Department of Archives and History, the Department
83 of Finance and Administration, at one time or from time to time,
84 may declare by resolution the necessity for issuance of general
85 obligation bonds of the State of Mississippi to provide funds for
86 all costs incurred or to be incurred for the purposes described in
87 Section 2 of this act. Upon the adoption of a resolution by the
88 Department of Finance and Administration, declaring the necessity
89 for the issuance of any part or all of the general obligation
90 bonds authorized by this section, the Department of Finance and
91 Administration shall deliver a certified copy of its resolution or
92 resolutions to the State Bond Commission. Upon receipt of such
93 resolution, the commission, in its discretion, may act as the

94 issuing agent, prescribe the form of the bonds, advertise for and
95 accept bids, issue and sell the bonds so authorized to be sold and
96 do any and all other things necessary and advisable in connection
97 with the issuance and sale of such bonds. The amount of bonds
98 issued under this act shall not exceed One Million Dollars
99 (\$1,000,000.00). No bonds shall be issued under this act after
100 July 1, 2005.

101 (2) Any investment earnings on amounts deposited into the
102 special fund created in Section 2 of this act shall be used to pay
103 debt service on bonds issued under this act, in accordance with
104 the proceedings authorizing issuance of such bonds.

105 (3) Upon the completion or abandonment of all projects
106 described in Section 2 of this act, as evidenced by a resolution
107 adopted by the Department of Finance and Administration certifying
108 that all such projects have been completed or abandoned, the
109 balance, if any, remaining in the 2001 Entertainment and Film
110 Center and Museum and Sound Stage Complex Fund shall be promptly
111 applied to pay debt service on bonds issued under this act, in
112 accordance with the proceedings authorizing the issuance of such
113 bonds.

114 SECTION 4. The principal of and interest on the bonds
115 authorized under Section 3 of this act shall be payable in the
116 manner provided in this section. Such bonds shall bear such date
117 or dates, be in such denomination or denominations, bear interest
118 at such rate or rates (not to exceed the limits set forth in
119 Section 75-17-101), be payable at such place or places within or
120 without the State of Mississippi, shall mature absolutely at such
121 time or times not to exceed twenty-five (25) years from date of
122 issue, be redeemable before maturity at such time or times and
123 upon such terms, with or without premium, shall bear such
124 registration privileges, and shall be substantially in such form,
125 all as shall be determined by resolution of the State Bond
126 Commission.

127 SECTION 5. The bonds authorized by Section 3 of this act
128 shall be signed by the Chairman of the State Bond Commission, or
129 by his facsimile signature, and the official seal of the
130 commission shall be affixed thereto, attested by the secretary of
131 the commission. The interest coupons, if any, to be attached to
132 such bonds may be executed by the facsimile signatures of such
133 officers. Whenever any such bonds shall have been signed by the
134 officials designated to sign the bonds who were in office at the
135 time of such signing but who may have ceased to be such officers
136 before the sale and delivery of such bonds, or who may not have
137 been in office on the date such bonds may bear, the signatures of
138 such officers upon such bonds and coupons shall nevertheless be
139 valid and sufficient for all purposes and have the same effect as
140 if the person so officially signing such bonds had remained in
141 office until their delivery to the purchaser, or had been in
142 office on the date such bonds may bear. However, notwithstanding
143 anything herein to the contrary, such bonds may be issued as
144 provided in the Registered Bond Act of the State of Mississippi.

145 SECTION 6. All bonds and interest coupons issued under the
146 provisions of this act have all the qualities and incidents of
147 negotiable instruments under the provisions of the Mississippi
148 Uniform Commercial Code, and in exercising the powers granted by
149 this act, the commission shall not be required to and need not
150 comply with the provisions of the Mississippi Uniform Commercial
151 Code.

152 SECTION 7. The commission shall act as the issuing agent for
153 the bonds authorized under Section 3 of this act, prescribe the
154 form of the bonds, advertise for and accept bids, issue and sell
155 the bonds so authorized to be sold, pay all fees and costs
156 incurred in such issuance and sale, and do any and all other
157 things necessary and advisable in connection with the issuance and
158 sale of such bonds. The commission is authorized and empowered to
159 pay the costs that are incident to the sale, issuance and delivery

160 of the bonds authorized under this act from the proceeds derived
161 from the sale of such bonds. The commission shall sell such bonds
162 on sealed bids at public sale, and for such price as it may
163 determine to be for the best interest of the State of Mississippi,
164 but no such sale shall be made at a price less than par plus
165 accrued interest to the date of delivery of the bonds to the
166 purchaser. All interest accruing on such bonds so issued shall be
167 payable semiannually or annually; however, the first interest
168 payment may be for any period of not more than one (1) year.

169 Notice of the sale of any such bond shall be published at
170 least one (1) time, not less than ten (10) days before the date of
171 sale, and shall be so published in one or more newspapers
172 published or having a general circulation in the City of Jackson,
173 Mississippi, and in one or more other newspapers or financial
174 journals with a national circulation, to be selected by the
175 commission.

176 The commission, when issuing any bonds under the authority of
177 this act, may provide that bonds, at the option of the State of
178 Mississippi, may be called in for payment and redemption at the
179 call price named therein and accrued interest on such date or
180 dates named therein.

181 SECTION 8. The bonds issued under the provisions of this act
182 are general obligations of the State of Mississippi, and for the
183 payment thereof the full faith and credit of the State of
184 Mississippi is irrevocably pledged. If the funds appropriated by
185 the Legislature are insufficient to pay the principal of and the
186 interest on such bonds as they become due, then the deficiency
187 shall be paid by the State Treasurer from any funds in the State
188 Treasury not otherwise appropriated. All such bonds shall contain
189 recitals on their faces substantially covering the provisions of
190 this section.

191 SECTION 9. Upon the issuance and sale of bonds under the
192 provisions of this act, the commission shall transfer the proceeds

193 of any such sale or sales to the special fund created in Section 2
194 of this act. The proceeds of such bonds shall be disbursed solely
195 upon the order of the Department of Finance and Administration
196 under such restrictions, if any, as may be contained in the
197 resolution providing for the issuance of the bonds.

198 SECTION 10. The bonds authorized under this act may be
199 issued without any other proceedings or the happening of any other
200 conditions or things other than those proceedings, conditions and
201 things which are specified or required by this act. Any
202 resolution providing for the issuance of bonds under the
203 provisions of this act shall become effective immediately upon its
204 adoption by the commission, and any such resolution may be adopted
205 at any regular or special meeting of the commission by a majority
206 of its members.

207 SECTION 11. The bonds authorized under the authority of this
208 act may be validated in the Chancery Court of the First Judicial
209 District of Hinds County, Mississippi, in the manner and with the
210 force and effect provided by Chapter 13, Title 31, Mississippi
211 Code of 1972, for the validation of county, municipal, school
212 district and other bonds. The notice to taxpayers required by
213 such statutes shall be published in a newspaper published or
214 having a general circulation in the City of Jackson, Mississippi.

215 SECTION 12. Any holder of bonds issued under the provisions
216 of this act or of any of the interest coupons pertaining thereto
217 may, either at law or in equity, by suit, action, mandamus or
218 other proceeding, protect and enforce any and all rights granted
219 under this act, or under such resolution, and may enforce and
220 compel performance of all duties required by this act to be
221 performed, in order to provide for the payment of bonds and
222 interest thereon.

223 SECTION 13. All bonds issued under the provisions of this
224 act shall be legal investments for trustees and other fiduciaries,
225 and for savings banks, trust companies and insurance companies

226 organized under the laws of the State of Mississippi, and such
227 bonds shall be legal securities which may be deposited with and
228 shall be received by all public officers and bodies of this state
229 and all municipalities and political subdivisions for the purpose
230 of securing the deposit of public funds.

231 SECTION 14. Bonds issued under the provisions of this act
232 and income therefrom shall be exempt from all taxation in the
233 State of Mississippi.

234 SECTION 15. The proceeds of the bonds issued under this act
235 shall be used solely for the purposes herein provided, including
236 the costs incident to the issuance and sale of such bonds.

237 SECTION 16. The State Treasurer is authorized, without
238 further process of law, to certify to the Department of Finance
239 and Administration the necessity for warrants, and the Department
240 of Finance and Administration is authorized and directed to issue
241 such warrants, in such amounts as may be necessary to pay when due
242 the principal of, premium, if any, and interest on, or the
243 accreted value of, all bonds issued under this act; and the State
244 Treasurer shall forward the necessary amount to the designated
245 place or places of payment of such bonds in ample time to
246 discharge such bonds, or the interest thereon, on the due dates
247 thereof.

248 SECTION 17. The Board of Trustees of the Department of
249 Archives and History shall file a report on July 1, 2001, with the
250 Department of Finance and Administration that describes in detail
251 the progress that has been made in implementing the projects
252 authorized by this act. A report for each fiscal year shall be
253 filed annually on July 1 until all funds required for the projects
254 described in this act have been expended.

255 SECTION 18. This act shall be deemed to be full and complete
256 authority for the exercise of the powers herein granted, but this
257 act shall not be deemed to repeal or to be in derogation of any
258 existing law of this state.

259 SECTION 19. This act shall take effect and be in force from
260 and after July 1, 2001.