

*****Adopted*****

AMENDMENT No. 1 PROPOSED TO

House Bill NO. 1604

By Senator(s) Committee

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

7 **SECTION 1. As used in this act, the following words shall have**

8 **the meanings ascribed in this section unless the context clearly**

9 **requires otherwise:**

10 **(a) "Accreted value" of any bond means, as of any date of**

11 **computation, an amount equal to the sum of (i) the stated initial value**

12 **of the bond, plus (ii) the interest accrued on the bond from the issue**

13 **date to the date of computation at the rate, compounded semiannually,**

14 **that is necessary to produce the approximate yield to maturity shown**

15 **for bonds of the same maturity.**

16 **(b) "Commission" means the State Bond Commission.**

17 **(c) "State" means the State of Mississippi.**

18 **SECTION 2. (1) The Department of Finance and Administration,**

19 **at one time or from time to time, may declare by resolution the**

20 **necessity for issuance of general obligation bonds of the State of**

21 **Mississippi in an amount not to exceed Two Million Dollars**

22 **(\$2,000,000.00) to provide funds to pay the costs of construction of the**

23 **Ohr-O'Keefe Museum of Art in Biloxi, Mississippi, which includes**

24 **construction of the African-American Art Center at the museum and**

25 **restoration of the Pleasant Reed House.**

26 **(2) (a) A special fund, to be designated as the "Ohr-O'Keefe**

27 **Museum of Art Fund," is created in the State Treasury. The fund shall**

28 **be maintained by the State Treasurer separate and apart from the**

29 **General Fund of the state. Unexpended amounts remaining in the fund**

30 **at the end of a fiscal year shall not lapse into the State General Fund,**
31 **and any interest earned or investment earnings on amounts in the fund**
32 **shall be deposited into the fund.**

33 **(b) Monies deposited into the fund shall be disbursed, in**
34 **the discretion of the Department of Finance and Administration, to pay**
35 **all costs incurred or to be incurred in connection with the project**
36 **described in subsection (1) of this section.**

37 **(c) Any investment earnings on amounts deposited into the**
38 **fund shall be used to pay debt service on bonds issued under this act,**
39 **in accordance with the proceedings authorizing issuance of the bonds.**

40 **(d) After the commission has certified, by resolution duly**
41 **adopted, that the project described in subsection (1) has been**
42 **completed, abandoned, or cannot be completed in a timely fashion,**
43 **any amounts remaining in the fund shall be applied to pay debt service**
44 **on the bonds issued under this act, in accordance with the**

45 **proceedings authorizing the issuance of the bonds and as directed by**
46 **the commission.**

47 **SECTION 3. Upon the adoption of a resolution by the Department**
48 **of Finance and Administration, declaring the necessity for the issuance**
49 **of any part or all of the general obligation bonds authorized by this act,**
50 **the Department of Finance and Administration shall deliver a certified**
51 **copy of its resolution or resolutions to the commission. Upon receipt**
52 **of the resolution, the commission, in its discretion, may act as the**
53 **issuing agent, prescribe the form of the bonds, advertise for and**
54 **accept bids, issue and sell the bonds so authorized to be sold and do**
55 **any and all other things necessary and advisable in connection with**
56 **the issuance and sale of the bonds. The total amount of bonds issued**
57 **under this act shall not exceed Two Million Dollars (\$2,000,000.00).**

58 **SECTION 4. The principal of and interest on the bonds**
59 **authorized under this act shall be payable in the manner provided in**

60 **this section. The bonds shall bear such date or dates, be in such**
61 **denomination or denominations, bear interest at such rate or rates (not**
62 **to exceed the limits set forth in Section 75-17-101, Mississippi Code of**
63 **1972), be payable at such place or places within or without the State of**
64 **Mississippi, shall mature absolutely at such time or times not to**
65 **exceed twenty (20) years from date of issue, be redeemable before**
66 **maturity at such time or times and upon such terms, with or without**
67 **premium, shall bear such registration privileges, and shall be**
68 **substantially in such form, all as shall be determined by resolution of**
69 **the commission.**

70 **SECTION 5. The bonds authorized by this act shall be signed by**
71 **the chairman of the commission, or by his facsimile signature, and the**
72 **official seal of the commission shall be affixed to the bonds, attested**
73 **by the secretary of the commission. The interest coupons, if any, to be**
74 **attached to the bonds may be executed by the facsimile signatures of**

75 **those officers. Whenever any of the bonds have been signed by the**
76 **officials designated to sign the bonds who were in office at the time of**
77 **the signing, but who may have ceased to be those officers before the**
78 **sale and delivery of the bonds, or who may not have been in office on**
79 **the date the bonds may bear, the signatures of those officers upon the**
80 **bonds and coupons nevertheless shall be valid and sufficient for all**
81 **purposes and have the same effect as if the person so officially**
82 **signing the bonds had remained in office until their delivery to the**
83 **purchaser, or had been in office on the date the bonds may bear.**
84 **However, notwithstanding anything in this act to the contrary, the**
85 **bonds may be issued as provided in the Registered Bond Act of the**
86 **State of Mississippi.**

87 **SECTION 6. All bonds and interest coupons issued under the**
88 **provisions of this act have all the qualities and incidents of negotiable**
89 **instruments under the provisions of the Uniform Commercial Code,**

90 **and in exercising the powers granted by this act, the commission shall**
91 **not be required to and need not comply with the provisions of the**
92 **Uniform Commercial Code.**

93 **SECTION 7. The commission shall act as the issuing agent for**
94 **the bonds authorized under this act, prescribe the form of the bonds,**
95 **advertise for and accept bids, issue and sell the bonds so authorized**
96 **to be sold, pay all fees and costs incurred in the issuance and sale,**
97 **and do any and all other things necessary and advisable in connection**
98 **with the issuance and sale of the bonds. The commission may pay the**
99 **costs that are incident to the sale, issuance and delivery of the bonds**
100 **authorized under this act from the proceeds derived from the sale of**
101 **the bonds. The commission shall sell the bonds on sealed bids at**
102 **public sale, and for such price as it may determine to be for the best**
103 **interest of the State of Mississippi, but no such sale shall be made at a**
104 **price less than par plus accrued interest to the date of delivery of the**

105 **bonds to the purchaser. All interest accruing on the bonds so issued**
106 **shall be payable semiannually or annually; however, the first interest**
107 **payment may be for any period of not more than one (1) year.**

108 **Notice of the sale of any such bonds shall be published at least**
109 **one time, not less than ten (10) days before the date of sale, and shall**
110 **be so published in one or more newspapers published or having a**
111 **general circulation in the City of Jackson, Mississippi, and in one or**
112 **more other newspapers or financial journals with a national**
113 **circulation, to be selected by the commission.**

114 **The commission, when issuing any bonds under the authority of**
115 **this act, may provide that bonds, at the option of the State of**
116 **Mississippi, may be called in for payment and redemption at the call**
117 **price named therein and accrued interest on such date or dates named**
118 **therein.**

119 **SECTION 8. The bonds issued under the provisions of this act**

120 are general obligations of the State of Mississippi, and for the payment
121 of the bonds the full faith and credit of the State of Mississippi is
122 irrevocably pledged. If the funds appropriated by the Legislature are
123 insufficient to pay the principal of and the interest on the bonds as
124 they become due, then the deficiency shall be paid by the State
125 Treasurer from any funds in the State Treasury not otherwise
126 appropriated. All such bonds shall contain recitals on their faces
127 substantially covering the provisions of this section.

128 **SECTION 9.** Upon the issuance and sale of bonds under the
129 provisions of this act, the commission shall transfer the proceeds of
130 any such sale or sales to the special fund created in Section 2 of this
131 act. The proceeds of the bonds shall be disbursed solely upon the
132 order of the Department of Finance and Administration under such
133 restrictions, if any, as may be contained in the resolution providing for
134 the issuance of the bonds.

135 **SECTION 10. The bonds authorized under this act may be issued**
136 **without any other proceedings or the happening of any other**
137 **conditions or things other than those proceedings, conditions and**
138 **things that are specified or required by this act. Any resolution**
139 **providing for the issuance of bonds under the provisions of this act**
140 **shall become effective immediately upon its adoption by the**
141 **commission, and any such resolution may be adopted at any regular or**
142 **special meeting of the commission by a majority of its members.**

143 **SECTION 11. The bonds authorized under the authority of this**
144 **act may be validated in the Chancery Court of the First Judicial District**
145 **of Hinds County, Mississippi, in the manner and with the force and**
146 **effect provided by Chapter 13, Title 31, Mississippi Code of 1972, for**
147 **the validation of county, municipal, school district and other bonds.**
148 **The notice to taxpayers required by those statutes shall be published**
149 **in a newspaper published or having a general circulation in the City of**

150 **Jackson, Mississippi.**

151 **SECTION 12. Any holder of bonds issued under the provisions of**
152 **this act or of any of the interest coupons pertaining to the bonds may,**
153 **either at law or in equity, by suit, action, mandamus or other**
154 **proceeding, protect and enforce any and all rights granted under this**
155 **act, or under the resolution, and may enforce and compel performance**
156 **of all duties required by this act to be performed, in order to provide**
157 **for the payment of bonds and interest on the bonds.**

158 **SECTION 13. All bonds issued under the provisions of this act**
159 **shall be legal investments for trustees and other fiduciaries, and for**
160 **savings banks, trust companies and insurance companies organized**
161 **under the laws of the State of Mississippi, and the bonds shall be legal**
162 **securities that may be deposited with and shall be received by all**
163 **public officers and bodies of this state and all municipalities and**
164 **political subdivisions for the purpose of securing the deposit of public**

165 **funds.**

166 **SECTION 14. Bonds issued under the provisions of this act and**
167 **income from the bonds shall be exempt from all taxation in the State of**
168 **Mississippi.**

169 **SECTION 15. The proceeds of the bonds issued under this act**
170 **shall be used solely for the purposes provided in this act, including the**
171 **costs incident to the issuance and sale of the bonds.**

172 **SECTION 16. The State Treasurer may, without further process of**
173 **law, certify to the Department of Finance and Administration the**
174 **necessity for warrants, and the Department of Finance and**
175 **Administration shall issue those warrants, in such amounts as may be**
176 **necessary to pay when due the principal of, premium, if any, and**
177 **interest on, or the accreted value of, all bonds issued under this act;**
178 **and the State Treasurer shall forward the necessary amount to the**
179 **designated place or places of payment of the bonds in ample time to**

180 discharge the bonds, or the interest on the bonds, on the due dates
181 thereof.

182 SECTION 17. This act shall be deemed to be full and complete
183 authority for the exercise of the powers granted in this act, but this act
184 shall not be deemed to repeal or to be in derogation of any existing law
185 of this state.

186 SECTION 18. This act shall take effect and be in force from and
187 after July 1, 2003.

Further, amend by striking the title in its entirety and inserting in
lieu thereof the following:

1 AN ACT TO AUTHORIZE THE ISSUANCE OF STATE GENERAL
2 OBLIGATION BONDS TO PROVIDE FUNDS FOR CONSTRUCTION OF
3 THE OHR-O'KEEFE MUSEUM OF ART IN BILOXI, MISSISSIPPI, WHICH
4 INCLUDES CONSTRUCTION OF THE AFRICAN-AMERICAN ART
5 CENTER AT THE MUSEUM AND RESTORATION OF THE PLEASANT
6 REED HOUSE; AND FOR RELATED PURPOSES.