

By: Representative Fleming

To: Ways and Means

HOUSE BILL NO. 997

1 AN ACT TO AUTHORIZE THE ISSUANCE OF GENERAL OBLIGATION BONDS
2 OF THE STATE OF MISSISSIPPI FOR THE PURPOSE OF PROVIDING FUNDS FOR
3 THE CONSTRUCTION OF A SPEEDWAY AND RELATED FACILITIES CAPABLE OF
4 ACCOMMODATING NATIONAL ASSOCIATION FOR STOCK CAR AUTO RACING
5 EVENTS, TO BE LOCATED IN EITHER DESOTO COUNTY, HINDS COUNTY,
6 TUNICA COUNTY, WARREN COUNTY, NESHOPA COUNTY, HARRISON COUNTY OR
7 JACKSON COUNTY, MISSISSIPPI, AS DETERMINED BY THE MISSISSIPPI
8 ATHLETIC COMMISSION; TO AMEND SECTION 75-75-105, MISSISSIPPI CODE
9 OF 1972, TO PROVIDE THAT THE MISSISSIPPI ATHLETIC COMMISSION SHALL
10 HAVE THE AUTHORITY TO DETERMINE THE LOCATION OF SUCH SPEEDWAY AND
11 RELATED FACILITIES AND THE AUTHORITY TO REGULATE, MANAGE AND
12 CONTROL THE OPERATION OF SUCH SPEEDWAY AND RELATED FACILITIES; AND
13 FOR RELATED PURPOSES.

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

15 **SECTION 1.** As used in Sections 1 through 17 of this act, the
16 following words shall have the meanings ascribed herein unless the
17 context clearly requires otherwise:

18 (a) "Accreted value" of any bond means, as of any date
19 of computation, an amount equal to the sum of (i) the stated
20 initial value of such bond, plus (ii) the interest accrued thereon
21 from the issue date to the date of computation at the rate,
22 compounded semiannually, that is necessary to produce the
23 approximate yield to maturity shown for bonds of the same
24 maturity.

25 (b) "State" means the State of Mississippi.

26 (c) "Commission" means the State Bond Commission.

27 **SECTION 2.** (1) (a) A special fund, to be designated as the
28 "National Association for Stock Car Auto Racing Speedway
29 Construction Fund" is created within the State Treasury. The fund
30 shall be maintained by the State Treasurer as a separate and
31 special fund, separate and apart from the General Fund of the
32 state. Unexpended amounts remaining in the fund at the end of a

33 fiscal year shall not lapse into the State General Fund, and any
34 interest earned or investment earnings on amounts in the fund
35 shall be deposited into such fund.

36 (b) Monies deposited into the fund shall be disbursed,
37 in the discretion of the Department of Finance and Administration,
38 to pay the costs of for the purpose of constructing, furnishing
39 and equipping a speedway and related facilities capable of
40 accommodating National Association for Stock Car Auto Racing
41 events, to be located in either DeSoto County, Hinds County,
42 Tunica County, Warren County, Neshoba County, Harrison County or
43 Jackson County, Mississippi, as determined by the Mississippi
44 Athletic Commission.

45 (2) Amounts deposited into such special fund shall be
46 disbursed to pay the costs of the projects described in subsection
47 (1) of this section. Promptly after the commission has certified,
48 by resolution duly adopted, that the projects described in
49 subsection (1) of this section shall have been completed,
50 abandoned, or cannot be completed in a timely fashion, any amounts
51 remaining in such special fund shall be applied to pay debt
52 service on the bonds issued under this act, in accordance with the
53 proceedings authorizing the issuance of such bonds and as directed
54 by the commission.

55 (3) The Department of Finance and Administration, acting
56 through the Bureau of Building, Grounds and Real Property
57 Management, is expressly authorized and empowered to receive and
58 expend any local or other source funds in connection with the
59 expenditure of funds provided for in this section. The
60 expenditure of monies deposited into the special fund shall be
61 under the direction of the Department of Finance and
62 Administration, and such funds shall be paid by the State
63 Treasurer upon warrants issued by such department, which warrants
64 shall be issued upon requisitions signed by the Executive Director
65 of the Department of Finance and Administration or his designee.

66 **SECTION 3.** (1) The commission, at one time, or from time to
67 time, may declare by resolution the necessity for issuance of
68 general obligation bonds of the State of Mississippi to provide
69 funds for all costs incurred or to be incurred for the purposes
70 described in Section 2 of this act. Upon the adoption of a
71 resolution by the Department of Finance and Administration,
72 declaring the necessity for the issuance of any part or all of the
73 general obligation bonds authorized by this section, the
74 Department of Finance and Administration shall deliver a certified
75 copy of its resolution or resolutions to the commission. Upon
76 receipt of such resolution, the commission, in its discretion, may
77 act as the issuing agent, prescribe the form of the bonds,
78 advertise for and accept bids, issue and sell the bonds so
79 authorized to be sold and do any and all other things necessary
80 and advisable in connection with the issuance and sale of such
81 bonds. The total amount of bonds issued under Sections 1 through
82 17 of this act shall not exceed One Hundred Million Dollars
83 (\$100,000,000.00).

84 (2) Any investment earnings on amounts deposited into the
85 special fund created in Section 2 of this act shall be used to pay
86 debt service on bonds issued under Sections 1 through 17 of this
87 act, in accordance with the proceedings authorizing issuance of
88 such bonds.

89 **SECTION 4.** The principal of and interest on the bonds
90 authorized under Sections 1 through 17 of this act shall be
91 payable in the manner provided in this section. Such bonds shall
92 bear such date or dates, be in such denomination or denominations,
93 bear interest at such rate or rates (not to exceed the limits set
94 forth in Section 75-17-101, Mississippi Code of 1972), be payable
95 at such place or places within or without the State of
96 Mississippi, shall mature absolutely at such time or times not to
97 exceed twenty-five (25) years from date of issue, be redeemable
98 before maturity at such time or times and upon such terms, with or

99 without premium, shall bear such registration privileges, and
100 shall be substantially in such form, all as shall be determined by
101 resolution of the commission.

102 **SECTION 5.** The bonds authorized by Sections 1 through 17 of
103 this act shall be signed by the chairman of the commission, or by
104 his facsimile signature, and the official seal of the commission
105 shall be affixed thereto, attested by the secretary of the
106 commission. The interest coupons, if any, to be attached to such
107 bonds may be executed by the facsimile signatures of such
108 officers. Whenever any such bonds shall have been signed by the
109 officials designated to sign the bonds who were in office at the
110 time of such signing but who may have ceased to be such officers
111 before the sale and delivery of such bonds, or who may not have
112 been in office on the date such bonds may bear, the signatures of
113 such officers upon such bonds and coupons shall nevertheless be
114 valid and sufficient for all purposes and have the same effect as
115 if the person so officially signing such bonds had remained in
116 office until their delivery to the purchaser, or had been in
117 office on the date such bonds may bear. However, notwithstanding
118 anything herein to the contrary, such bonds may be issued as
119 provided in the Registered Bond Act of the State of Mississippi.

120 **SECTION 6.** All bonds and interest coupons issued under the
121 provisions of Sections 1 through 17 of this act have all the
122 qualities and incidents of negotiable instruments under the
123 provisions of the Uniform Commercial Code, and in exercising the
124 powers granted by Sections 1 through 17 of this act, the
125 commission shall not be required to and need not comply with the
126 provisions of the Uniform Commercial Code.

127 **SECTION 7.** The commission shall act as the issuing agent for
128 the bonds authorized under Sections 1 through 17 of this act,
129 prescribe the form of the bonds, advertise for and accept bids,
130 issue and sell the bonds so authorized to be sold, pay all fees
131 and costs incurred in such issuance and sale, and do any and all

132 other things necessary and advisable in connection with the
133 issuance and sale of such bonds. The commission is authorized and
134 empowered to pay the costs that are incident to the sale, issuance
135 and delivery of the bonds authorized under Sections 1 through 17
136 this act from the proceeds derived from the sale of such bonds.
137 The commission shall sell such bonds on sealed bids at public
138 sale, and for such price as it may determine to be for the best
139 interest of the State of Mississippi, but no such sale shall be
140 made at a price less than par plus accrued interest to the date of
141 delivery of the bonds to the purchaser. All interest accruing on
142 such bonds so issued shall be payable semiannually or annually;
143 however, the first interest payment may be for any period of not
144 more than one (1) year.

145 Notice of the sale of any such bonds shall be published at
146 least one time, not less than ten (10) days before the date of
147 sale, and shall be so published in one or more newspapers
148 published or having a general circulation in the City of Jackson,
149 Mississippi, and in one or more other newspapers or financial
150 journals with a national circulation, to be selected by the
151 commission.

152 The commission, when issuing any bonds under the authority of
153 Sections 1 through 17 of this act, may provide that bonds, at the
154 option of the State of Mississippi, may be called in for payment
155 and redemption at the call price named therein and accrued
156 interest on such date or dates named therein.

157 **SECTION 8.** The bonds issued under the provisions of Sections
158 1 through 17 of this act are general obligations of the State of
159 Mississippi, and for the payment thereof the full faith and credit
160 of the State of Mississippi is irrevocably pledged. If the funds
161 appropriated by the Legislature are insufficient to pay the
162 principal of and the interest on such bonds as they become due,
163 then the deficiency shall be paid by the State Treasurer from any
164 funds in the State Treasury not otherwise appropriated. All such

165 bonds shall contain recitals on their faces substantially covering
166 the provisions of this section.

167 **SECTION 9.** Upon the issuance and sale of bonds under the
168 provisions of Sections 1 through 17 of this act, the commission
169 shall transfer the proceeds of any such sale or sales to the
170 special fund created in Section 2 of this act. The proceeds of
171 such bonds shall be disbursed solely upon the order of the
172 Department of Finance and Administration under such restrictions,
173 if any, as may be contained in the resolution providing for the
174 issuance of the bonds.

175 **SECTION 10.** The bonds authorized under Sections 1 through 17
176 of this act may be issued without any other proceedings or the
177 happening of any other conditions or things other than those
178 proceedings, conditions and things which are specified or required
179 by Sections 1 through 17 of this act. Any resolution providing
180 for the issuance of bonds under the provisions of this act shall
181 become effective immediately upon its adoption by the commission,
182 and any such resolution may be adopted at any regular or special
183 meeting of the commission by a majority of its members.

184 **SECTION 11.** The bonds authorized under the authority of
185 Sections 1 through 17 of this act may be validated in the Chancery
186 Court of the First Judicial District of Hinds County, Mississippi,
187 in the manner and with the force and effect provided by Chapter
188 13, Title 31, Mississippi Code of 1972, for the validation of
189 county, municipal, school district and other bonds. The notice to
190 taxpayers required by such statutes shall be published in a
191 newspaper published or having a general circulation in the City of
192 Jackson, Mississippi.

193 **SECTION 12.** Any holder of bonds issued under the provisions
194 of Sections 1 through 17 of this act or of any of the interest
195 coupons pertaining thereto may, either at law or in equity, by
196 suit, action, mandamus or other proceeding, protect and enforce
197 any and all rights granted under Sections 1 through 17 of this

198 act, or under such resolution, and may enforce and compel
199 performance of all duties required by Sections 1 through 17 of
200 this act to be performed, in order to provide for the payment of
201 bonds and interest thereon.

202 **SECTION 13.** All bonds issued under the provisions of
203 Sections 1 through 17 of this act shall be legal investments for
204 trustees and other fiduciaries, and for savings banks, trust
205 companies and insurance companies organized under the laws of the
206 State of Mississippi, and such bonds shall be legal securities
207 which may be deposited with and shall be received by all public
208 officers and bodies of this state and all municipalities and
209 political subdivisions for the purpose of securing the deposit of
210 public funds.

211 **SECTION 14.** Bonds issued under of the provisions of Sections
212 1 through 17 this act and income therefrom shall be exempt from
213 all taxation in the State of Mississippi.

214 **SECTION 15.** The proceeds of the bonds issued under Sections
215 1 through 17 of this act shall be used solely for the purposes
216 herein provided, including the costs incident to the issuance and
217 sale of such bonds.

218 **SECTION 16.** The State Treasurer is authorized, without
219 further process of law, to certify to the Department of Finance
220 and Administration the necessity for warrants, and the Department
221 of Finance and Administration is authorized and directed to issue
222 such warrants, in such amounts as may be necessary to pay when due
223 the principal of, premium, if any, and interest on, or the
224 accreted value of, all bonds issued under Sections 1 through 17 of
225 this act; and the State Treasurer shall forward the necessary
226 amount to the designated place or places of payment of such bonds
227 in ample time to discharge such bonds, or the interest thereon, on
228 the due dates thereof.

229 **SECTION 17.** Sections 1 through 17 of this act shall be
230 deemed to be full and complete authority for the exercise of the

231 powers herein granted, but this act shall not be deemed to repeal
232 or to be in derogation of any existing law of this state.

233 **SECTION 18.** Section 75-75-105, Mississippi Code of 1972, is
234 amended as follows:

235 75-75-105. The commission shall have a seal and shall have
236 and is hereby vested with the sole direction, management, control
237 and jurisdiction over all boxing, sparring and wrestling matches
238 or exhibitions to be conducted, held or given within the State of
239 Mississippi. The commission has full power and authority and it
240 shall be its duty: (a) to make and publish rules and regulations
241 governing the conduct of boxing, sparring and wrestling matches
242 and exhibitions, the time and place thereof, and the prices
243 charged for admission thereto; (b) to accept application for and,
244 in its discretion, order a license or permit issued to promoters
245 and participants of these events, and to revoke the license or
246 permit; (c) to collect through the recorder of permits and
247 licenses a fee of six percent (6%) of the gross receipts of every
248 boxing, sparring or wrestling match or exhibition, and a
249 reasonable fee not to exceed One Hundred Dollars (\$100.00) for
250 each annual license or permit issued to a boxer, wrestler,
251 referee, judge, matchmaker, promoter, manager, trainer, second,
252 director, or timekeeper; and (d) to revoke any license or permit
253 when, in its judgment, the public welfare requires it. The
254 commission is prohibited from issuing regulations which may be
255 construed as granting a franchised or exclusive territory, and
256 from the issuing of any type of monopolistic license or permit.

257 The commission shall have the authority to determine the
258 location of a speedway and related facilities within the State of
259 Mississippi, capable of accommodating National Association for
260 Stock Car Auto Racing events. Such speedway and related
261 facilities shall be located in either DeSoto County, Hinds County,
262 Tunica County, Warren County, Neshoba County, Harrison County or
263 Jackson County, Mississippi, as determined by the commission. The

264 commission shall have the authority to regulate, manage and
265 control the operation of such speedway and related facilities.

266 **SECTION 19.** This act shall take effect and be in force from
267 and after its passage.