

By: Representatives Brown, Ishee, Mayo

To: Public Property; Ways
and Means

HOUSE BILL NO. 1079

1 AN ACT TO AMEND SECTIONS 39-23-3, 39-23-5 AND 39-23-7,
2 MISSISSIPPI CODE OF 1972, AND SECTION 20, CHAPTER 535, LAWS OF
3 1997, AS AMENDED, TO AUTHORIZE THE CONSTRUCTION, FURNISHING AND
4 EQUIPPING OF A CHILDREN'S MUSEUM AT A LOCATION SUBMITTED BY THE
5 BOARD OF DIRECTORS OF THE MISSISSIPPI CHILDREN'S MUSEUM TO THE
6 DEPARTMENT OF FINANCE AND ADMINISTRATION AND APPROVED BY THE
7 DEPARTMENT OF FINANCE AND ADMINISTRATION, AND TO AUTHORIZE THE USE
8 OF THE PROCEEDS FROM THE ISSUANCE OF CERTAIN STATE GENERAL
9 OBLIGATION BONDS IN THE CONSTRUCTION, FURNISHING AND EQUIPPING OF
10 THE MUSEUM AT SUCH LOCATION; AND FOR RELATED PURPOSES.

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

12 **SECTION 1.** Section 39-23-3, Mississippi Code of 1972, is
13 amended as follows:

14 39-23-3. The Mississippi Children's Museum may be located:

15 (a) At the old National Guard Armory located on the
16 Mississippi State Fairgrounds in Jackson, Mississippi, after the
17 repair, renovation, furnishing and equipping of such facility by
18 the Department of Finance and Administration as provided for in
19 Sections 16 through 33 of Chapter 535, Laws of 1997, as amended;

20 (b) In such structure and at such location as shall be
21 submitted by the Board of Directors of the Mississippi Children's
22 Museum, a Mississippi nonprofit corporation, to and approved as an
23 appropriate structure and location by the Department of Finance
24 and Administration, after the repair, renovation, furnishing and
25 equipping of such facility by the Department of Finance and
26 Administration as provided in Sections 16 through 33 of Chapter
27 535, Laws of 1997, as amended; or

28 (c) In the building, formerly known as the Mississippi
29 Museum of Natural Science, on land located adjacent to the State
30 Fairgrounds in the City of Jackson, County of Hinds, Mississippi,
31 described more specifically as follows:

32 Starting at the point of intersection of the North line
33 of Pearl Street and the West line of Jefferson Street,
34 run Northerly along the West line of Jefferson Street a
35 distance of 240 feet to the point of beginning, an iron
36 pin.

37 Continue Northerly along the West line of Jefferson
38 Street for a distance of 257.9 feet to an iron pin; turn
39 left through an angle of 89 degrees - 57 minutes - 14
40 seconds and run Westerly for a distance of 278.9 feet to
41 an iron pin on the east right-of-way line of the G.M. &
42 O. Railroad; turn left through an angle of 79 degrees -
43 29 minutes - 30 seconds and run Southerly along the East
44 right-of-way of the G.M. & O. Railroad (Said line being
45 a curve to the left with a radius of 2814.93 feet, chord
46 definition) for a distance of 260.4 feet to an iron
47 pipe; turn left through an angle of 95 degrees - 12
48 minutes - 26 seconds and run Easterly and parallel with
49 the North line of this tract for a distance of 314.7
50 feet to the point of beginning.

51 (d) On certain real property owned by the State of
52 Mississippi and held by the Mississippi Department of Agriculture
53 and Commerce, more particularly described as follows:

54 39 acres lying in the northeast corner of the
55 intersection of Mississippi 25 and Interstate 55.

56 (e) At such location as shall be submitted by the Board
57 of Directors of the Mississippi Children's Museum, a Mississippi
58 nonprofit corporation, to the Department of Finance and
59 Administration and approved by the Department of Finance and
60 Administration.

61 **SECTION 2.** Section 39-23-5, Mississippi Code of 1972, is
62 amended as follows:

63 39-23-5. (1) The Department of Finance and Administration
64 shall proceed with the repair, renovation, furnishing and
65 equipping of the old National Guard Armory on the Mississippi
66 State Fairgrounds, or another structure if approved by the
67 Department of Finance and Administration as provided in Section 17
68 of Chapter 589, Laws of 1999, for its use as a children's museum
69 as soon as practicable.

70 (2) The Department of Finance and Administration shall
71 proceed with the repair, renovation, furnishing and equipping of
72 the facility at the location described in Section 39-23-3(c) as
73 soon as practicable.

74 (3) The Department of Finance and Administration shall
75 proceed with the construction, furnishing and equipping of a
76 facility at the location described in Section 39-23-3(d), if the
77 location at such site is approved by the Board of Directors of the
78 Mississippi Children's Museum and the Department of Finance and
79 Administration, as soon as practicable.

80 (4) The Department of Finance and Administration shall
81 proceed with the construction, furnishing and equipping of a
82 facility at a location selected as provided in Section 39-23-3(e),
83 if the location is approved by the Board of Directors of the
84 Mississippi Children's Museum and the Department of Finance and
85 Administration, as soon as practicable.

86 **SECTION 3.** Section 39-23-7, Mississippi Code of 1972, is
87 amended as follows:

88 39-23-7. (1) If the old National Guard Armory is repaired,
89 renovated, furnished and equipped as provided for in Sections
90 39-23-1 through 39-23-7 and Sections 20 through 33 of Chapter 535,
91 Laws of 1997, as amended, the Mississippi Fair Commission shall
92 lease the facility for a period not exceeding twenty (20) years to
93 a nonprofit corporation whose primary purpose for incorporation is
94 the support and improvement of a children's museum in Mississippi.
95 The benefit to Mississippi from the operation of such lease shall

96 be considered as sufficient consideration. The lease shall be
97 executed for a nominal fee and it shall be presumed that such
98 lease shall not amount to a donation of state property.

99 (2) If the facility at the location described in Section
100 39-23-3(c) is repaired, renovated, furnished and equipped as
101 provided for in Sections 39-23-1 through 39-23-7 and Sections 20
102 through 33 of Chapter 535, Laws of 1997, as amended, the
103 Department of Finance and Administration shall lease the facility
104 for a period not exceeding twenty (20) years to a nonprofit
105 corporation whose primary purpose for incorporation is the support
106 and improvement of a children's museum in Mississippi. The
107 benefit to Mississippi from the operation of such lease shall be
108 considered as sufficient consideration. The lease shall be
109 executed for a nominal fee and it shall be presumed that such
110 lease shall not amount to a donation of state property.

111 (3) If the facility at the location described in Section
112 39-23-3(d) is constructed, furnished and equipped as provided for
113 in Sections 39-23-1 through 39-23-7 and Sections 20 through 33 of
114 Chapter 535, Laws of 1997, as amended, the Department of Finance
115 and Administration shall lease the facility for a period not
116 exceeding twenty (20) years to a nonprofit corporation whose
117 primary purpose for incorporation is the support and improvement
118 of a children's museum in Mississippi. The benefit to Mississippi
119 from the operation of such lease shall be considered a sufficient
120 consideration. The lease shall be executed for a nominal fee and
121 it shall be presumed that such lease shall not amount to a
122 donation of state property.

123 (4) If the facility at a location selected as provided in
124 Section 39-23-3(e) is constructed, furnished and equipped as
125 provided for in Sections 39-23-1 through 39-23-7 and Sections 20
126 through 33 of Chapter 535, Laws of 1997, as amended, the
127 Department of Finance and Administration shall lease the facility
128 for a period not exceeding twenty (20) years to a nonprofit

129 corporation whose primary purpose for incorporation is the support
130 and improvement of a children's museum in Mississippi. The
131 benefit to Mississippi from the operation of such lease shall be
132 considered a sufficient consideration. The lease shall be
133 executed for a nominal fee and it shall be presumed that such
134 lease shall not amount to a donation of state property.

135 **SECTION 4.** Section 20, Chapter 535, Laws of 1997, as amended
136 by Section 137, Chapter 589, Laws of 1999, as amended by Section
137 64, Chapter 600, Laws of 2001, is amended as follows:

138 Section 20. (1) Upon the receipt of matching funds or
139 verification that the matching funds described in this subsection
140 are forthcoming, the Department of Finance and Administration, at
141 one time, or from time to time, may declare by resolution the
142 necessity for issuance of general obligation bonds of the State of
143 Mississippi in an amount not to exceed Two Million Dollars
144 (\$2,000,000.00) to provide funds for the: (a) repair, renovation,
145 remodeling, equipping, furnishing, adding to or improving the old
146 National Guard Armory on the State Fairgrounds in Jackson,
147 Mississippi, or another structure if approved by the Department of
148 Finance and Administration as provided in Section 17 of this act,
149 for use as a children's museum as authorized under Sections 16
150 through 33 of this act; (b) repair, renovation, furnishing and
151 equipping of the facility at the location described in Section
152 39-23-3(c); * * * (c) construction, furnishing and equipping of a
153 facility at the location described in Section 39-23-3(d); or (d)
154 construction, furnishing and equipping of a facility at a location
155 selected as provided in Section 39-23-3(e). The issuance of the
156 bonds described in this subsection and the allocation of such
157 funds are conditioned upon the private sector or local or federal
158 government providing Two Million Dollars (\$2,000,000.00) to match
159 the funds provided under this section. The matching funds
160 required pursuant to this subsection may be provided in the form
161 of cash or in-kind contributions or any combination of cash or

162 in-kind contributions. In-kind contributions shall include, but
163 not be limited to, the value of exhibits that are contributed to
164 the children's museum authorized under Sections 16 through 33 of
165 this act.

166 (2) Upon the adoption of a resolution by the Department of
167 Finance and Administration, declaring the necessity for the
168 issuance of any part or all of the general obligation bonds
169 authorized by this section, the department shall deliver a
170 certified copy of its resolution or resolutions to the State Bond
171 Commission. Upon receipt of such resolution, the State Bond
172 Commission, in its discretion, may act as the issuing agent,
173 prescribe the form of the bonds, advertise for and accept bids,
174 issue and sell the bonds so authorized to be sold, and do any and
175 all other things necessary and advisable in connection with the
176 issuance and sale of such bonds. The amount of bonds issued under
177 Sections 16 through 33 of this act shall not exceed Two Million
178 Dollars (\$2,000,000.00).

179 **SECTION 5.** This act shall take effect and be in force from
180 and after its passage.