

By: Representative Ishee

To: Ways and Means

HOUSE BILL NO. 1766

1 AN ACT TO AUTHORIZE THE ISSUANCE OF GENERAL OBLIGATION BONDS
2 OF THE STATE OF MISSISSIPPI FOR THE PURPOSE OF ACQUIRING CERTAIN
3 MILITARY ARTIFACTS FOR USE AND DISPLAY, AS DESIGNATED BY THE BOARD
4 OF TRUSTEES OF THE DEPARTMENT OF ARCHIVES AND HISTORY, AT THE
5 JEFFERSON DAVIS SHRINE, BEAUVOIR, AND AT OTHER MUSEUMS WITHIN THIS
6 STATE HOUSING AND EXHIBITING MILITARY ARTIFACTS; AND FOR RELATED
7 PURPOSES.

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

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

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

19 (b) "Board" means the Board of Trustees of the
20 Department of Archives and History.

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

22 (d) "State" means the State of Mississippi.

23 **SECTION 2.** (1) A special fund, to be designated the
24 "Bracken Collection Military Artifacts Acquisition Fund," is
25 created within the State Treasury. The fund shall be maintained
26 by the State Treasurer as a separate and special fund, separate
27 and apart from the General Fund of the state. Unexpended amounts
28 remaining in the fund at the end of a fiscal year shall not lapse
29 into the State General Fund and any interest earned or investment

30 earnings on amounts in the fund shall be deposited into the fund.
31 The expenditure of monies deposited into the fund shall be under
32 the direction of the Department of Finance and Administration,
33 based upon recommendations of the Board of Trustees of the
34 Department of Archives and History, and such funds shall be paid
35 by the State Treasurer upon warrants issued by the Department of
36 Finance and Administration. Monies deposited into such fund shall
37 be allocated and disbursed according to the provisions of this
38 section.

39 (2) Monies deposited into the Bracken Collection Military
40 Artifacts Acquisition Fund shall be disbursed to pay the costs of
41 the acquisition of all items in the military artifacts collection
42 of John Bracken of New Market, Virginia, representing the period
43 beginning with the Mexican War through modern day. The Board of
44 Trustees of the Mississippi Department of Archives and History
45 shall be the dispensing agent for the collection so acquired. The
46 items in the collection representing the Mexican War and the War
47 Between the States, including the antebellum period, shall be
48 designated and distributed for use and display at Beauvoir, the
49 Jefferson Davis Shrine. Other items in the collection shall be
50 designated and distributed for use and display, in the sole
51 discretion of the board, to museums within this state housing and
52 exhibiting military artifacts. The board shall insure that all
53 items distributed to museums under this act shall receive
54 professional care and conservation and shall be perpetually
55 maintained.

56 **SECTION 3.** (1) The commission, at one time, or from time to
57 time, may declare by resolution the necessity for issuance of
58 general obligation bonds of the State of Mississippi to provide
59 funds for all costs incurred or to be incurred for the purposes
60 described in Section 2 of this act. Upon the adoption of a
61 resolution by the Department of Finance and Administration,
62 declaring the necessity for the issuance of any part or all of the

63 general obligation bonds authorized by this section, the
64 Department of Finance and Administration shall deliver a certified
65 copy of its resolution or resolutions to the commission. Upon
66 receipt of such resolution, the commission, in its discretion, may
67 act as the issuing agent, prescribe the form of the bonds,
68 advertise for and accept bids, issue and sell the bonds so
69 authorized to be sold and do any and all other things necessary
70 and advisable in connection with the issuance and sale of such
71 bonds. The total amount of bonds issued under this act shall not
72 exceed One Million Three Hundred Thousand Dollars (\$1,300,000.00).

73 (3) Any investment earnings on amounts deposited into
74 the special fund created in this act shall be used to pay debt
75 service on bonds issued under this act, in accordance with the
76 proceedings authorizing issuance of such bonds.

77 **SECTION 4.** The principal of and interest on the bonds
78 authorized under this act shall be payable in the manner provided
79 in this section. Such bonds shall bear such date or dates, be in
80 such denomination or denominations, bear interest at such rate or
81 rates (not to exceed the limits set forth in Section 75-17-101,
82 Mississippi Code of 1972), be payable at such place or places
83 within or without the State of Mississippi, shall mature
84 absolutely at such time or times not to exceed twenty-five (25)
85 years from date of issue, be redeemable before maturity at such
86 time or times and upon such terms, with or without premium, shall
87 bear such registration privileges, and shall be substantially in
88 such form, all as shall be determined by resolution of the
89 commission.

90 **SECTION 5.** The bonds authorized by this act shall be signed
91 by the chairman of the commission, or by his facsimile signature,
92 and the official seal of the commission shall be affixed thereto,
93 attested by the secretary of the commission. The interest
94 coupons, if any, to be attached to such bonds may be executed by
95 the facsimile signatures of such officers. Whenever any such

96 bonds shall have been signed by the officials designated to sign
97 the bonds who were in office at the time of such signing but who
98 may have ceased to be such officers before the sale and delivery
99 of such bonds, or who may not have been in office on the date such
100 bonds may bear, the signatures of such officers upon such bonds
101 and coupons shall nevertheless be valid and sufficient for all
102 purposes and have the same effect as if the person so officially
103 signing such bonds had remained in office until their delivery to
104 the purchaser, or had been in office on the date such bonds may
105 bear. However, notwithstanding anything herein to the contrary,
106 such bonds may be issued as provided in the Registered Bond Act of
107 the State of Mississippi.

108 **SECTION 6.** All bonds and interest coupons issued under the
109 provisions of this act have all the qualities and incidents of
110 negotiable instruments under the provisions of the Mississippi
111 Uniform Commercial Code, and in exercising the powers granted by
112 this act, the commission shall not be required to and need not
113 comply with the provisions of the Mississippi Uniform Commercial
114 Code.

115 **SECTION 7.** The commission shall act as the issuing agent for
116 the bonds authorized under this act, prescribe the form of the
117 bonds, advertise for and accept bids, issue and sell the bonds so
118 authorized to be sold, pay all fees and costs incurred in such
119 issuance and sale, and do any and all other things necessary and
120 advisable in connection with the issuance and sale of such bonds.
121 The commission is authorized and empowered to pay the costs that
122 are incident to the sale, issuance and delivery of the bonds
123 authorized under this act from the proceeds derived from the sale
124 of such bonds. The commission shall sell such bonds on sealed
125 bids at public sale, and for such price as it may determine to be
126 for the best interest of the State of Mississippi, but no such
127 sale shall be made at a price less than par plus accrued interest
128 to the date of delivery of the bonds to the purchaser. All

129 interest accruing on such bonds so issued shall be payable
130 semiannually or annually; however, the first interest payment may
131 be for any period of not more than one (1) year.

132 Notice of the sale of any such bonds shall be published at
133 least one time, not less than ten (10) days before the date of
134 sale, and shall be so published in one or more newspapers
135 published or having a general circulation in the City of Jackson,
136 Mississippi, and in one or more other newspapers or financial
137 journals with a national circulation, to be selected by the
138 commission.

139 The commission, when issuing any bonds under the authority of
140 this act, may provide that bonds, at the option of the State of
141 Mississippi, may be called in for payment and redemption at the
142 call price named therein and accrued interest on such date or
143 dates named therein.

144 **SECTION 8.** The bonds issued under the provisions of this act
145 are general obligations of the State of Mississippi, and for the
146 payment thereof the full faith and credit of the State of
147 Mississippi is irrevocably pledged. If the funds appropriated by
148 the Legislature are insufficient to pay the principal of and the
149 interest on such bonds as they become due, then the deficiency
150 shall be paid by the State Treasurer from any funds in the State
151 Treasury not otherwise appropriated. All such bonds shall contain
152 recitals on their faces substantially covering the provisions of
153 this section.

154 **SECTION 9.** Upon the issuance and sale of bonds under the
155 provisions of this act, the commission shall transfer the proceeds
156 of any such sale or sales to the special funds created in this act
157 in the amounts provided for in Section 4(2) of this act. The
158 proceeds of such bonds shall be disbursed solely upon the order of
159 the Department of Finance and Administration under such
160 restrictions, if any, as may be contained in the resolution
161 providing for the issuance of the bonds.

162 **SECTION 10.** The bonds authorized under this act may be
163 issued without any other proceedings or the happening of any other
164 conditions or things other than those proceedings, conditions and
165 things which are specified or required by this act. Any
166 resolution providing for the issuance of bonds under the
167 provisions of this act shall become effective immediately upon its
168 adoption by the commission, and any such resolution may be adopted
169 at any regular or special meeting of the commission by a majority
170 of its members.

171 **SECTION 11.** The bonds authorized under the authority of this
172 act may be validated in the Chancery Court of the First Judicial
173 District of Hinds County, Mississippi, in the manner and with the
174 force and effect provided by Chapter 13, Title 31, Mississippi
175 Code of 1972, for the validation of county, municipal, school
176 district and other bonds. The notice to taxpayers required by
177 such statutes shall be published in a newspaper published or
178 having a general circulation in the City of Jackson, Mississippi.

179 **SECTION 12.** Any holder of bonds issued under the provisions
180 of this act or of any of the interest coupons pertaining thereto
181 may, either at law or in equity, by suit, action, mandamus or
182 other proceeding, protect and enforce any and all rights granted
183 under this act, or under such resolution, and may enforce and
184 compel performance of all duties required by this act to be
185 performed, in order to provide for the payment of bonds and
186 interest thereon.

187 **SECTION 13.** All bonds issued under the provisions of this
188 act shall be legal investments for trustees and other fiduciaries,
189 and for savings banks, trust companies and insurance companies
190 organized under the laws of the State of Mississippi, and such
191 bonds shall be legal securities which may be deposited with and
192 shall be received by all public officers and bodies of this state
193 and all municipalities and political subdivisions for the purpose
194 of securing the deposit of public funds.

195 **SECTION 14.** Bonds issued under the provisions of this act
196 and income therefrom shall be exempt from all taxation in the
197 State of Mississippi.

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

201 **SECTION 16.** The State Treasurer is authorized, without
202 further process of law, to certify to the Department of Finance
203 and Administration the necessity for warrants, and the Department
204 of Finance and Administration is authorized and directed to issue
205 such warrants, in such amounts as may be necessary to pay when due
206 the principal of, premium, if any, and interest on, or the
207 accreted value of, all bonds issued under this act; and the State
208 Treasurer shall forward the necessary amount to the designated
209 place or places of payment of such bonds in ample time to
210 discharge such bonds, or the interest thereon, on the due dates
211 thereof.

212 **SECTION 17.** This act shall be deemed to be full and complete
213 authority for the exercise of the powers herein granted, but this
214 act shall not be deemed to repeal or to be in derogation of any
215 existing law of this state.

216 **SECTION 18.** This act shall take effect and be in force from
217 and after its passage.