

By: Representatives Watson, Clarke, Scott,
Clark, Perkins

To: Ways and Means

HOUSE BILL NO. 1463
(As Sent to Governor)

1 AN ACT TO ESTABLISH A MISSISSIPPI CIVIL RIGHTS MUSEUM
2 ADVISORY COMMISSION AND DEFINE ITS RESPONSIBILITIES; TO AUTHORIZE
3 THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE STATE OF
4 MISSISSIPPI IN THE AMOUNT OF \$38,000,000.00 FOR THE PURPOSE OF
5 PROVIDING FUNDING FOR CONSTRUCTION OF THE MISSISSIPPI CIVIL RIGHTS
6 MUSEUM, THE NEW MUSEUM OF MISSISSIPPI HISTORY AND A PARKING
7 GARAGE; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** (1) There is hereby established a Mississippi
10 Civil Rights Museum Advisory Commission (commission) which shall
11 be comprised of the following members:

12 (a) The Executive Director of the Mississippi
13 Department of Archives and History;

14 (b) The Director of Tourism of the Mississippi
15 Development Authority;

16 (c) The President of Tougaloo College, or his or her
17 designee;

18 (d) The President of Alcorn State University, or his or
19 her designee;

20 (e) The President of Jackson State University, or his
21 or her designee;

22 (f) The President of Mississippi Valley State
23 University, or his or her designee;

24 (g) The President of Rust College, or his or her
25 designee;

26 (h) The President of Mississippi University for Women,
27 or his or her designee;

28 (i) The President of Delta State University, or his or
29 her designee;



30 (j) The Chancellor of the University of Mississippi, or
31 his or her designee;

32 (k) The President of Mississippi State University, or
33 his or her designee;

34 (l) The President of the University of Southern
35 Mississippi, or his or her designee;

36 (m) Two (2) representatives of the Veterans of the
37 Mississippi Civil Rights Movement, Inc.;

38 (n) One (1) representative of the Fannie Lou Hamer
39 Institute;

40 (o) The Director of the William F. Winter Institute for
41 Racial Reconciliation;

42 (p) Four (4) appointees of the Governor, one (1) from
43 each Mississippi Congressional District;

44 (q) Two (2) appointees of the Lieutenant Governor from
45 the state at large; and

46 (r) Two (2) appointees of the Speaker of the House of
47 Representatives from the state at large.

48 (2) The chairman of the commission shall be appointed by the
49 Governor. The commission shall meet on a date announced by the
50 Governor and shall organize for business by adopting rules of
51 procedure. The Mississippi Department of Archives and History
52 shall provide administrative support to the commission and serve
53 as fiscal agent for the commission. Members of the commission
54 shall receive no compensation for attending meetings of the
55 commission; however, members who are not public employees may be
56 reimbursed for actual expenses incurred in attending meetings of
57 the commission from any funds available for that purpose.

58 (3) The commission shall advise the Mississippi Department
59 of Archives and History regarding matters relating to the
60 Mississippi Civil Rights Museum.



61 **SECTION 2.** (1) As used in this section, the following words
62 shall have the meanings ascribed herein unless the context clearly
63 requires otherwise:

64 (a) "Accreted value" of any bond means, as of any date
65 of computation, an amount equal to the sum of (i) the stated
66 initial value of such bond, plus (ii) the interest accrued thereon
67 from the issue date to the date of computation at the rate,
68 compounded semiannually, that is necessary to produce the
69 approximate yield to maturity shown for bonds of the same
70 maturity.

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

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

73 (2) (a) (i) A special fund, to be designated as the "2011
74 Mississippi Civil Rights Museum and Museum of Mississippi History
75 Construction Fund," is created within the State Treasury. The
76 fund shall be maintained by the State Treasurer as a separate and
77 special fund, separate and apart from the General Fund of the
78 state. Unexpended amounts remaining in the fund at the end of a
79 fiscal year shall not lapse into the State General Fund, and any
80 interest earned or investment earnings on amounts in the fund
81 shall be deposited to the credit of the fund. Monies in the fund
82 may not be used or expended for any purpose except as authorized
83 under this section.

84 (ii) Monies deposited into the fund shall be
85 disbursed, in the discretion of the Department of Finance and
86 Administration, to pay the costs of the following projects:

87 Preplanning, to include contracting
88 with consultants with expertise in
89 planning a civil rights museum and
90 in artifact acquisition and of exhibit
91 planning; the acquisition, storage and
92 relocating of artifacts; exhibit design
93 through construction documents, exhibit



94 fabrication and exhibit installation;
95 and designing, preplanning the
96 construction of, and the construction,
97 furnishing and equipping of the
98 Mississippi Civil Rights Museum on
99 state-owned property adjacent to
100 the new Museum of Mississippi History
101 located in the City of Jackson,
102 Mississippi.....\$ 20,000,000.00

103 Acquisition, storing and relocating of
104 artifacts; exhibit design through
105 construction, documents, exhibit
106 fabrication and exhibit installation;
107 and designing and preplanning the
108 construction of the new Museum of
109 Mississippi History on state-owned
110 property located in the City of
111 Jackson, Mississippi; and the
112 construction, furnishing and
113 equipping of Phase I of such
114 museum; and designing, preplanning
115 the construction of, and the
116 construction of a parking
117 garage and related facilities
118 to serve the Mississippi Civil
119 Rights Museum or the new Museum of
120 Mississippi History.....\$ 18,000,000.00

121 **Total.....\$ 38,000,000.00**

122 (b) Amounts deposited into such special fund shall be
123 disbursed to pay the costs of the projects described in paragraph
124 (a) of this subsection. Promptly after the commission has
125 certified, by resolution duly adopted, that the projects described
126 in paragraph (a) of this subsection shall have been completed,



127 abandoned, or cannot be completed in a timely fashion, any amounts
128 remaining in such special fund shall be applied to pay debt
129 service on the bonds issued under this section, in accordance with
130 the proceedings authorizing the issuance of such bonds and as
131 directed by the commission.

132 (c) The Department of Finance and Administration,
133 acting through the Bureau of Building, Grounds and Real Property
134 Management, is expressly authorized and empowered to receive and
135 expend any local or other source funds in connection with the
136 expenditure of funds provided for in this subsection. The
137 expenditure of monies deposited into the special fund shall be
138 under the direction of the Department of Finance and
139 Administration, and such funds shall be paid by the State
140 Treasurer upon warrants issued by such department, which warrants
141 shall be issued upon requisitions signed by the Executive Director
142 of the Department of Finance and Administration, or his designee.

143 (d) Any monies allocated for a project described in
144 paragraph (a) of this subsection that are in excess of that needed
145 to complete the project may be used for other projects described
146 in paragraph (a) of this subsection. In addition, any monies
147 allocated for a project described in paragraph (a) of this
148 subsection may be used for facilities that will be jointly used by
149 each museum described in paragraph (a) of this subsection.

150 (3) (a) (i) Subject to the provisions of this subsection,
151 the commission, at one time, or from time to time, may declare by
152 resolution the necessity for issuance of general obligation bonds
153 of the State of Mississippi to provide funds for all costs
154 incurred or to be incurred for the purposes described in
155 subsection (2) of this section. Upon the adoption of a resolution
156 by the Department of Finance and Administration, declaring the
157 necessity for the issuance of any part or all of the general
158 obligation bonds authorized by this subsection, the Department of
159 Finance and Administration shall deliver a certified copy of its



160 resolution or resolutions to the commission. Upon receipt of such
161 resolution, the commission, in its discretion, may act as the
162 issuing agent, prescribe the form of the bonds, determine the
163 appropriate method for sale of the bonds, advertise for and accept
164 bids or negotiate the sale of the bonds, issue and sell the bonds
165 so authorized to be sold and do any and all other things necessary
166 and advisable in connection with the issuance and sale of such
167 bonds. The total amount of bonds issued under this section shall
168 not exceed Thirty-eight Million Dollars (\$38,000,000.00).

169 (ii) Planning for the construction of both museums
170 described in subsection (2) of this section to include the parking
171 garage, must be completed and cost estimates must be completed for
172 the finished museums, less exhibit furnishings/displays, prior to
173 any bonds being issued under this section to provide funds for the
174 construction of either museum.

175 (iii) No bonds may be issued under this section
176 for the purpose of providing funds to pay any costs associated
177 with artifacts or exhibits for either of the museums described in
178 subsection (2) of this section until the commission is provided
179 proof that funds from private, local and/or federal sources have
180 been irrevocably dedicated for such purposes in an amount equal to
181 the amount of bonds to be issued to provide funds for such
182 purposes.

183 (b) Any investment earnings on amounts deposited into
184 the special fund created in subsection (2) of this section shall
185 be used to pay debt service on bonds issued under this section, in
186 accordance with the proceedings authorizing issuance of such
187 bonds.

188 (4) The principal of and interest on the bonds authorized
189 under this section shall be payable in the manner provided in this
190 subsection. Such bonds shall bear such date or dates, be in such
191 denomination or denominations, bear interest at such rate or rates
192 (not to exceed the limits set forth in Section 75-17-101,



193 Mississippi Code of 1972), be payable at such place or places
194 within or without the State of Mississippi, shall mature
195 absolutely at such time or times not to exceed twenty-five (25)
196 years from date of issue, be redeemable before maturity at such
197 time or times and upon such terms, with or without premium, shall
198 bear such registration privileges, and shall be substantially in
199 such form, all as shall be determined by resolution of the
200 commission.

201 (5) The bonds authorized by this section shall be signed by
202 the chairman of the commission, or by his facsimile signature, and
203 the official seal of the commission shall be affixed thereto, and
204 attested by the secretary of the commission. The interest
205 coupons, if any, to be attached to such bonds may be executed by
206 the facsimile signatures of such officers. Whenever any such
207 bonds shall have been signed by the officials designated to sign
208 the bonds who were in office at the time of such signing but who
209 may have ceased to be such officers before the sale and delivery
210 of such bonds, or who may not have been in office on the date such
211 bonds may bear, the signatures of such officers upon such bonds
212 and coupons shall nevertheless be valid and sufficient for all
213 purposes and have the same effect as if the person so officially
214 signing such bonds had remained in office until their delivery to
215 the purchaser, or had been in office on the date such bonds may
216 bear. However, notwithstanding anything herein to the contrary,
217 such bonds may be issued as provided in the Registered Bond Act of
218 the State of Mississippi.

219 (6) All bonds and interest coupons issued under the
220 provisions of this section have all the qualities and incidents of
221 negotiable instruments under the provisions of the Uniform
222 Commercial Code, and in exercising the powers granted by this
223 section, the commission shall not be required to and need not
224 comply with the provisions of the Uniform Commercial Code.



225 (7) The commission shall act as the issuing agent for the
226 bonds authorized under this section, prescribe the form of the
227 bonds, determine the appropriate method for sale of the bonds,
228 advertise for and accept bids or negotiate the sale of the bonds,
229 issue and sell the bonds so authorized to be sold, pay all fees
230 and costs incurred in such issuance and sale, and do any and all
231 other things necessary and advisable in connection with the
232 issuance and sale of such bonds. The commission is authorized and
233 empowered to pay the costs that are incident to the sale, issuance
234 and delivery of the bonds authorized under this section from the
235 proceeds derived from the sale of such bonds. The commission
236 shall sell such bonds on sealed bids at public sale or may
237 negotiate the sale of the bonds, and for such price as it may
238 determine to be for the best interest of the State of Mississippi.
239 All interest accruing on such bonds so issued shall be payable
240 semiannually or annually.

241 If the bonds are to be sold on sealed bids at public sale,
242 notice of the sale of any such bond shall be published at least
243 one time, not less than ten (10) days before the date of sale, and
244 shall be so published in one or more newspapers published or
245 having a general circulation in the City of Jackson, Mississippi,
246 selected by the commission.

247 The commission, when issuing any bonds under the authority of
248 this section, may provide that bonds, at the option of the state,
249 may be called in for payment and redemption at the call price
250 named therein and accrued interest on such date or dates named
251 therein.

252 (8) The bonds issued under the provisions of this section
253 are general obligations of the State of Mississippi, and for the
254 payment thereof the full faith and credit of the State of
255 Mississippi is irrevocably pledged. If the funds appropriated by
256 the Legislature are insufficient to pay the principal of and the
257 interest on such bonds as they become due, then the deficiency



258 shall be paid by the State Treasurer from any funds in the State
259 Treasury not otherwise appropriated. All such bonds shall contain
260 recitals on their faces substantially covering the provisions of
261 this subsection.

262 (9) Upon the issuance and sale of bonds under the provisions
263 of this section, the commission shall transfer the proceeds of any
264 such sale or sales to the special fund created in subsection (2)
265 of this section. The proceeds of such bonds shall be disbursed
266 solely upon the order of the Department of Finance and
267 Administration under such restrictions, if any, as may be
268 contained in the resolution providing for the issuance of the
269 bonds.

270 (10) The bonds authorized under this section may be issued
271 without any other proceedings or the happening of any other
272 conditions or things other than those proceedings, conditions and
273 things which are specified or required by this section. Any
274 resolution providing for the issuance of bonds under the
275 provisions of this section shall become effective immediately upon
276 its adoption by the commission, and any such resolution may be
277 adopted at any regular or special meeting of the commission by a
278 majority of its members.

279 (11) The bonds authorized under the authority of this
280 section may be validated in the Chancery Court of the First
281 Judicial District of Hinds County, Mississippi, in the manner and
282 with the force and effect provided by Chapter 13, Title 31,
283 Mississippi Code of 1972, for the validation of county, municipal,
284 school district and other bonds. The notice to taxpayers required
285 by such statutes shall be published in a newspaper published or
286 having a general circulation in the City of Jackson, Mississippi.

287 (12) Any holder of bonds issued under the provisions of this
288 section or of any of the interest coupons pertaining thereto may,
289 either at law or in equity, by suit, action, mandamus or other
290 proceeding, protect and enforce any and all rights granted under



291 this section, or under such resolution, and may enforce and compel
292 performance of all duties required by this section to be
293 performed, in order to provide for the payment of bonds and
294 interest thereon.

295 (13) All bonds issued under the provisions of this section
296 shall be legal investments for trustees and other fiduciaries, and
297 for savings banks, trust companies and insurance companies
298 organized under the laws of the State of Mississippi, and such
299 bonds shall be legal securities which may be deposited with and
300 shall be received by all public officers and bodies of this state
301 and all municipalities and political subdivisions for the purpose
302 of securing the deposit of public funds.

303 (14) Bonds issued under the provisions of this section and
304 income therefrom shall be exempt from all taxation in the State of
305 Mississippi.

306 (15) The proceeds of the bonds issued under this section
307 shall be used solely for the purposes therein provided, including
308 the costs incident to the issuance and sale of such bonds.

309 (16) The State Treasurer is authorized, without further
310 process of law, to certify to the Department of Finance and
311 Administration the necessity for warrants, and the Department of
312 Finance and Administration is authorized and directed to issue
313 such warrants, in such amounts as may be necessary to pay when due
314 the principal of, premium, if any, and interest on, or the
315 accreted value of, all bonds issued under this section; and the
316 State Treasurer shall forward the necessary amount to the
317 designated place or places of payment of such bonds in ample time
318 to discharge such bonds, or the interest thereon, on the due dates
319 thereof.

320 (17) This section shall be deemed to be full and complete
321 authority for the exercise of the powers therein granted, but this
322 section shall not be deemed to repeal or to be in derogation of
323 any existing law of this state.



324 **SECTION 3.** It is the intent of the Legislature that both of
325 the museums for which funding is provided under Section 2 of this
326 act be open and operational to the public in the year 2017, the
327 Bicentennial Year for the admission of Mississippi to statehood.
328 It is understood that funding authorized under Section 2 of this
329 act will not be sufficient to fully fund the planning,
330 construction, furnishing and equipping of both museums. It is the
331 further intention of the Legislature that a substantial portion of
332 the cost of the acquisition, fabrication and installation of the
333 exhibits for each museum shall be paid from funds derived from
334 private, local and/or federal sources. Upon completion of the
335 construction of the building structures of each museum, subsequent
336 authorizations of funding from the Legislature for the museums
337 will include specific requirements that a significant portion of
338 the funds to be used for the acquisition, fabrication and
339 installation of such exhibits be derived from such alternative
340 sources.

341 **SECTION 4.** This act shall take effect and be in force from
342 and after its passage.

