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Chapter No. 522  
11/HR07/R1548SG  
JP / CT

***HOUSE BILL NO. 1463***

Originated in House Don Richardson Clerk

HOUSE BILL NO. 1463

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

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

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

- (a) The Executive Director of the Mississippi Department of Archives and History;
- (b) The Director of Tourism of the Mississippi Development Authority;
- (c) The President of Tougaloo College, or his or her designee;
- (d) The President of Alcorn State University, or his or her designee;
- (e) The President of Jackson State University, or his or her designee;
- (f) The President of Mississippi Valley State University, or his or her designee;
- (g) The President of Rust College, or his or her designee;
- (h) The President of Mississippi University for Women, or his or her designee;
- (i) The President of Delta State University, or his or her designee;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Acquisition, storing and relocating of  
artifacts; exhibit design through  
construction, documents, exhibit  
fabrication and exhibit installation;  
and designing and preplanning the  
construction of the new Museum of  
Mississippi History on state-owned  
property located in the City of  
Jackson, Mississippi; and the  
construction, furnishing and  
equipping of Phase I of such  
museum; and designing, preplanning  
the construction of, and the  
construction of a parking  
garage and related facilities  
to serve the Mississippi Civil  
Rights Museum or the new Museum of  
Mississippi History ..... \$ 18,000,000.00

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

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

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

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

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

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

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- (g) The President of Rust College, or his or her designee;
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- (i) The President of Delta State University, or his or her designee;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Acquisition, storing and relocating of  
 artifacts; exhibit design through  
 construction, documents, exhibit  
 fabrication and exhibit installation;  
 and designing and preplanning the  
 construction of the new Museum of  
 Mississippi History on state-owned  
 property located in the City of  
 Jackson, Mississippi; and the  
 construction, furnishing and  
 equipping of Phase I of such  
 museum; and designing, preplanning  
 the construction of, and the  
 construction of a parking  
 garage and related facilities  
 to serve the Mississippi Civil  
 Rights Museum or the new Museum of  
 Mississippi History ..... \$ 18,000,000.00

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

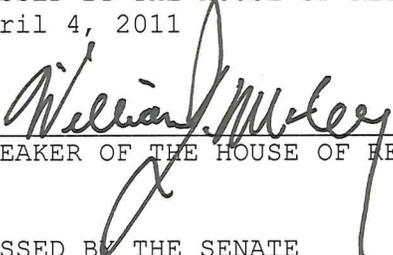
(16) The State Treasurer is authorized, without further process of law, to certify to the Department of Finance and Administration the necessity for warrants, and the Department of Finance and Administration is authorized and directed to issue such warrants, in such amounts as may be necessary to pay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

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

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

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

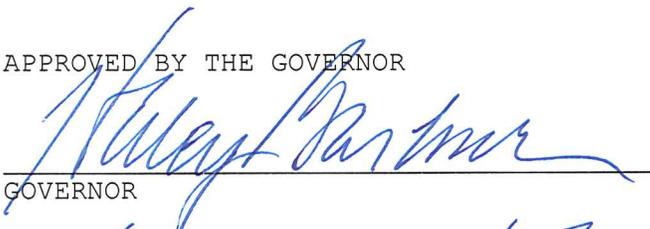
PASSED BY THE HOUSE OF REPRESENTATIVES  
April 4, 2011

  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE  
April 4, 2011

  
PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR

  
GOVERNOR

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