

By: Representative Morris

To: Ways and Means

HOUSE BILL NO. 232

1 AN ACT TO PROVIDE FOR THE ISSUANCE OF STATE GENERAL
2 OBLIGATION BONDS TO PROVIDE FUNDS TO THE DEPARTMENT OF ARCHIVES
3 AND HISTORY FOR THE PURPOSE OF MAKING GRANTS TO CERTAIN ENTITIES
4 FOR THE RESTORATION OF EXISTING OR FORMER HISTORICAL SCHOOLS; AND
5 FOR RELATED PURPOSES.

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

7 SECTION 1. (1) The Board of Trustees of the Department of
8 Archives and History, at one (1) time or from time to time, may
9 declare by resolution the necessity for issuance of general
10 obligation bonds of the State of Mississippi in an amount not to
11 exceed One Million Dollars (\$1,000,000.00) to provide funds for
12 making grants for the restoration of existing or former historical
13 schools, as provided in subsection (2) of this section. Upon the
14 adoption of a resolution by the Board of Trustees of the
15 Department of Archives and History, declaring the necessity for
16 the issuance of any part or all of the general obligation bonds
17 authorized by this section, the board of trustees shall deliver a
18 certified copy of its resolution or resolutions to the State Bond
19 Commission. Upon receipt of such resolution, the State Bond
20 Commission, in its discretion, may act as the issuing agent,
21 prescribe the form of the bonds, advertise for and accept bids,
22 issue and sell the bonds so authorized to be sold, and do any and
23 all other things necessary and advisable in connection with the
24 issuance and sale of such bonds.

25 (2) From the proceeds of the bonds issued under this act,
26 the Department of Archives and History shall make grants to
27 municipalities, counties, public school districts and nonprofit
28 corporations exempt from federal income taxation under Section

29 501(c)(3) of the Internal Revenue Code, which grants shall be used
30 for the restoration of existing or former historical elementary
31 and secondary schools in Mississippi. The department shall
32 prescribe the procedure for applying for the grants, the types of
33 restoration projects for which grants may be made and the maximum
34 amount of a grant that may be made to any one entity.

35 (3) The amount of bonds issued under this act shall not
36 exceed One Million Dollars (\$1,000,000.00).

37 SECTION 2. The principal of and interest on the bonds
38 authorized under this act shall be payable in the manner provided
39 in this section. Such bonds shall bear such date or dates, be in
40 such denomination or denominations, bear interest at such rate or
41 rates not exceeding the limits set forth in Section 75-17-101, be
42 payable at such place or places within or without the State of
43 Mississippi, shall mature absolutely at such time or times not to
44 exceed twenty (20) years from date of issue, be redeemable before
45 maturity at such time or times and upon such terms, with or
46 without premium, shall bear such registration privileges, and
47 shall be substantially in such form, all as determined by
48 resolution of the State Bond Commission.

49 SECTION 3. The bonds authorized under this act shall be
50 signed by the Chairman of the State Bond Commission, or by his
51 facsimile signature, and the official seal of the State Bond
52 Commission shall be affixed thereto, attested by the Secretary of
53 the State Bond Commission. The interest coupons, if any, to be
54 attached to such bonds may be executed by the facsimile signatures
55 of such officers. Whenever any such bonds shall have been signed
56 by the officials designated to sign the bonds who were in office
57 at the time of such signing but who may have ceased to be such
58 officers before the sale and delivery of such bonds, or who may
59 not have been in office on the date such bonds may bear, the
60 signatures of such officers upon such bonds and coupons shall
61 nevertheless be valid and sufficient for all purposes and have the
62 same effect as if the person so officially signing such bonds had
63 remained in office until their delivery to the purchaser, or had
64 been in office on the date such bonds may bear. However,
65 notwithstanding anything in this act to the contrary, such bonds
66 may be issued as provided in the Registered Bond Act of the State

67 of Mississippi.

68 SECTION 4. All bonds and interest coupons issued under this
69 act have all the qualities and incidents of negotiable instruments
70 under the provisions of the Uniform Commercial Code, and in
71 exercising the powers granted by this act, the State Bond
72 Commission shall not be required to and need not comply with the
73 provisions of the Uniform Commercial Code.

74 SECTION 5. The State Bond Commission shall act as the
75 issuing agent for the bonds authorized under this act, prescribe
76 the form of the bonds, advertise for and accept bids, issue and
77 sell the bonds so authorized to be sold, pay all fees and costs
78 incurred in such issuance and sale, and do all other things
79 necessary and advisable in connection with the issuance and sale
80 of the bonds. The State Bond Commission may pay the costs that
81 are incident to the sale, issuance and delivery of the bonds
82 authorized under this act from the proceeds derived from the sale
83 of the bonds. The State Bond Commission shall sell such bonds on
84 sealed bids at public sale, and for such price as it may determine
85 to be for the best interest of the State of Mississippi, but no
86 such sale may be made at a price less than par plus accrued
87 interest to the date of delivery of the bonds to the purchaser.
88 All interest accruing on such bonds so issued shall be payable
89 semiannually or annually; however, the first interest payment may
90 be for any period of not more than one (1) year.

91 Notice of the sale of any such bond shall be published at
92 least one (1) time, not less than ten (10) days before the date of
93 sale, and shall be so published in one or more newspapers
94 published or having a general circulation in the City of Jackson,
95 Mississippi, and in one or more other newspapers or financial
96 journals with a national circulation, to be selected by the State
97 Bond Commission.

98 The State Bond Commission, when issuing any bonds under this
99 act, may provide that the bonds, at the option of the State of
100 Mississippi, may be called in for payment and redemption at the

101 call price named therein and accrued interest on such date or
102 dates named therein.

103 SECTION 6. The bonds issued under this act are general
104 obligations of the State of Mississippi, and for the payment
105 thereof the full faith and credit of the State of Mississippi is
106 irrevocably pledged. If the funds appropriated by the Legislature
107 are insufficient to pay the principal of and the interest on such
108 bonds as they become due, then the deficiency shall be paid by the
109 State Treasurer from any funds in the State Treasury not otherwise
110 appropriated. All such bonds shall contain recitals on their
111 faces substantially covering the provisions of this section.

112 SECTION 7. The State Treasurer is authorized to certify to
113 the Department of Finance and Administration the necessity for
114 warrants, and the Department of Finance and Administration shall
115 issue such warrants, in such amounts as may be necessary to pay
116 when due the principal of, premium, if any, and interest on, or
117 the accreted value of, all bonds issued under this act; and the
118 State Treasurer shall forward the necessary amount to the
119 designated place or places of payment of such bonds in ample time
120 to discharge such bonds, or the interest on the bonds, on their
121 due dates.

122 SECTION 8. Upon the issuance and sale of bonds under this
123 act, the State Bond Commission shall deposit the proceeds of any
124 such sale or sales in a special fund created in the State Treasury
125 to be known as the "Historical School Restoration Fund." Such
126 fund shall be maintained by the State Treasurer as a separate and
127 special fund, separate and apart from the General Fund of the
128 state, and investment earnings on amounts in the fund shall be
129 deposited into such fund. The proceeds of such bonds shall be
130 used solely for the purposes provided in this act, including the
131 costs incident to the issuance and sale of such bonds. The costs
132 incident to the issuance and sale of such bonds shall be disbursed
133 by warrant upon requisition of the State Bond Commission, signed
134 by the chairman of the commission. The remaining monies in the

135 fund shall be expended solely under the direction of the Board of
136 Trustees of the Department of Archives and History under such
137 restrictions, if any, as may be contained in the resolution
138 providing for the issuance of the bonds, and such funds shall be
139 paid by the State Treasurer upon warrants issued by the Department
140 of Finance and Administration.

141 SECTION 9. The bonds authorized under this act may be issued
142 without any other proceedings or the happening of any other
143 conditions or things other than those proceedings, conditions and
144 things that are specified or required by this act. Any resolution
145 providing for the issuance of bonds under this act shall become
146 effective immediately upon its adoption by the State Bond
147 Commission, and any such resolution may be adopted at any regular
148 or special meeting of the State Bond Commission by a majority of
149 its members.

150 SECTION 10. The bonds authorized under this act may be
151 validated in the Chancery Court of the First Judicial District of
152 Hinds County, Mississippi, in the manner and with the force and
153 effect provided by Chapter 13, Title 31, Mississippi Code of 1972,
154 for the validation of county, municipal, school district and other
155 bonds. The notice to taxpayers required by such statutes shall be
156 published in a newspaper published or having a general circulation
157 in the City of Jackson, Mississippi.

158 SECTION 11. Any holder of bonds issued under this act or of
159 any of the interest coupons pertaining to the bonds may, either at
160 law or in equity, by suit, action, mandamus or other proceeding,
161 protect and enforce all rights granted under this act, or under
162 such resolution, and may enforce and compel performance of all
163 duties required by this act to be performed, in order to provide
164 for the payment of bonds and interest on the bonds.

165 SECTION 12. All bonds issued under this act shall be legal
166 investments for trustees and other fiduciaries, and for savings
167 banks, trust companies and insurance companies organized under the
168 laws of the State of Mississippi, and such bonds shall be legal

169 securities that may be deposited with and shall be received by all
170 public officers and bodies of this state and all municipalities
171 and political subdivisions for the purpose of securing the deposit
172 of public funds.

173 SECTION 13. Bonds issued under this act and income from the
174 bonds shall be exempt from all taxation in the State of
175 Mississippi.

176 SECTION 14. This act shall be deemed to be full and complete
177 authority for the exercise of the powers granted, but this act
178 shall not be deemed to repeal or to be in derogation of any
179 existing law of this state.

180 SECTION 15. This act shall take effect and be in force from
181 and after July 1, 1999.