

By: Representatives Wallace, Evans

To: Ways and Means

HOUSE BILL NO. 1099

1 AN ACT TO AUTHORIZE THE ISSUANCE OF GENERAL OBLIGATION BONDS
2 OF THE STATE OF MISSISSIPPI FOR THE PURPOSE OF CONSTRUCTING A
3 STADIUM ON THE CAMPUS OF JACKSON STATE UNIVERSITY; AND FOR RELATED
4 PURPOSES.

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

6 SECTION 1. As used in this act, the following words shall
7 have the meanings ascribed herein unless the context clearly
8 requires otherwise:

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

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

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

18 SECTION 2. (1) (a) A special fund, to be designated as the
19 "Jackson State University Stadium Construction Fund," is created
20 within the State Treasury. The fund shall be maintained by the
21 State Treasurer as a separate and special fund, separate and apart
22 from the General Fund of the state. Unexpended amounts remaining
23 in the fund at the end of a fiscal year shall not lapse into the
24 State General Fund, and any interest earned or investment earnings
25 on amounts in the fund shall be deposited to the credit of the
26 fund. Monies in the fund may not be used or expended for any
27 purpose except as authorized under this act.

28 (b) Monies deposited into the fund shall be disbursed,
29 in the discretion of the Department of Finance and Administration,
30 to pay the costs of constructing a stadium on the campus of
31 Jackson State University.

32 (2) Amounts deposited into such special fund shall be
33 disbursed to pay the costs of the project described in subsection
34 (1) of this section. Promptly after the commission has certified,
35 by resolution duly adopted, that the project described in
36 subsection (1) shall have been completed, abandoned, or cannot be
37 completed in a timely fashion, any amounts remaining in such
38 special fund shall be applied to pay debt service on the bonds
39 issued under this act, in accordance with the proceedings
40 authorizing the issuance of such bonds and as directed by the
41 commission.

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

53 (4) The Department of Finance and Administration is
54 authorized to pay for constructing, furnishing and equipping a
55 stadium on the campus of Jackson State University.

56 SECTION 3. (1) The commission, at one (1) time, or from
57 time to time, may declare by resolution the necessity for issuance
58 of 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 Thirty Million Dollars (\$30,000,000.00).

73 (2) Any investment earnings on amounts deposited into the
74 special fund created in Section 2 of this act shall be used to pay
75 debt service on bonds issued under this act, in accordance with
76 the proceedings authorizing issuance of such bonds.

77 SECTION 4. The principal of and interest on the bonds
78 authorized under Section 3 of this act shall be payable in the
79 manner provided in this section. Such bonds shall bear such date
80 or dates, be in such denomination or denominations, bear interest
81 at such rate or rates (not to exceed the limits set forth in
82 Section 75-17-101, Mississippi Code of 1972), be payable at such
83 place or places within or without the State of Mississippi, shall
84 mature absolutely at such time or times not to exceed twenty-five
85 (25) years from date of issue, be redeemable before maturity at
86 such time or times and upon such terms, with or without premium,
87 shall bear such registration privileges, and shall be
88 substantially in such form, all as shall be determined by
89 resolution of the commission.

90 SECTION 5. The bonds authorized by Section 3 of this act
91 shall be signed by the chairman of the commission, or by his
92 facsimile signature, and the official seal of the commission shall
93 be affixed thereto, attested by the secretary of the commission.

94 The interest coupons, if any, to be attached to such bonds may be
95 executed by the facsimile signatures of such officers. Whenever
96 any such bonds shall have been signed by the officials designated
97 to sign the bonds who were in office at the time of such signing
98 but who may have ceased to be such officers before the sale and
99 delivery of such bonds, or who may not have been in office on the
100 date such bonds may bear, the signatures of such officers upon
101 such bonds and coupons shall nevertheless be valid and sufficient
102 for all purposes and have the same effect as if the person so
103 officially signing such bonds had remained in office until their
104 delivery to the purchaser, or had been in office on the date such
105 bonds may bear. However, notwithstanding anything herein to the
106 contrary, such bonds may be issued as provided in the Registered
107 Bond Act of 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 Uniform
111 Commercial Code, and in exercising the powers granted by this act,
112 the commission shall not be required to and need not comply with
113 the provisions of the Uniform Commercial Code.

114 SECTION 7. The commission shall act as the issuing agent for
115 the bonds authorized under Section 3 of this act, prescribe the
116 form of the bonds, advertise for and accept bids, issue and sell
117 the bonds so authorized to be sold, pay all fees and costs
118 incurred in such issuance and sale, and do any and all other
119 things necessary and advisable in connection with the issuance and
120 sale of such bonds. The commission is authorized and empowered to
121 pay the costs that are incident to the sale, issuance and delivery
122 of the bonds authorized under this act from the proceeds derived
123 from the sale of such bonds. The commission shall sell such bonds
124 on sealed bids at public sale, and for such price as it may
125 determine to be for the best interest of the State of Mississippi,
126 but no such sale shall be made at a price less than par plus

127 accrued interest to the date of delivery of the bonds to the
128 purchaser. All interest accruing on such bonds so issued shall be
129 payable semiannually or annually; however, the first interest
130 payment may be for any period of not more than one (1) year.

131 Notice of the sale of any such bond shall be published at
132 least one (1) time, not less than ten (10) days before the date of
133 sale, and shall be so published in one or more newspapers
134 published or having a general circulation in the City of Jackson,
135 Mississippi, and in one or more other newspapers or financial
136 journals with a national circulation, to be selected by the
137 commission.

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

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

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

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

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

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

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

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

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

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

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

214 SECTION 18. This act shall take effect and be in force from
215 and after July 1, 1999.