

By: Senator(s) Bean

To: Finance

SENATE BILL NO. 2044

1 AN ACT TO AUTHORIZE THE ISSUANCE OF GENERAL OBLIGATION BONDS
2 OF THE STATE OF MISSISSIPPI FOR THE PURPOSE OF COMPLETING
3 CONSTRUCTION OF THE ARMED FORCES MUSEUM BUILDING LOCATED AT CAMP
4 SHELBY AND FOR THE PURPOSE OF PAYING THE COSTS OF HISTORICAL
5 EXHIBIT DESIGN AT SUCH BUILDING AND THE COSTS OF EQUIPPING AND
6 FURNISHING SUCH BUILDING; AND FOR RELATED PURPOSES.

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

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

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

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

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

20 SECTION 2. (1) (a) A special fund, to be designated as the
21 "1999 Armed Forces Museum Fund," is created within the State
22 Treasury. The fund shall be maintained by the State Treasurer as
23 a separate and special fund, separate and apart from the General
24 Fund of the state. Unexpended amounts remaining in the fund at
25 the end of a fiscal year shall not lapse into the State General
26 Fund, and any interest earned or investment earnings on amounts in
27 the fund shall be deposited to the credit of the fund. Monies in
28 the fund may not be used or expended for any purpose except as

29 authorized under this act.

30 (b) Monies deposited into the fund shall be disbursed,
31 in the discretion of the Department of Finance and Administration,
32 to pay the costs of completing construction of the Armed Forces
33 Museum Building authorized to be constructed at Camp Shelby
34 pursuant to Chapter 470, Laws of 1995, the costs of historical
35 exhibit design at such building and the costs of furnishing and
36 equipping such building.

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

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

58 (4) The Department of Finance and Administration is
59 authorized to pay for repair, renovation, restoration and
60 preservation of the project described in subsection (1) of this
61 section.

62 SECTION 3. (1) The commission, at one time, or from time to
63 time, may declare by resolution the necessity for issuance of
64 general obligation bonds of the State of Mississippi to provide
65 funds for all costs incurred or to be incurred for the purposes

66 described in Section 2 of this act. Upon the adoption of a
67 resolution by the Department of Finance and Administration,
68 declaring the necessity for the issuance of any part or all of the
69 general obligation bonds authorized by this section, the
70 Department of Finance and Administration shall deliver a certified
71 copy of its resolution or resolutions to the commission. Upon
72 receipt of such resolution, the commission, in its discretion, may
73 act as the issuing agent, prescribe the form of the bonds,
74 advertise for and accept bids, issue and sell the bonds so
75 authorized to be sold and do any and all other things necessary
76 and advisable in connection with the issuance and sale of such
77 bonds. The total amount of bonds issued under this act shall not
78 exceed Two Million Dollars (\$2,000,000.00).

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

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

96 SECTION 5. The bonds authorized by Section 3 of this act
97 shall be signed by the chairman of the commission, or by his
98 facsimile signature, and the official seal of the commission shall

99 be affixed thereto, attested by the secretary of the commission.
100 The interest coupons, if any, to be attached to such bonds may be
101 executed by the facsimile signatures of such officers. Whenever
102 any such bonds shall have been signed by the officials designated
103 to sign the bonds who were in office at the time of such signing
104 but who may have ceased to be such officers before the sale and
105 delivery of such bonds, or who may not have been in office on the
106 date such bonds may bear, the signatures of such officers upon
107 such bonds and coupons shall nevertheless be valid and sufficient
108 for all purposes and have the same effect as if the person so
109 officially signing such bonds had remained in office until their
110 delivery to the purchaser, or had been in office on the date such
111 bonds may bear. However, notwithstanding anything herein to the
112 contrary, such bonds may be issued as provided in the Registered
113 Bond Act of the State of Mississippi.

114 SECTION 6. All bonds and interest coupons issued under the
115 provisions of this act have all the qualities and incidents of
116 negotiable instruments under the provisions of the Uniform
117 Commercial Code, and in exercising the powers granted by this act,
118 the commission shall not be required to and need not comply with
119 the provisions of the Uniform Commercial Code.

120 SECTION 7. The commission shall act as the issuing agent for
121 the bonds authorized under Section 3 of this act, prescribe the
122 form of the bonds, advertise for and accept bids, issue and sell
123 the bonds so authorized to be sold, pay all fees and costs
124 incurred in such issuance and sale, and do any and all other
125 things necessary and advisable in connection with the issuance and
126 sale of such bonds. The commission is authorized and empowered to
127 pay the costs that are incident to the sale, issuance and delivery
128 of the bonds authorized under this act from the proceeds derived
129 from the sale of such bonds. The commission shall sell such bonds
130 on sealed bids at public sale, and for such price as it may
131 determine to be for the best interest of the State of Mississippi,

132 but no such sale shall be made at a price less than par plus
133 accrued interest to the date of delivery of the bonds to the
134 purchaser. All interest accruing on such bonds so issued shall be
135 payable semiannually or annually; however, the first interest
136 payment may be for any period of not more than one (1) year.

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

144 The commission, when issuing any bonds under the authority of
145 this act, may provide that bonds, at the option of the State of
146 Mississippi, may be called in for payment and redemption at the
147 call price named therein and accrued interest on such date or
148 dates named therein.

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

159 SECTION 9. Upon the issuance and sale of bonds under the
160 provisions of this act, the commission shall transfer the proceeds
161 of any such sale or sales to the special fund created in Section 2
162 of this act. The proceeds of such bonds shall be disbursed solely
163 upon the order of the Department of Finance and Administration
164 under such restrictions, if any, as may be contained in the

165 resolution providing for the issuance of the bonds.

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

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

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

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

198 of securing the deposit of public funds.

199 SECTION 14. Bonds issued under the provisions of this act
200 and income therefrom shall be exempt from all taxation in the
201 State of Mississippi.

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

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

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

220 SECTION 18. This act shall take effect and be in force from
221 and after its passage.