

By: Senator(s) Gollott, Woodfield, Cuevas,
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To: Finance

SENATE BILL NO. 3058

1 AN ACT TO AMEND CHAPTER 528, LAWS OF 1995, TO INCREASE THE
2 AMOUNT OF BONDS AUTHORIZED FOR THE CONSTRUCTION AND EQUIPPING OF
3 CERTAIN FACILITIES FOR MENTALLY HANDICAPPED JUVENILE OFFENDERS
4 THAT ARE TO BE OPERATED BY THE MISSISSIPPI DEPARTMENT OF MENTAL
5 HEALTH.

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

7 SECTION 1. Chapter 528, Laws of 1995, is amended to read as
8 follows:

9 Section 1. (1) The purpose of this section is to provide
10 modern and efficient rehabilitation facilities for mentally ill or
11 mentally retarded juvenile offenders in Mississippi, who have been
12 committed for treatment by a court of competent jurisdiction
13 pursuant to Section 41-21-61 et seq., Mississippi Code of 1972.

14 (2) The Department of Finance and Administration, acting
15 through the Bureau of Building, Grounds and Real Property
16 Management, using funds from bonds, monies appropriated by the
17 Legislature for such purposes, federal matching or other federal
18 funds, federal grants or other available funds from whatever
19 source, shall provide for by construction, lease, lease-purchase
20 or otherwise and equip the following juvenile rehabilitation
21 facilities under the jurisdiction and responsibility of the
22 Mississippi Department of Mental Health: Construction and
23 equipping of two (2) separate facilities each of which could serve
24 up to fifty (50) adolescents, and each of which will be located at
25 sites approved by the Department of Mental Health that would be
26 specifically designed to serve adolescents who have come into
27 contact with the judicial system after committing a crime and who

28 are mentally ill or mentally retarded to the extent that it is not
29 acceptable to house them with non-handicapped inmates and who meet
30 commitment criteria as defined by Section 41-21-61, Mississippi
31 Code of 1972. One (1) 50-bed facility shall house mentally ill
32 adolescent offenders. The other shall house mentally retarded
33 adolescent offenders. These facilities shall be self-contained
34 and offer a secure but therapeutic environment allowing persons to
35 be habilitated apart from persons who are more vulnerable and who
36 have disabilities that are more disabling. The number of persons
37 admitted to these facilities shall not exceed the number of beds
38 authorized under this act or the number of beds licensed or
39 authorized by the licensure and certification agency, whichever is
40 less.

41 The handicapped juvenile offender rehabilitation facility
42 location shall be on property owned by the Department of Mental
43 Health, or its successor, at one or more sites selected by the
44 Department of Mental Health on land that is either donated to the
45 state or purchased by the state specifically for the location of
46 such facilities.

47 Section 2. (1) The Department of Finance and
48 Administration, at one (1) time or from time to time, may declare
49 by resolution the necessity for issuance of general obligation
50 bonds of the State of Mississippi to provide funds for
51 construction, repairing, remodeling, equipping, furnishing, adding
52 to, improving and maintaining the juvenile rehabilitation
53 facilities authorized under Section 1 of this act. Upon the
54 adoption of a resolution by the Department of Finance and
55 Administration, declaring the necessity for the issuance of any
56 part or all of the general obligation bonds authorized by this
57 section, the department shall deliver a certified copy of its
58 resolution or resolutions to the State Bond Commission. Upon
59 receipt of such resolution, the State Bond Commission, in its
60 discretion, may act as the issuing agent, prescribe the form of
61 the bonds, advertise for and accept bids, issue and sell the bonds
62 so authorized to be sold, and do any and all other things
63 necessary and advisable in connection with the issuance and sale
64 of such bonds. The amount of bonds issued under this act shall

65 not exceed Eighteen Million Five Hundred Thousand Dollars
66 (\$18,500,000.00) to provide funds for the purposes hereinabove set
67 forth and to issue and sell bonds in the amount specified.

68 (2) A special fund, to be designated the "1995 State
69 Juvenile Rehabilitation Facility Construction, Repair and
70 Renovation Fund," is created within the State Treasury. The fund
71 shall be maintained by the State Treasurer as a separate and
72 special fund, separate and apart from the General Fund of the
73 state, and investment earnings on amounts in the fund shall be
74 deposited into such fund. The expenditure of monies deposited
75 into the fund shall be under the direction of the Department of
76 Finance and Administration, and such funds shall be paid by the
77 State Treasurer upon warrants issued by the Department of Finance
78 and Administration.

79 Section 3. The principal of and interest on the bonds
80 authorized under Sections 2 through 15 of this act shall be
81 payable in the manner provided in this section. Such bonds shall
82 bear such date or dates, be in such denomination or denominations,
83 bear interest at such rate or rates not exceeding the limits set
84 forth in Section 75-17-101, Mississippi Code of 1972, be payable
85 at such place or places within or without the State of
86 Mississippi, shall mature absolutely at such time or times not to
87 exceed twenty (20) years from date of issue, be redeemable before
88 maturity at such time or times and upon such terms, with or
89 without premium, shall bear such registration privileges, and
90 shall be substantially in such form, all as determined by
91 resolution of the State Bond Commission.

92 Section 4. The bonds authorized under Sections 2 through 15
93 of this act shall be signed by the Chairman of the State Bond
94 Commission, or by his facsimile signature, and the official seal
95 of the State Bond Commission shall be affixed thereto, attested by
96 the Secretary of the State Bond Commission. The interest coupons,
97 if any, to be attached to such bonds may be executed by the

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

111 Section 5. All bonds and interest coupons issued under the
112 provisions of Sections 2 through 15 of this act have all the
113 qualities and incidents of negotiable instruments under the
114 provisions of the Mississippi Uniform Commercial Code, and in
115 exercising the powers granted by Sections 2 through 15 of this
116 act, the State Bond Commission shall not be required to and need
117 not comply with the provisions of the Mississippi Uniform
118 Commercial Code.

119 Section 6. The State Bond Commission shall act as the
120 issuing agent for the bonds authorized under Sections 2 through 15
121 of this act, prescribe the form of the bonds, advertise for and
122 accept bids, issue and sell the bonds so authorized to be sold,
123 pay all fees and costs incurred in such issuance and sale, and do
124 all other things necessary and advisable in connection with the
125 issuance and sale of the bonds. The State Bond Commission may pay
126 the costs that are incident to the sale, issuance and delivery of
127 the bonds authorized under Sections 2 through 15 of this act from
128 the proceeds derived from the sale of the bonds. The State Bond
129 Commission shall sell such bonds on sealed bids at public sale,
130 and for such price as it may determine to be for the best interest

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

144 The State Bond Commission, when issuing any bonds under the
145 authority of Sections 2 through 15 of this act, may provide that
146 the bonds, at the option of the State of Mississippi, may be
147 called in for payment and redemption at the call price named
148 therein and accrued interest on such date or dates named therein.

149 Section 7. The bonds issued under the provisions of Sections
150 2 through 15 of this act are general obligations of the State of
151 Mississippi, and for the payment thereof the full faith and credit
152 of the State of Mississippi is irrevocably pledged. If the funds
153 appropriated by the Legislature are insufficient to pay the
154 principal of and the interest on such bonds as they become due,
155 then the deficiency shall be paid by the State Treasurer from any
156 funds in the State Treasury not otherwise appropriated. All such
157 bonds shall contain recitals on their faces substantially covering
158 the provisions of this section.

159 Section 8. The State Treasurer is authorized to certify to
160 the State Fiscal Officer the necessity for warrants, and the State
161 Fiscal Officer is authorized and directed to issue such warrants,
162 in such amounts as may be necessary to pay when due the principal
163 of, premium, if any, and interest on, or the accredited value of,

164 all bonds issued under Sections 2 through 15 of this act; and the
165 State Treasurer shall forward the necessary amount to the
166 designated place or places of payment of such bonds in ample time
167 to discharge such bonds, or the interest on the bonds, on their
168 due dates.

169 Section 9. Upon the issuance and sale of bonds under
170 Sections 2 through 15 of this act, the State Bond Commission shall
171 deposit the proceeds of any such sale or sales in the 1995 State
172 Juvenile Rehabilitation Facility Construction Fund. The proceeds
173 of such bonds shall be used solely for the purposes provided in
174 Sections 2 through 15 of this act, including the costs incident to
175 the issuance and sale of such bonds. The costs incident to the
176 issuance and sale of such bonds shall be disbursed by warrant upon
177 requisition of the State Bond Commission, signed by the chairman
178 of the commission. The remaining monies in the fund shall be
179 expended solely under the direction of the Department of Finance
180 and Administration under such restrictions, if any, as may be
181 contained in the resolution providing for the issuance of the
182 bonds, and such funds shall be paid by the State Treasurer upon
183 warrants issued by the State Fiscal Officer.

184 Section 10. The bonds authorized under Sections 2 through 15
185 of this act may be issued without any other proceedings or the
186 happening of any other conditions or things other than those
187 proceedings, conditions and things that are specified or required
188 by Sections 2 through 15 of this act. Any resolution providing
189 for the issuance of bonds under Sections 2 through 15 of this act
190 shall become effective immediately upon its adoption by the State
191 Bond Commission, and any such resolution may be adopted at any
192 regular or special meeting of the State Bond Commission by a
193 majority of its members.

194 Section 11. The bonds authorized under the authority of
195 Sections 2 through 15 of this act may be validated in the Chancery
196 Court of the First Judicial District of Hinds County, Mississippi,

197 in the manner and with the force and effect provided by Chapter
198 13, Title 31, Mississippi Code of 1972, for the validation of
199 county, municipal, school district and other bonds. The notice to
200 taxpayers required by such statutes shall be published in a
201 newspaper published or having a general circulation in the City of
202 Jackson, Mississippi.

203 Section 12. Any holder of bonds issued under Sections 2
204 through 15 of this act or of any of the interest coupons
205 pertaining to the bonds may, either at law or in equity, by suit,
206 action, mandamus or other proceeding, protect and enforce all
207 rights granted under Sections 2 through 15 of this act, or under
208 such resolution, and may enforce and compel performance of all
209 duties required by Sections 2 through 15 of this act to be
210 performed, in order to provide for the payment of bonds and
211 interest on the bonds.

212 Section 13. All bonds issued under Sections 2 through 15 of
213 this act shall be legal investments for trustees and other
214 fiduciaries, and for savings banks, trust companies and insurance
215 companies organized under the laws of the State of Mississippi,
216 and such bonds shall be legal securities that may be deposited
217 with and shall be received by all public officers and bodies of
218 this state and all municipalities and political subdivisions for
219 the purpose of securing the deposit of public funds.

220 Section 14. Bonds issued under Sections 2 through 15 of this
221 act and income from the bonds shall be exempt from all taxation in
222 the State of Mississippi.

223 Section 15. Sections 2 through 15 of this act shall be
224 deemed to be full and complete authority for the exercise of the
225 powers granted, but Sections 2 through 15 of this act shall not be
226 deemed to repeal or to be in derogation of any existing law of
227 this state.

228 Section 16. Any regional mental health or mental retardation
229 commission established according to the provisions of Section

230 41-19-31 et seq., Mississippi Code of 1972, shall not construct or
231 operate any facility in an area in violation of any local zoning
232 ordinances or regulations.

233 Section 17. This act shall take effect and be in force from
234 and after its passage.

235 SECTION 2. This act shall take effect and be in force from
236 and after its passage.