

By: Senator(s) Bean, Farris, Furniss

To: Finance

SENATE BILL NO. 3094
(As Passed the Senate)

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 Adjutant General, to pay the costs of
32 completing the construction, equipping and furnishing of the Armed
33 Forces 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 Adjutant General is expressly authorized and
48 empowered to receive and expend any local or other source funds in
49 connection with the expenditure of funds provided for in this
50 section. The expenditure of monies deposited into the special
51 fund shall be under the direction of the Adjutant General, and
52 such funds shall be paid by the State Treasurer upon warrants
53 issued by the Adjutant General, which warrants shall be issued
54 upon requisitions signed by the Executive Director of the
55 Department of Finance and Administration, or his designee.

56 (4) The Adjutant General is authorized to pay for completing
57 the construction, equipping and furnishing of the project
58 described in subsection (1) of this section.

59 SECTION 3. (1) The Adjutant General, at one time, or from
60 time to time, may declare by resolution the necessity for issuance
61 of general obligation bonds of the State of Mississippi to provide
62 funds for all costs incurred or to be incurred for the purposes
63 described in Section 2 of this act. Upon the declaration of the
64 Adjutant General declaring the necessity for the issuance of any
65 part or all of the general obligation bonds authorized by this

66 section, the Adjutant General shall deliver a certified copy of
67 his declaration to the commission. Upon receipt of such
68 declaration, the commission, in its discretion, may act as the
69 issuing agent, prescribe the form of the bonds, advertise for and
70 accept bids, issue and sell the bonds so authorized to be sold and
71 do any and all other things necessary and advisable in connection
72 with the issuance and sale of such bonds. The total amount of
73 bonds issued under this act shall not exceed Two Million Dollars
74 (\$2,000,000.00).

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

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

92 SECTION 5. The bonds authorized by Section 3 of this act
93 shall be signed by the chairman of the commission, or by his
94 facsimile signature, and the official seal of the commission shall
95 be affixed thereto, attested by the secretary of the commission.
96 The interest coupons, if any, to be attached to such bonds may be
97 executed by the facsimile signatures of such officers. Whenever
98 any such bonds shall have been signed by the officials designated

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

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

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

132 payment may be for any period of not more than one (1) year.

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

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

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

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

162 SECTION 10. The bonds authorized under this act may be
163 issued without any other proceedings or the happening of any other
164 conditions or things other than those proceedings, conditions and

165 things which are specified or required by this act. Any
166 resolution providing for the issuance of bonds under the
167 provisions of this act shall become effective immediately upon its
168 adoption by the commission, and any such resolution may be adopted
169 at any regular or special meeting of the commission by a majority
170 of its members.

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

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

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

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

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

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

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

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