

By: Senator(s) Ross, Jackson, Gordon, Smith, Dearing, Furniss, Gollott To: Veterans and Military Affairs; Finance

SENATE BILL NO. 3201

1 AN ACT TO AUTHORIZE THE ISSUANCE OF STATE GENERAL OBLIGATION
2 BONDS FOR THE PURPOSE OF PROVIDING FUNDS TO THE MISSISSIPPI
3 MILITARY DEPARTMENT TO DEFRAY THE EXPENSE OF CONSTRUCTION DESIGN
4 TO ENABLE ACCESS TO FEDERAL CONSTRUCTION FUNDS; AND FOR RELATED
5 PURPOSES.

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

7 SECTION 1. (1) A special fund, to be designated as the
8 "Mississippi National Guard Special Project Design Fund," is
9 created within the State Treasury. The fund shall be maintained
10 by the State Treasurer as a separate and special fund, separate
11 and apart from the General Fund of the state. Unexpended amounts
12 remaining in the fund at the end of a fiscal year shall not lapse
13 into the State General Fund, and any interest earned or investment
14 earnings on amounts in the fund shall be deposited into such fund.
15 Monies deposited into the fund shall be disbursed, in the
16 discretion of the Mississippi Military Department, for the purpose
17 of defraying the expense of construction design to enable the
18 Mississippi Military Department to access federal construction
19 funds. Any federal reimbursements received by the state for
20 construction design expenses that are paid from the fund created
21 pursuant to this section shall be deposited, upon receipt, to the
22 credit of such fund.

23 (2) The expenditure of monies deposited into the special
24 fund shall be under the direction of the Mississippi Military
25 Department, and such funds shall be paid by the State Treasurer
26 upon warrants issued by such department, which warrants shall be
27 issued upon requisitions signed by the Adjutant General or his
28 designee.

29 SECTION 2. (1) The State Bond Commission, at one time, or
30 from time to time, may declare by resolution the necessity for
31 issuance of general obligation bonds of the State of Mississippi
32 to provide funds for all costs incurred or to be incurred for the
33 purposes described in Section 1 of this act. Upon the adoption of
34 a resolution by the Mississippi Military Department, declaring the
35 necessity for the issuance of any part or all of the general
36 obligation bonds authorized by this section, the Mississippi
37 Military Department shall deliver a certified copy of its
38 resolution or resolutions to the State Bond Commission. Upon
39 receipt of such resolution, the State Bond Commission, in its
40 discretion, may act as the issuing agent, prescribe the form of
41 the bonds, advertise for and accept bids, issue and sell the bonds
42 so authorized to be sold and do any and all other things necessary
43 and advisable in connection with the issuance and sale of such
44 bonds. The total amount of bonds issued under this act shall not
45 exceed Seven Hundred Fifty Thousand Dollars (\$750,000.00).

46 (2) Any investment earnings on amounts deposited into the
47 special fund created in Section 1 of this act shall be used to pay
48 debt service on bonds issued under this act, in accordance with
49 the proceedings authorizing issuance of such bonds.

50 SECTION 3. The principal of and interest on the bonds
51 authorized under this act shall be payable in the manner provided
52 in this section. Such bonds shall bear such date or dates, be in
53 such denomination or denominations, bear interest at such rate or
54 rates (not to exceed the limits set forth in Section 75-17-101,
55 Mississippi Code of 1972), be payable at such place or places
56 within or without the State of Mississippi, shall mature
57 absolutely at such time or times not to exceed twenty-five (25)
58 years from date of issue, be redeemable before maturity at such
59 time or times and upon such terms, with or without premium, shall
60 bear such registration privileges, and shall be substantially in
61 such form, all as shall be determined by resolution of the State
62 Bond Commission.

63 SECTION 4. The bonds authorized by this act shall be signed
64 by the Chairman of the State Bond Commission, or by his facsimile
65 signature, and the official seal of the State Bond Commission
66 shall be affixed thereto, attested by the Secretary of the State
67 Bond Commission. The interest coupons, if any, to be attached to
68 such bonds may be executed by the facsimile signatures of such
69 officers. Whenever any such bonds shall have been signed by the
70 officials designated to sign the bonds who were in office at the
71 time of such signing but who may have ceased to be such officers
72 before the sale and delivery of such bonds, or who may not have
73 been in office on the date such bonds may bear, the signatures of
74 such officers upon such bonds and coupons shall nevertheless be
75 valid and sufficient for all purposes and have the same effect as
76 if the person so officially signing such bonds had remained in
77 office until their delivery to the purchaser, or had been in
78 office on the date such bonds may bear. However, notwithstanding
79 anything herein to the contrary, such bonds may be issued as
80 provided in the Registered Bond Act of the State of Mississippi.

81 SECTION 5. All bonds and interest coupons issued under the
82 provisions of this act have all the qualities and incidents of
83 negotiable instruments under the provisions of the Mississippi
84 Uniform Commercial Code, and in exercising the powers granted by
85 this act, the State Bond Commission shall not be required to and
86 need not comply with the provisions of the Mississippi Uniform
87 Commercial Code.

88 SECTION 6. The State Bond Commission shall act as the
89 issuing agent for the bonds authorized under this act, prescribe
90 the form of the bonds, advertise for and accept bids, issue and
91 sell the bonds so authorized to be sold, pay all fees and costs
92 incurred in such issuance and sale, and do any and all other
93 things necessary and advisable in connection with the issuance and
94 sale of such bonds. The State Bond Commission is authorized and
95 empowered to pay the costs that are incident to the sale, issuance
96 and delivery of the bonds authorized under this act from the

97 proceeds derived from the sale of such bonds. The State Bond
98 Commission shall sell such bonds on sealed bids at public sale,
99 and for such price as it may determine to be for the best interest
100 of the State of Mississippi, but no such sale shall be made at a
101 price less than par plus accrued interest to the date of delivery
102 of the bonds to the purchaser. All interest accruing on such
103 bonds so issued shall be payable semiannually or annually;
104 however, the first interest payment may be for any period of not
105 more than one (1) year.

106 Notice of the sale of any such bonds shall be published at
107 least one (1) time, not less than ten (10) days before the date of
108 sale, and shall be so published in one or more newspapers
109 published or having a general circulation in the City of Jackson,
110 Mississippi, and in one or more other newspapers or financial
111 journals with a national circulation, to be selected by the State
112 Bond Commission.

113 The State Bond Commission, when issuing any bonds under the
114 authority of this act, may provide that bonds, at the option of
115 the State of Mississippi, may be called in for payment and
116 redemption at the call price named therein and accrued interest on
117 such date or dates named therein.

118 SECTION 7. The bonds issued under the provisions of this act
119 are general obligations of the State of Mississippi, and for the
120 payment thereof the full faith and credit of the State of
121 Mississippi is irrevocably pledged. If the funds appropriated by
122 the Legislature are insufficient to pay the principal of and the
123 interest on such bonds as they become due, then the deficiency
124 shall be paid by the State Treasurer from any funds in the State
125 Treasury not otherwise appropriated. All such bonds shall contain
126 recitals on their faces substantially covering the provisions of
127 this section.

128 SECTION 8. Upon the issuance and sale of bonds under the
129 provisions of this act, the State Bond Commission shall transfer
130 the proceeds of any such sale or sales to the special fund created

131 in Section 1 of this act. The proceeds of such bonds shall be
132 disbursed solely upon the order of the Mississippi Military
133 Department under such restrictions, if any, as may be contained in
134 the resolution providing for the issuance of the bonds.

135 SECTION 9. The bonds authorized under this act may be issued
136 without any other proceedings or the happening of any other
137 conditions or things other than those proceedings, conditions and
138 things which are specified or required by this act. Any
139 resolution providing for the issuance of bonds under the
140 provisions of this act shall become effective immediately upon its
141 adoption by the State Bond Commission, and any such resolution may
142 be adopted at any regular or special meeting of the State Bond
143 Commission by a majority of its members.

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

152 SECTION 11. Any holder of bonds issued under the provisions
153 of this act or of any of the interest coupons pertaining thereto
154 may, either at law or in equity, by suit, action, mandamus or
155 other proceeding, protect and enforce any and all rights granted
156 under this act, or under such resolution, and may enforce and
157 compel performance of all duties required by this act to be
158 performed, in order to provide for the payment of bonds and
159 interest thereon.

160 SECTION 12. All bonds issued under the provisions of this
161 act shall be legal investments for trustees and other fiduciaries,
162 and for savings banks, trust companies and insurance companies
163 organized under the laws of the State of Mississippi, and such
164 bonds shall be legal securities which may be deposited with and

165 shall be received by all public officers and bodies of this state
166 and all municipalities and political subdivisions for the purpose
167 of securing the deposit of public funds.

168 SECTION 13. Bonds issued under the provisions of this act
169 and income therefrom shall be exempt from all taxation in the
170 State of Mississippi.

171 SECTION 14. The proceeds of the bonds issued under this act
172 shall be used solely for the purposes herein provided, including
173 the costs incident to the issuance and sale of such bonds.

174 SECTION 15. The State Treasurer is authorized, without
175 further process of law, to certify to the Department of Finance
176 and Administration the necessity for warrants, and the Department
177 of Finance and Administration is authorized and directed to issue
178 such warrants, in such amounts as may be necessary to pay when due
179 the principal of, premium, if any, and interest on, or the
180 accreted value of, all bonds issued under this act; and the State
181 Treasurer shall forward the necessary amount to the designated
182 place or places of payment of such bonds in ample time to
183 discharge such bonds, or the interest thereon, on the due dates
184 thereof.

185 SECTION 16. This act shall be deemed to be full and complete
186 authority for the exercise of the powers herein granted, but this
187 act shall not be deemed to repeal or to be in derogation of any
188 existing law of this state.

189 SECTION 17. This act shall take effect and be in force from
190 and after its passage.