

By: Senator(s) Farris, Bean

To: Finance

## SENATE BILL NO. 3215

1 AN ACT TO PROVIDE FOR THE ISSUANCE OF GENERAL OBLIGATION  
2 BONDS TO PROVIDE FUNDS FOR IMPROVEMENTS TO THE WALTHALL SCHOOL  
3 BUILDING IN HATTIESBURG, MISSISSIPPI, THAT ARE NECESSARY TO LOCATE  
4 A REGIONAL CHILDREN'S DISCOVERY CENTER AT SUCH FACILITY; AND FOR  
5 RELATED PURPOSES. BE IT ENACTED BY THE LEGISLATURE OF THE STATE  
6 OF MISSISSIPPI:

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8 SECTION 1. (1) The Department of Finance and  
9 Administration, at one (1) time or from time to time, may declare  
10 by resolution the necessity for issuance of general obligation  
11 bonds of the State of Mississippi in an amount not to exceed Two  
12 Million Five Hundred Thousand Dollars (\$2,500,000.00) to provide  
13 funds for necessary improvements to convert the Walthall School  
14 Building in Hattiesburg, Mississippi, into a regional children's  
15 discovery center to be known as the "Interaction Factory." Such  
16 improvements shall include the repair and renovation of the  
17 Walthall School Building, improvement of parking facilities at the  
18 Walthall School Building and other necessary improvements to such  
19 facility and the grounds of such facility that are necessary to  
20 convert such facility into a regional children's discovery center.

21 (2) Upon the adoption of a resolution by the Department of  
22 Finance and Administration, declaring the necessity for the  
23 issuance of any part or all of the general obligation bonds  
24 authorized by this section, the department shall deliver a  
25 certified copy of its resolution or resolutions to the State Bond  
26 Commission. Upon receipt of such resolution, the State Bond  
27 Commission, in its discretion, may act as the issuing agent,  
28 prescribe the form of the bonds, advertise for and accept bids,  
29 issue and sell the bonds so authorized to be sold, and do any and

30 all other things necessary and advisable in connection with the  
31 issuance and sale of such bonds.

32 (3) The amount of bonds issued under this act shall not  
33 exceed Two Million Five Hundred Thousand Dollars (\$2,500,000.00)  
34 for the project described in subsection (1) of this section.

35 SECTION 2. The principal of and interest on the bonds  
36 authorized under this act shall be payable in the manner provided  
37 in this section. Such bonds shall bear such date or dates, be in  
38 such denomination or denominations, bear interest at such rate or  
39 rates not exceeding the limits set forth in Section 75-17-101, be  
40 payable at such place or places within or without the State of  
41 Mississippi, shall mature absolutely at such time or times not to  
42 exceed twenty (20) years from date of issue, be redeemable before  
43 maturity at such time or times and upon such terms, with or  
44 without premium, shall bear such registration privileges, and  
45 shall be substantially in such form, all as determined by  
46 resolution of the State Bond Commission.

47 SECTION 3. The bonds authorized under this act shall be  
48 signed by the Chairman of the State Bond Commission, or by his  
49 facsimile signature, and the official seal of the State Bond  
50 Commission shall be affixed thereto, attested by the Secretary of  
51 the State Bond Commission. The interest coupons, if any, to be  
52 attached to such bonds may be executed by the facsimile signatures  
53 of such officers. Whenever any such bonds shall have been signed  
54 by the officials designated to sign the bonds who were in office  
55 at the time of such signing but who may have ceased to be such  
56 officers before the sale and delivery of such bonds, or who may  
57 not have been in office on the date such bonds may bear, the  
58 signatures of such officers upon such bonds and coupons shall  
59 nevertheless be valid and sufficient for all purposes and have the  
60 same effect as if the person so officially signing such bonds had  
61 remained in office until their delivery to the purchaser, or had  
62 been in office on the date such bonds may bear. However,  
63 notwithstanding anything in this act to the contrary, such bonds  
64 may be issued as provided in the Registered Bond Act of the State  
65 of Mississippi.

66 SECTION 4. All bonds and interest coupons issued under the  
67 provisions of this act have all the qualities and incidents of

68 negotiable instruments under the provisions of the Uniform  
69 Commercial Code, and in exercising the powers granted by this act,  
70 the State Bond Commission shall not be required to and need not  
71 comply with the provisions of the Uniform Commercial Code.

72 SECTION 5. The State Bond Commission shall act as the  
73 issuing agent for the bonds authorized under this act, prescribe  
74 the form of the bonds, advertise for and accept bids, issue and  
75 sell the bonds so authorized to be sold, pay all fees and costs  
76 incurred in such issuance and sale, and do all other things  
77 necessary and advisable in connection with the issuance and sale  
78 of the bonds. The State Bond Commission may pay the costs that  
79 are incident to the sale, issuance and delivery of the bonds  
80 authorized under this act from the proceeds derived from the sale  
81 of the bonds. The State Bond Commission shall sell such bonds on  
82 sealed bids at public sale, and for such price as it may determine  
83 to be for the best interest of the State of Mississippi, but no  
84 such sale may be made at a price less than par plus accrued  
85 interest to the date of delivery of the bonds to the purchaser.  
86 All interest accruing on such bonds so issued shall be payable  
87 semiannually or annually; however, the first interest payment may  
88 be for any period of not more than one (1) year.

89 Notice of the sale of any such bond shall be published at  
90 least one (1) time, not less than ten (10) days before the date of  
91 sale, and shall be so published in one or more newspapers  
92 published or having a general circulation in the City of Jackson,  
93 Mississippi, and in one or more other newspapers or financial  
94 journals with a national circulation, to be selected by the State  
95 Bond Commission.

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

101 SECTION 6. The bonds issued under the provisions of this act

102 are general obligations of the State of Mississippi, and for the  
103 payment thereof the full faith and credit of the State of  
104 Mississippi is irrevocably pledged. If the funds appropriated by  
105 the Legislature are insufficient to pay the principal of and the  
106 interest on such bonds as they become due, then the deficiency  
107 shall be paid by the State Treasurer from any funds in the State  
108 Treasury not otherwise appropriated. All such bonds shall contain  
109 recitals on their faces substantially covering the provisions of  
110 this section.

111 SECTION 7. The State Treasurer is authorized to certify to  
112 the Executive Director of the Department of Finance and  
113 Administration the necessity for warrants, and the Executive  
114 Director of the Department of Finance and Administration is  
115 authorized and directed to issue such warrants, in such amounts as  
116 may be necessary to pay when due the principal of, premium, if  
117 any, and interest on, or the accreted value of, all bonds issued  
118 under this act; and the State Treasurer shall forward the  
119 necessary amount to the designated place or places of payment of  
120 such bonds in ample time to discharge such bonds, or the interest  
121 on the bonds, on their due dates.

122 SECTION 8. Upon the issuance and sale of bonds under this  
123 act, the State Bond Commission shall deposit the proceeds of any  
124 such sale or sales in a special fund created in the State Treasury  
125 to be known as the "Regional Children's Discovery Center Fund."  
126 Such fund shall be maintained by the State Treasurer as a separate  
127 and special fund, separate and apart from the General Fund of the  
128 state, and investment earnings on amounts in the fund shall be  
129 deposited into such fund. The proceeds of such bonds shall be  
130 used solely for the purposes provided in this act, including the  
131 costs incident to the issuance and sale of such bonds. The costs  
132 incident to the issuance and sale of such bonds shall be disbursed  
133 by warrant upon requisition of the State Bond Commission, signed  
134 by the chairman of the commission. The remaining monies in the  
135 fund shall be expended solely under the direction of the

136 Department of Finance and Administration under such restrictions,  
137 if any, as may be contained in the resolution providing for the  
138 issuance of the bonds, and such funds shall be paid by the State  
139 Treasurer upon warrants issued by the Executive Director of the  
140 Department of Finance and Administration.

141 SECTION 9. The bonds authorized under this act may be issued  
142 without any other proceedings or the happening of any other  
143 conditions or things other than those proceedings, conditions and  
144 things that are specified or required by this act. Any resolution  
145 providing for the issuance of bonds under this act shall become  
146 effective immediately upon its adoption by the State Bond  
147 Commission, and any such resolution may be adopted at any regular  
148 or special meeting of the State Bond Commission by a majority of  
149 its members.

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

158 SECTION 11. Any holder of bonds issued under this act or of  
159 any of the interest coupons pertaining to the bonds may, either at  
160 law or in equity, by suit, action, mandamus or other proceeding,  
161 protect and enforce all rights granted under this act, or under  
162 such resolution, and may enforce and compel performance of all  
163 duties required by this act to be performed, in order to provide  
164 for the payment of bonds and interest on the bonds.

165 SECTION 12. All bonds issued under this act shall be legal  
166 investments for trustees and other fiduciaries, and for savings  
167 banks, trust companies and insurance companies organized under the  
168 laws of the State of Mississippi, and such bonds shall be legal  
169 securities that may be deposited with and shall be received by all

170 public officers and bodies of this state and all municipalities  
171 and political subdivisions for the purpose of securing the deposit  
172 of public funds.

173 SECTION 13. Bonds issued under this act and income from the  
174 bonds shall be exempt from all taxation in the State of  
175 Mississippi.

176 SECTION 14. This act shall be deemed to be full and complete  
177 authority for the exercise of the powers granted, but this act  
178 shall not be deemed to repeal or to be in derogation of any  
179 existing law of this state.

180 SECTION 15. This act shall take effect and be in force from  
181 and after its passage.