

By: Senator(s) Farris, Bean

To: Finance

SENATE BILL NO. 3215
(As Passed the Senate)

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) Upon the receipt of matching funds or
9 verification that the matching funds described in this subsection
10 are forthcoming, the Department of Finance and Administration, at
11 one (1) time or from time to time, may declare by resolution the
12 necessity for issuance of general obligation bonds of the State of
13 Mississippi in an amount not to exceed Two Million Five Hundred
14 Thousand Dollars (\$2,500,000.00) to provide funds for necessary
15 improvements to convert the Walthall School Building in
16 Hattiesburg, Mississippi, into a regional children's discovery
17 center to be known as the "Interaction Factory." Such
18 improvements shall include the repair and renovation of the
19 Walthall School Building, improvement of parking facilities at the
20 Walthall School Building and other necessary improvements to such
21 facility and the grounds of such facility that are necessary to
22 convert such facility into a regional children's discovery center.
23 The issuance of the bonds described in this subsection and the
24 allocation of such funds are conditioned upon the private sector
25 or local or federal government providing Two Million Five Hundred
26 Thousand Dollars (\$2,500,000.00) to match the funds provided under
27 this section. The matching funds required pursuant to this
28 subsection may be provided in the form of cash or in kind
29 contributions or any combination of cash or in kind contributions.

30 (2) Upon the adoption of a resolution by the Department of
31 Finance and Administration, declaring the necessity for the
32 issuance of any part or all of the general obligation bonds
33 authorized by this section, the department shall deliver a
34 certified copy of its resolution or resolutions to the State Bond
35 Commission. Upon receipt of such resolution, the State Bond
36 Commission, in its discretion, may act as the issuing agent,
37 prescribe the form of the bonds, advertise for and accept bids,
38 issue and sell the bonds so authorized to be sold, and do any and
39 all other things necessary and advisable in connection with the
40 issuance and sale of such bonds.

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

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

56 SECTION 3. The bonds authorized under this act shall be
57 signed by the Chairman of the State Bond Commission, or by his
58 facsimile signature, and the official seal of the State Bond
59 Commission shall be affixed thereto, attested by the Secretary of
60 the State Bond Commission. The interest coupons, if any, to be
61 attached to such bonds may be executed by the facsimile signatures
62 of such officers. Whenever any such bonds shall have been signed
63 by the officials designated to sign the bonds who were in office

64 at the time of such signing but who may have ceased to be such
65 officers before the sale and delivery of such bonds, or who may
66 not have been in office on the date such bonds may bear, the
67 signatures of such officers upon such bonds and coupons shall
68 nevertheless be valid and sufficient for all purposes and have the
69 same effect as if the person so officially signing such bonds had
70 remained in office until their delivery to the purchaser, or had
71 been in office on the date such bonds may bear. However,
72 notwithstanding anything in this act to the contrary, such bonds
73 may be issued as provided in the Registered Bond Act of the State
74 of Mississippi.

75 SECTION 4. All bonds and interest coupons issued under the
76 provisions of this act have all the qualities and incidents of
77 negotiable instruments under the provisions of the Uniform
78 Commercial Code, and in exercising the powers granted by this act,
79 the State Bond Commission shall not be required to and need not
80 comply with the provisions of the Uniform Commercial Code.

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

98 Notice of the sale of any such bond shall be published at
99 least one (1) time, not less than ten (10) days before the date of
100 sale, and shall be so published in one or more newspapers
101 published or having a general circulation in the City of Jackson,
102 Mississippi, and in one or more other newspapers or financial
103 journals with a national circulation, to be selected by the State
104 Bond Commission.

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

110 SECTION 6. The bonds issued under the provisions of this act
111 are general obligations of the State of Mississippi, and for the
112 payment thereof the full faith and credit of the State of
113 Mississippi is irrevocably pledged. If the funds appropriated by
114 the Legislature are insufficient to pay the principal of and the
115 interest on such bonds as they become due, then the deficiency
116 shall be paid by the State Treasurer from any funds in the State
117 Treasury not otherwise appropriated. All such bonds shall contain
118 recitals on their faces substantially covering the provisions of
119 this section.

120 SECTION 7. The State Treasurer is authorized to certify to
121 the Executive Director of the Department of Finance and
122 Administration the necessity for warrants, and the Executive
123 Director of the Department of Finance and Administration is
124 authorized and directed to issue such warrants, in such amounts as
125 may be necessary to pay when due the principal of, premium, if
126 any, and interest on, or the accreted value of, all bonds issued
127 under this act; and the State Treasurer shall forward the
128 necessary amount to the designated place or places of payment of
129 such bonds in ample time to discharge such bonds, or the interest
130 on the bonds, on their due dates.

131 SECTION 8. Upon the issuance and sale of bonds under this

132 act, the State Bond Commission shall deposit the proceeds of any
133 such sale or sales in a special fund created in the State Treasury
134 to be known as the "Regional Children's Discovery Center Fund."
135 Such fund shall be maintained by the State Treasurer as a separate
136 and special fund, separate and apart from the General Fund of the
137 state, and investment earnings on amounts in the fund shall be
138 deposited into such fund. The proceeds of such bonds shall be
139 used solely for the purposes provided in this act, including the
140 costs incident to the issuance and sale of such bonds. The costs
141 incident to the issuance and sale of such bonds shall be disbursed
142 by warrant upon requisition of the State Bond Commission, signed
143 by the chairman of the commission. The remaining monies in the
144 fund shall be expended solely under the direction of the
145 Department of Finance and Administration under such restrictions,
146 if any, as may be contained in the resolution providing for the
147 issuance of the bonds, and such funds shall be paid by the State
148 Treasurer upon warrants issued by the Executive Director of the
149 Department of Finance and Administration.

150 SECTION 9. The bonds authorized under this act may be issued
151 without any other proceedings or the happening of any other
152 conditions or things other than those proceedings, conditions and
153 things that are specified or required by this act. Any resolution
154 providing for the issuance of bonds under this act shall become
155 effective immediately upon its adoption by the State Bond
156 Commission, and any such resolution may be adopted at any regular
157 or special meeting of the State Bond Commission by a majority of
158 its members.

159 SECTION 10. The bonds authorized under the authority of this
160 act may be validated in the Chancery Court of the First Judicial
161 District of Hinds County, Mississippi, in the manner and with the
162 force and effect provided by Chapter 13, Title 31, Mississippi
163 Code of 1972, for the validation of county, municipal, school
164 district and other bonds. The notice to taxpayers required by
165 such statutes shall be published in a newspaper published or

166 having a general circulation in the City of Jackson, Mississippi.

167 SECTION 11. Any holder of bonds issued under this act or of
168 any of the interest coupons pertaining to the bonds may, either at
169 law or in equity, by suit, action, mandamus or other proceeding,
170 protect and enforce all rights granted under this act, or under
171 such resolution, and may enforce and compel performance of all
172 duties required by this act to be performed, in order to provide
173 for the payment of bonds and interest on the bonds.

174 SECTION 12. All bonds issued under this act shall be legal
175 investments for trustees and other fiduciaries, and for savings
176 banks, trust companies and insurance companies organized under the
177 laws of the State of Mississippi, and such bonds shall be legal
178 securities that may be deposited with and shall be received by all
179 public officers and bodies of this state and all municipalities
180 and political subdivisions for the purpose of securing the deposit
181 of public funds.

182 SECTION 13. Bonds issued under this act and income from the
183 bonds shall be exempt from all taxation in the State of
184 Mississippi.

185 SECTION 14. This act shall be deemed to be full and complete
186 authority for the exercise of the powers granted, but this act
187 shall not be deemed to repeal or to be in derogation of any
188 existing law of this state.

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