

**\*\*\*Pending\*\*\***

**AMENDMENT No. 1 PROPOSED TO**

**Senate Bill NO. 3119**

**By Representative(s) Committee**

**Amend by striking all after the enacting clause and inserting  
in lieu thereof the following:**

6       SECTION 1. As used in this act, the following words shall  
7 have the meanings ascribed herein unless the context clearly  
8 requires otherwise:

9           (a) "Accreted value" of any bond means, as of any date  
10 of computation, an amount equal to the sum of (i) the stated  
11 initial value of such bond, plus (ii) the interest accrued thereon  
12 from the issue date to the date of computation at the rate,  
13 compounded semiannually, that is necessary to produce the  
14 approximate yield to maturity shown for bonds of the same  
15 maturity.

16           (b) "State" means the State of Mississippi.

17           (c) "Commission" means the State Bond Commission.

18       SECTION 2. (1) (a) A special fund, to be designated as the  
19 "1999 Department of Mental Health Capital Improvements Fund" is  
20 created within the State Treasury. The fund shall be maintained  
21 by the State Treasurer as a separate and special fund, separate  
22 and apart from the General Fund of the state and investment  
23 earnings on amounts in the fund shall be deposited into such fund.

24           (b) Monies deposited into the fund shall be disbursed,  
25 in the discretion of the Department of Finance and Administration,  
26 to pay the costs of the following projects for the State

Department of Mental Health as hereinafter described:

(i) Completion of construction of an adolescent psychiatric hospital at East Mississippi State Hospital that was initially authorized and partially funded pursuant to Chapter 532, 1995 Regular Session..... \$ 2,000,000.00

(ii) Completion of the funding necessary to construct a facility to serve emotionally disturbed juvenile offenders that was initially authorized and partially funded pursuant to Chapter 528, Laws of 1995..... 7,500,000.00

(iii) Construction of seven (7) mental health crisis intervention centers..... 17,500,000.00

(iv) Preplanning for the facilities at the Mississippi State Hospital to meet the requirements of the Joint Commission on Accreditation of Healthcare Organizations and preplanning of renovation and repair or construction of one or more receiving units at the Mississippi State Hospital..... 500,000.00

**GRAND TOTAL..... \$27,500,000.00**

(2) Amounts deposited into such special fund shall be disbursed to pay the costs of projects described in subsection (1) of this section. Promptly after the commission has certified, by resolution duly adopted, that the projects described in subsection (1) shall have been completed, abandoned, or cannot be completed in a timely fashion, any amounts remaining in such special fund shall be applied to pay debt service on the bonds issued under this act, in accordance with the proceedings authorizing the issuance of such bonds and as directed by the commission.

(3) The Department of Finance and Administration, acting

59 through the Bureau of Building, Grounds and Real Property  
60 Management, is expressly authorized and empowered to receive and  
61 expend any local or other source funds in connection with the  
62 expenditure of funds provided for in this section. The  
63 expenditure of monies deposited into the special fund shall be  
64 under the direction of the Department of Finance and  
65 Administration, and such funds shall be paid by the State  
66 Treasurer upon warrants issued by such department, which warrants  
67 shall be issued upon requisitions signed by the Executive Director  
68 of the Department of Finance and Administration or his designee.

69 (4) The Department of Finance and Administration is  
70 authorized to pay for the purchase of real estate and the  
71 construction, repair, renovation, furnishing and equipping of  
72 facilities.

73 SECTION 3. (1) The commission, at one time, or from time to  
74 time, may declare by resolution the necessity for issuance of  
75 general obligation bonds of the State of Mississippi to provide  
76 funds for all costs incurred or to be incurred for the purposes  
77 described in Section 2 of this act. Upon the adoption of a  
78 resolution by the Department of Finance and Administration,  
79 declaring the necessity for the issuance of any part or all of the  
80 general obligation bonds authorized by this section, the  
81 Department of Finance and Administration shall deliver a certified  
82 copy of its resolution or resolutions to the commission. Upon  
83 receipt of such resolution, the commission, in its discretion, may  
84 act as the issuing agent, prescribe the form of the bonds,  
85 advertise for and accept bids, issue and sell the bonds so  
86 authorized to be sold and do any and all other things necessary  
87 and advisable in connection with the issuance and sale of such  
88 bonds. The total amount of bonds issued under this act shall not  
89 exceed Twenty-seven Million Five Hundred Thousand Dollars  
90 (\$27,500,000.00).

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

95           SECTION 4. The principal of and interest on the bonds  
96 authorized under this act shall be payable in the manner provided  
97 in this section. Such bonds shall bear such date or dates, be in  
98 such denomination or denominations, bear interest at such rate or  
99 rates (not to exceed the limits set forth in Section 75-17-101,  
100 Mississippi Code of 1972), be payable at such place or places  
101 within or without the State of Mississippi, shall mature  
102 absolutely at such time or times not to exceed twenty-five (25)  
103 years from date of issue, be redeemable before maturity at such  
104 time or times and upon such terms, with or without premium, shall  
105 bear such registration privileges, and shall be substantially in  
106 such form, all as shall be determined by resolution of the  
107 commission.

108           SECTION 5. The bonds authorized by this act shall be signed  
109 by the chairman of the commission, or by his facsimile signature,  
110 and the official seal of the commission shall be affixed thereto,  
111 attested by the secretary of the commission. The interest coupons,  
112 if any, to be attached to such bonds may be executed by the  
113 facsimile signatures of such officers. Whenever any such bonds  
114 shall have been signed by the officials designated to sign the  
115 bonds who were in office at the time of such signing but who may  
116 have ceased to be such officers before the sale and delivery of  
117 such bonds, or who may not have been in office on the date such  
118 bonds may bear, the signatures of such officers upon such bonds  
119 and coupons shall nevertheless be valid and sufficient for all  
120 purposes and have the same effect as if the person so officially  
121 signing such bonds had remained in office until their delivery to  
122 the purchaser, or had been in office on the date such bonds may

bear. However, notwithstanding anything herein to the contrary,  
such bonds may be issued as provided in the Registered Bond Act of  
the State of Mississippi.

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

SECTION 7. The commission shall act as the issuing agent for  
the bonds authorized under this act, prescribe the form of the  
bonds, advertise for and accept bids, issue and sell the bonds so  
authorized to be sold, pay all fees and costs incurred in such  
issuance and sale, and do any and all other things necessary and  
advisable in connection with the issuance and sale of such bonds.

The commission is authorized and empowered to pay the costs that  
are incident to the sale, issuance and delivery of the bonds  
authorized under this act from the proceeds derived from the sale  
of such bonds. The commission shall sell such bonds on sealed  
bids at public sale, and for such price as it may determine to be  
for the best interest of the State of Mississippi, but no such  
sale shall be made at a price less than par plus accrued interest  
to the date of delivery of the bonds to the purchaser. All  
interest accruing on such bonds so issued shall be payable  
semiannually or annually; however, the first interest payment may  
be for any period of not more than one (1) year.

Notice of the sale of any such bonds shall be published at  
least one (1) time, not less than ten (10) days before the date of  
sale, and shall be so published in one or more newspapers  
published or having a general circulation in the City of Jackson,  
Mississippi, and in one or more other newspapers or financial

journals with a national circulation, to be selected by the  
commission.

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

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

SECTION 9. Upon the issuance and sale of bonds under the  
provisions of this act, the commission shall transfer the proceeds  
of any such sale or sales to the special fund created in Section 2  
of this act. The proceeds of such bonds shall be disbursed solely  
upon the order of the Department of Finance and Administration  
under such restrictions, if any, as may be contained in the  
resolution providing for the issuance of the bonds.

SECTION 10. The bonds authorized under this act may be  
issued without any other proceedings or the happening of any other  
conditions or things other than those proceedings, conditions and  
things which are specified or required by this act. Any  
resolution providing for the issuance of bonds under the  
provisions of this act shall become effective immediately upon its  
adoption by the commission, and any such resolution may be adopted  
at any regular or special meeting of the commission by a majority

187 of its members.

188       SECTION 11. The bonds authorized under the authority of this  
189 act may be validated in the Chancery Court of the First Judicial  
190 District of Hinds County, Mississippi, in the manner and with the  
191 force and effect provided by Chapter 13, Title 31, Mississippi  
192 Code of 1972, for the validation of county, municipal, school  
193 district and other bonds. The notice to taxpayers required by  
194 such statutes shall be published in a newspaper published or  
195 having a general circulation in the City of Jackson, Mississippi.

196       SECTION 12. Any holder of bonds issued under the provisions  
197 of this act or of any of the interest coupons pertaining thereto  
198 may, either at law or in equity, by suit, action, mandamus or  
199 other proceeding, protect and enforce any and all rights granted  
200 under this act, or under such resolution, and may enforce and  
201 compel performance of all duties required by this act to be  
202 performed, in order to provide for the payment of bonds and  
203 interest thereon.

204       SECTION 13. All bonds issued under the provisions of this  
205 act shall be legal investments for trustees and other fiduciaries,  
206 and for savings banks, trust companies and insurance companies  
207 organized under the laws of the State of Mississippi, and such  
208 bonds shall be legal securities which may be deposited with and  
209 shall be received by all public officers and bodies of this state  
210 and all municipalities and political subdivisions for the purpose  
211 of securing the deposit of public funds.

212       SECTION 14. Bonds issued under the provisions of this act  
213 and income therefrom shall be exempt from all taxation in the  
214 State of Mississippi.

215       SECTION 15. The proceeds of the bonds issued under this act  
216 shall be used solely for the purposes herein provided, including  
217 the costs incident to the issuance and sale of such bonds.

218       SECTION 16. The State Treasurer is authorized, without

219 further process of law, to certify to the Department of Finance  
220 and Administration the necessity for warrants, and the Department  
221 of Finance and Administration is authorized and directed to issue  
222 such warrants, in such amounts as may be necessary to pay when due  
223 the principal of, premium, if any, and interest on, or the  
224 accreted value of, all bonds issued under this act; and the State  
225 Treasurer shall forward the necessary amount to the designated  
226 place or places of payment of such bonds in ample time to  
227 discharge such bonds, or the interest thereon, on the due dates  
228 thereof.

229       SECTION 17. This act shall be deemed to be full and complete  
230 authority for the exercise of the powers herein granted, but this  
231 act shall not be deemed to repeal or to be in derogation of any  
232 existing law of this state.

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