

By: Robinson (84th)

To: Ways and Means

HOUSE BILL NO. 202

1 AN ACT TO AUTHORIZE THE ISSUANCE OF GENERAL OBLIGATION BONDS
 2 OF THE STATE OF MISSISSIPPI FOR THE PURPOSE OF CONSTRUCTING
 3 REGIONAL JUVENILE DETENTION FACILITIES; TO PROVIDE THAT ONE
 4 REGIONAL JUVENILE DETENTION FACILITY SHALL BE CONSTRUCTED IN EACH
 5 OF THE PLANNING AND DEVELOPMENT DISTRICTS IN THE STATE; AND FOR
 6 RELATED PURPOSES.

7
 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

9 SECTION 1. As used in this act, the following words shall
 10 have the meanings ascribed herein unless the context clearly
 11 requires otherwise:

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

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

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

21 SECTION 2. (1) (a) A special fund, to be designated as the
 22 "2000 Regional Juvenile Detention Facilities Construction Fund" is
 23 created within the State Treasury. The fund shall be maintained

24 by the State Treasurer as a separate and special fund, separate
25 and apart from the General Fund of the state. Unexpended amounts
26 remaining in the fund at the end of a fiscal year shall not lapse
27 into the State General Fund, and any interest earned or investment
28 earnings on amounts in the fund shall be deposited to the credit
29 of the fund. Monies in the fund may not be used or expended for
30 any purpose except as authorized under this act.

31 (b) Monies deposited into the fund shall be disbursed,
32 in the discretion of the Department of Finance and Administration,
33 to pay a portion of the costs of constructing regional juvenile
34 detention facilities throughout the state. One regional juvenile
35 detention facility shall be constructed in each of the planning
36 and development districts as defined in Section 57-10-505,
37 Mississippi Code of 1972. Proceeds of the bonds issued under this
38 act shall be used to pay eighty percent (80%) of the costs of
39 constructing such facilities. The counties, within a planning and
40 development district in which a facility is constructed, shall pay
41 the remaining twenty percent (20%) of the costs of constructing
42 the facility, with each county paying a share of the costs based
43 on the ratio that the assessed valuation of a county bears to the
44 aggregate assessed valuation of all counties within the planning
45 and development district. All operational costs for a facility
46 shall be paid by the counties within a planning and development
47 district in which the facility is located, with each county paying
48 a share of the costs based on the ratio that the assessed
49 valuation of a county bears to the aggregate assessed valuation of
50 all counties within the planning and development district.

51 (2) Amounts deposited into such special fund shall be

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

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

72 SECTION 3. (1) The commission, at one (1) time, or from
73 time to time, may declare by resolution the necessity for issuance
74 of general obligation bonds of the State of Mississippi to provide
75 funds for all costs incurred or to be incurred for the purposes
76 described in Section 2 of this act. Upon the adoption of a
77 resolution by the Department of Finance and Administration,
78 declaring the necessity for the issuance of any part or all of the
79 general obligation bonds authorized by this section, the

80 Department of Finance and Administration shall deliver a certified
81 copy of its resolution or resolutions to the commission. Upon
82 receipt of such resolution, the commission, in its discretion, may
83 act as the issuing agent, prescribe the form of the bonds,
84 advertise for and accept bids, issue and sell the bonds so
85 authorized to be sold and do any and all other things necessary
86 and advisable in connection with the issuance and sale of such
87 bonds. The total amount of bonds issued under this act shall not
88 exceed Fifteen Million Dollars (\$15,000,000.00).

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

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

106 SECTION 5. The bonds authorized by this act shall be signed
107 by the chairman of the commission, or by his facsimile signature,

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

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

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

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

147 Notice of the sale of any such bonds shall be published at
148 least one (1) time, not less than ten (10) days before the date of
149 sale, and shall be so published in one or more newspapers
150 published or having a general circulation in the City of Jackson,
151 Mississippi, and in one or more other newspapers or financial
152 journals with a national circulation, to be selected by the
153 commission.

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

159 SECTION 8. The bonds issued under the provisions of this act
160 are general obligations of the State of Mississippi, and for the
161 payment thereof the full faith and credit of the State of
162 Mississippi is irrevocably pledged. If the funds appropriated by
163 the Legislature are insufficient to pay the principal of and the

164 interest on such bonds as they become due, then the deficiency
165 shall be paid by the State Treasurer from any funds in the State
166 Treasury not otherwise appropriated. All such bonds shall contain
167 recitals on their faces substantially covering the provisions of
168 this section.

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

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

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

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

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

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

209 SECTION 14. Bonds issued under the provisions of this act
210 and income therefrom shall be exempt from all taxation in the
211 State of Mississippi.

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

215 SECTION 16. The State Treasurer is authorized, without
216 further process of law, to certify to the Department of Finance
217 and Administration the necessity for warrants, and the Department
218 of Finance and Administration is authorized and directed to issue
219 such warrants, in such amounts as may be necessary to pay when due

220 the principal of, premium, if any, and interest on, or the
221 accreted value of, all bonds issued under this act; and the State
222 Treasurer shall forward the necessary amount to the designated
223 place or places of payment of such bonds in ample time to
224 discharge such bonds, or the interest thereon, on the due dates
225 thereof.

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

230 SECTION 18. This act shall take effect and be in force from
231 and after July 1, 2000.