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To: Agriculture; Ways and
Means

HOUSE BILL NO. 1580

1 AN ACT TO AUTHORIZE AND EMPOWER THE DEPARTMENT OF AGRICULTURE
2 AND COMMERCE TO USE THE PROCEEDS OF THE BONDS AUTHORIZED TO BE
3 ISSUED UNDER THIS ACT TO PROVIDE GRANTS TO COUNTIES AND
4 MUNICIPALITIES FOR THE CONSTRUCTION, RENOVATION AND EXPANSION OF
5 LIVESTOCK FACILITIES; TO PROVIDE THAT ANY COUNTY OR MUNICIPALITY
6 THAT RECEIVES A GRANT SHALL BE REQUIRED TO MATCH THE AMOUNT OF THE
7 GRANT WITH AN EQUAL AMOUNT OF CASH; TO LIMIT THE MAXIMUM AMOUNT OF
8 SUCH GRANTS FOR ANY ONE LOCATION; TO LIMIT THE COUNTIES AND
9 MUNICIPALITIES THAT MAY APPLY FOR SUCH GRANTS; TO AUTHORIZE THE
10 ISSUANCE OF GENERAL OBLIGATION BONDS TO PROVIDE A SOURCE OF FUNDS
11 FOR SUCH GRANTS; AND FOR RELATED PURPOSES.

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

13 SECTION 1. (1) The Department of Agriculture and Commerce
14 is authorized and empowered to use the proceeds of the bonds
15 authorized to be issued by Sections 1 through 15 of this act to
16 provide grants to counties and municipalities to provide funds for
17 the construction, renovation and expansion of livestock
18 facilities. Counties and municipalities must demonstrate to the
19 satisfaction of the Department of Agriculture and Commerce that
20 they are able to operate and maintain the livestock facilities in
21 order to receive a grant. Any county or municipality that
22 receives a grant from the Department of Agriculture and Commerce
23 shall be required to match the amount of the grant with an equal
24 amount of cash which shall be used together with the grant for the
25 construction, renovation or expansion of livestock facilities in
26 the county or municipality; however, a portion of such matching
27 funds not to exceed Twenty-five Thousand Dollars (\$25,000.00) may
28 be provided in the form of in-kind contributions satisfactory to
29 the Department of Agriculture and Commerce. Funds for the grant
30 program authorized in this section shall not be restricted by

31 congressional districts. The amount of any grant that the
32 Department of Agriculture and Commerce may provide for the
33 construction, renovation or expansion of livestock facilities at
34 any one (1) location shall not be more than Five Hundred Thousand
35 Dollars (\$500,000.00). Counties and municipalities that received
36 proceeds of bonds issued under Sections 18 through 32 of Chapter
37 530, Laws of 1995, cannot apply to use bonds authorized to be
38 issued by Sections 1 through 15 of this act; however, if all the
39 funds have not been obligated for grants, such funds may be
40 utilized for grants for any county or municipality that did not
41 previously reach the maximum amount of grant that may have been
42 awarded by the Department of Agriculture and Commerce under
43 Sections 18 through 32 of Chapter 530, Laws of 1995. The
44 construction, renovation or expansion of livestock facilities
45 using grants from the Department of Agriculture and Commerce shall
46 not be required to be performed by or under the supervision of the
47 Bureau of Building, Grounds and Real Property Management of the
48 Department of Finance and Administration.

49 (2) The Department of Agriculture and Commerce shall adopt
50 necessary rules and regulations to govern the administration of
51 the program described in subsection (1) of this section,
52 including, but not limited to, rules and regulations governing
53 applications for grants and rules and regulations providing for
54 the equitable distribution of grant funds. The Department of
55 Agriculture and Commerce shall comply with the provisions of the
56 Mississippi Administrative Procedures Law.

57 SECTION 2. (1) The Department of Agriculture and Commerce,
58 at one time or from time to time, may declare by resolution the
59 necessity for issuance of general obligation bonds of the State of
60 Mississippi to provide funds for the grant program authorized in
61 Section 1 of this act.

62 (2) Upon the adoption of a resolution by the Department of
63 Agriculture and Commerce declaring the necessity for the issuance
64 of any part or all of the general obligation bonds authorized by
65 this section, the department shall deliver a certified copy of its
66 resolution or resolutions to the State Bond Commission. Upon
67 receipt of such resolution, the State Bond Commission, in its

68 discretion, may act as the issuing agent, prescribe the form of
69 the bonds, advertise for and accept bids, issue and sell the bonds
70 so authorized to be sold, and do any and all other things
71 necessary and advisable in connection with the issuance and sale
72 of such bonds.

73 (3) The amount of bonds issued under Sections 1 through 15
74 of this act shall not exceed Five Million Dollars (\$5,000,000.00).

75 SECTION 3. The principal of and interest on the bonds
76 authorized under Sections 1 through 15 of this act shall be
77 payable in the manner provided in this section. Such bonds shall
78 bear such date or dates, be in such denomination or denominations,
79 bear interest at such rate or rates not exceeding the limits set
80 forth in Section 75-17-101, be payable at such place or places
81 within or without the State of Mississippi, shall mature
82 absolutely at such time or times not to exceed twenty (20) years
83 from date of issue, be redeemable before maturity at such time or
84 times and upon such terms, with or without premium, shall bear
85 such registration privileges, and shall be substantially in such
86 form, all as determined by resolution of the State Bond
87 Commission.

88 SECTION 4. The bonds authorized under Sections 1 through 15
89 of this act shall be signed by the Chairman of the State Bond
90 Commission, or by his facsimile signature, and the official seal
91 of the State Bond Commission shall be affixed thereto, attested by
92 the Secretary of the State Bond Commission. The interest coupons,
93 if any, to be attached to such bonds may be executed by the
94 facsimile signatures of such officers. Whenever any such bonds
95 shall have been signed by the officials designated to sign the
96 bonds who were in office at the time of such signing but who may
97 have ceased to be such officers before the sale and delivery of
98 such bonds, or who may not have been in office on the date such
99 bonds may bear, the signatures of such officers upon such bonds
100 and coupons shall nevertheless be valid and sufficient for all

101 purposes and have the same effect as if the person so officially
102 signing such bonds had remained in office until their delivery to
103 the purchaser, or had been in office on the date such bonds may
104 bear. However, notwithstanding anything in Sections 1 through 15
105 of this act to the contrary, such bonds may be issued as provided
106 in the Registered Bond Act of the State of Mississippi.

107 SECTION 5. All bonds and interest coupons issued under the
108 provisions of Sections 1 through 15 of this act have all the
109 qualities and incidents of negotiable instruments under the
110 provisions of the Uniform Commercial Code, and in exercising the
111 powers granted by Sections 1 through 15 of this act, the State
112 Bond Commission shall not be required to and need not comply with
113 the provisions of the Uniform Commercial Code.

114 SECTION 6. The State Bond Commission shall act as the
115 issuing agent for the bonds authorized under Sections 1 through 15
116 of this act, prescribe the form of the bonds, advertise for and
117 accept bids, issue and sell the bonds so authorized to be sold,
118 pay all fees and costs incurred in such issuance and sale, and do
119 all other things necessary and advisable in connection with the
120 issuance and sale of the bonds. The State Bond Commission may pay
121 the costs that are incident to the sale, issuance and delivery of
122 the bonds authorized under Sections 1 through 15 of this act from
123 the proceeds derived from the sale of the bonds. The State Bond
124 Commission shall sell such bonds on sealed bids at public sale,
125 and for such price as it may determine to be for the best interest
126 of the State of Mississippi, but no such sale may be made at a
127 price less than par plus accrued interest to the date of delivery
128 of the bonds to the purchaser. All interest accruing on such
129 bonds so issued shall be payable semiannually or annually;
130 however, the first interest payment may be for any period of not
131 more than one (1) year.

132 Notice of the sale of any such bond shall be published at
133 least one (1) time, not less than ten (10) days before the date of

134 sale, and shall be so published in one or more newspapers
135 published or having a general circulation in the City of Jackson,
136 Mississippi, and in one or more other newspapers or financial
137 journals with a national circulation, to be selected by the State
138 Bond Commission.

139 The State Bond Commission, when issuing any bonds under the
140 authority of Sections 1 through 15 of this act, may provide that
141 the bonds, at the option of the State of Mississippi, may be
142 called in for payment and redemption at the call price named
143 therein and accrued interest on such date or dates named therein.

144 SECTION 7. The bonds issued under the provisions of Sections
145 1 through 15 of this act are general obligations of the State of
146 Mississippi, and for the payment thereof the full faith and credit
147 of the State of Mississippi are irrevocably pledged. If the funds
148 appropriated by the Legislature are insufficient to pay the
149 principal of and the interest on such bonds as they become due,
150 then the deficiency shall be paid by the State Treasurer from any
151 funds in the State Treasury not otherwise appropriated. All such
152 bonds shall contain recitals on their faces substantially covering
153 the provisions of this section.

154 SECTION 8. The State Treasurer is authorized to certify to
155 the State Fiscal Officer the necessity for warrants, and the State
156 Fiscal Officer is authorized and directed to issue such warrants,
157 in such amounts as may be necessary to pay when due the principal
158 of, premium, if any, and interest on, or the accreted value of,
159 all bonds issued under Sections 1 through 15 of this act; and the
160 State Treasurer shall forward the necessary amount to the
161 designated place or places of payment of such bonds in ample time
162 to discharge such bonds, or the interest on the bonds, on their
163 due dates.

164 SECTION 9. Upon the issuance and sale of bonds under
165 Sections 1 through 15 of this act, the State Bond Commission shall
166 deposit the proceeds of any such sale or sales in a special fund

167 created in the State Treasury to be known as the "Livestock
168 Facilities Grant Fund." The proceeds of such bonds shall be used
169 solely for the purposes provided in Sections 1 through 15 of this
170 act, including the costs incident to the issuance and sale of such
171 bonds. The costs incident to the issuance and sale of such bonds
172 shall be disbursed by warrant upon requisition of the State Bond
173 Commission, signed by the chairman of the commission. The
174 remaining monies in the fund shall be expended solely under the
175 direction of the Department of Finance and Administration under
176 such restrictions, if any, as may be contained in the resolution
177 providing for the issuance of the bonds, and such funds shall be
178 paid by the State Treasurer upon warrants issued by the State
179 Fiscal Officer.

180 SECTION 10. The bonds authorized under Sections 1 through 15
181 of this act may be issued without any other proceedings or the
182 happening of any other conditions or things other than those
183 proceedings, conditions and things that are specified or required
184 by this act. Any resolution providing for the issuance of bonds
185 under Sections 1 through 15 of this act shall become effective
186 immediately upon its adoption by the State Bond Commission, and
187 any such resolution may be adopted at any regular or special
188 meeting of the State Bond Commission by a majority of its members.

189 SECTION 11. The bonds authorized under the authority of
190 Sections 1 through 15 of this act may be validated in the Chancery
191 Court of the First Judicial District of Hinds County, Mississippi,
192 in the manner and with the force and effect provided by Chapter
193 13, Title 31, Mississippi Code of 1972, for the validation of
194 county, municipal, school district and other bonds. The notice to
195 taxpayers required by such statutes shall be published in a
196 newspaper published or having a general circulation in the City of
197 Jackson, Mississippi.

198 SECTION 12. Any holder of bonds issued under Sections 1
199 through 15 of this act or of any of the interest coupons

200 pertaining to the bonds may, either at law or in equity, by suit,
201 action, mandamus or other proceeding, protect and enforce all
202 rights granted under Sections 1 through 15 of this act, or under
203 such resolution, and may enforce and compel performance of all
204 duties required by Sections 1 through 15 of this act to be
205 performed, in order to provide for the payment of bonds and
206 interest on the bonds.

207 SECTION 13. All bonds issued under Sections 1 through 15 of
208 this act shall be legal investments for trustees and other
209 fiduciaries, and for savings banks, trust companies and insurance
210 companies organized under the laws of the State of Mississippi,
211 and such bonds shall be legal securities that may be deposited
212 with and shall be received by all public officers and bodies of
213 this state and all municipalities and political subdivisions for
214 the purpose of securing the deposit of public funds.

215 SECTION 14. Bonds issued under Sections 1 through 15 of this
216 act and income from the bonds shall be exempt from all taxation in
217 the State of Mississippi.

218 SECTION 15. Sections 1 through 15 of this act shall be
219 deemed to be full and complete authority for the exercise of the
220 powers therein granted, but Sections 1 through 15 of this act
221 shall not be deemed to repeal or to be in derogation of any
222 existing law of this state.

223 SECTION 16. This act shall take effect and be in force from
224 and after passage.