

By: Smith (39th), Morris, Weathersby,
Peranich, McCoy, Reynolds, Evans

To: Ways and Means

HOUSE BILL NO. 1679
(As Passed the House)

1 AN ACT TO AUTHORIZE THE ISSUANCE OF GENERAL OBLIGATION BONDS
2 OF THE STATE OF MISSISSIPPI FOR THE PURPOSE OF RENOVATION AND
3 REPAIR FOR INSTITUTIONS OF HIGHER LEARNING AND COMMUNITY AND
4 JUNIOR COLLEGES; TO AUTHORIZE PREPLANNING FOR CERTAIN REPAIR AND
5 RENOVATION PROJECTS; AND FOR RELATED PURPOSES.
6

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

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

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

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

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

20 SECTION 2. (1) (a) A special fund, to be designated as the
21 "2000 IHL Repair and Renovation Fund," is created within the State
22 Treasury. The fund shall be maintained by the State Treasurer as
23 a separate and special fund, separate and apart from the General
24 Fund of the state. Unexpended amounts remaining in the fund at
25 the end of a fiscal year shall not lapse into the State General
26 Fund, and any interest earned or investment earnings on amounts in
27 the fund shall be deposited into such fund.

28 (b) Monies deposited into the fund shall be disbursed,

29 in the discretion of the Department of Finance and Administration,
 30 to pay the costs of the following projects for agencies or their
 31 successors as hereinafter described:

32	NAME	AMOUNT ALLOCATED
33	INSTITUTIONS OF HIGHER LEARNING	
34	Alcorn State University.....	\$ 824,000.00
35	Roof repair and waterproofing	
36	for campus facilities	
37	and repair and renovation	
38	of dormitories.....	\$ 824,000.00
39	Delta State University.....	\$ 941,000.00
40	Roof repair and waterproofing	
41	for campus facilities and	
42	maintenance and repair of	
43	mechanical systems.....	\$ 941,000.00
44	Jackson State University.....	\$ 1,177,000.00
45	Roof repair and waterproofing	
46	for campus facilities and	
47	maintenance and repair of	
48	mechanical systems.....	\$ 1,177,000.00
49	Mississippi University for Women.....	\$ 588,000.00
50	Roof repair and waterproofing	
51	for campus facilities and	
52	maintenance and repair of	
53	mechanical systems.....	\$ 588,000.00
54	Mississippi State University.....	\$ 1,706,000.00
55	Roof repair and waterproofing	
56	for campus facilities and	
57	maintenance and repair of	
58	mechanical systems.....	\$ 1,706,000.00
59	Mississippi State University/ 60 Mississippi Agriculture and	
61	Forestry Experiment Station.....	\$ 271,000.00

62 Repair and renovation
63 of facilities.....\$ 271,000.00
64 Mississippi Valley State University.....\$ 588,000.00
65
66 Roof repair and waterproofing
67 for campus facilities and
68 maintenance and repair of
69 mechanical systems.....\$ 588,000.00
70 University of Mississippi.....\$ 1,588,000.00
71 Renovations necessary for
72 relocation of
73 campus physical plant.....\$ 1,588,000.00
74 University Medical Center.....\$ 388,000.00
75
76 Roof repair and waterproofing
77 for campus facilities and
78 maintenance and repair of
79 mechanical systems.....\$ 388,000.00
80 University of Southern Mississippi.....\$ 1,058,000.00
81 Roof repair and waterproofing
82 for campus facilities,
83 maintenance and repair of
84 mechanical systems and
85 improvements to campus
86 technology infrastructure..\$ 1,058,000.00
87 University of Southern Mississippi/
88 Gulf Park Campus.....\$ 388,000.00
89 Roof repair and waterproofing
90 for campus facilities and
91 maintenance and repair of
92 mechanical systems.....\$ 388,000.00
93 University of Southern Mississippi/
94 Gulf Coast Research Laboratory.....\$ 130,000.00

95 Roof repair and waterproofing
 96 for campus facilities and
 97 maintenance and repair of
 98 mechanical systems.....\$ 130,000.00
 99 Education and Research Center.....\$ 353,000.00
 100 Roof repair and waterproofing
 101 for campus facilities and
 102 maintenance and repair of
 103 mechanical systems.....\$ 353,000.00
 104 **TOTAL**.....\$ 10,000,000.00

105 (2) Amounts deposited into such special fund shall be
 106 disbursed to pay the costs of projects described in subsection (1)
 107 of this section. If any monies in such special fund are not used
 108 within four (4) years after the date the proceeds of the bonds
 109 authorized under this act are deposited into the special fund,
 110 then the institution of higher learning for which any unused
 111 monies are allocated under subsection (1) of this act shall
 112 provide an accounting of such unused monies to the commission.
 113 Promptly after the commission has certified, by resolution duly
 114 adopted, that the projects described in subsection (1) of this
 115 section shall have been completed, abandoned, or cannot be
 116 completed in a timely fashion, any amounts remaining in such
 117 special fund shall be applied to pay debt service on the bonds
 118 issued under this act, in accordance with the proceedings
 119 authorizing the issuance of such bonds and as directed by the
 120 commission.

121 (3) The Department of Finance and Administration, acting
 122 through the Bureau of Building, Grounds and Real Property
 123 Management, is expressly authorized and empowered to receive and
 124 expend any local or other source funds in connection with the
 125 expenditure of funds provided for in this section. The
 126 expenditure of monies deposited into the special fund shall be
 127 under the direction of the Department of Finance and

128 Administration, and such funds shall be paid by the State
129 Treasurer upon warrants issued by such department, which warrants
130 shall be issued upon requisitions signed by the Executive Director
131 of the Department of Finance and Administration or his designee.

132 (4) Any amounts allocated to an institution of higher
133 learning that are in excess of that needed to complete the
134 projects at such institution of higher learning that are described
135 in subsection (1) of this section may be used for general repairs
136 and renovations of the institution of higher learning to which
137 such amount is allocated.

138 (5) The Department of Finance and Administration, acting
139 through the Bureau of Building, Grounds and Real Property
140 Management, is authorized to preplan the following projects: (a)
141 renovation and repair of the Wise Center and the Colvard Student
142 Union at Mississippi State University, (b) renovation and repair
143 of the Education and Research Center in Jackson, Mississippi, and
144 (c) renovation and repair of Guyton Hall and the old Education
145 Building at the University of Mississippi. The projects
146 authorized in this subsection (5) shall be in addition to the
147 projects authorized in subsection (1) of this section.

148 SECTION 3. (1) (a) A special fund, to be designated as the
149 "2000 Community and Junior Colleges Repair and Renovation Fund" is
150 created within the State Treasury. The fund shall be maintained
151 by the State Treasurer as a separate and special fund, separate
152 and apart from the General Fund of the state. Unexpended amounts
153 remaining in the fund at the end of a fiscal year shall not lapse
154 into the State General Fund, and any interest earned or investment
155 earnings on amounts in the fund shall be deposited to the credit
156 of the fund. Monies in the fund may not be used or expended for
157 any purpose except as authorized under this act.

158 (b) Monies deposited into the fund shall be disbursed,
159 in the discretion of the Department of Finance and Administration,
160 to pay the costs of repair and renovation of existing facilities

161 on community and junior college campuses as recommended by the
162 State Board of Community and Junior Colleges. The amount to be
163 expended at each community and junior college is as follows:

164	Coahoma	\$ 400,000.00
165	Copiah-Lincoln.	400,000.00
166	East Central.	400,000.00
167	East Mississippi.	400,000.00
168	Hinds	400,000.00
169	Holmes.	400,000.00
170	Itawamba.	400,000.00
171	Jones	400,000.00
172	Meridian.	400,000.00
173	Mississippi Delta	400,000.00
174	Mississippi Gulf Coast.	400,000.00
175	Northeast Mississippi	400,000.00
176	Northwest Mississippi	400,000.00
177	Pearl River	400,000.00
178	Southwest Mississippi	400,000.00
179	GRAND TOTAL\$ 6,000,000.00

180 (2) Amounts deposited into such special fund shall be
181 disbursed to pay the costs of projects described in subsection (1)
182 of this section. If any monies in such special fund are not used
183 within four (4) years after the date the proceeds of the bonds
184 authorized under this act are deposited into the special fund,
185 then the community college or junior college for which any such
186 monies are allocated under subsection (1) of this act shall
187 provide an accounting of such unused monies to the commission.
188 Promptly after the commission has certified, by resolution duly
189 adopted, that the projects described in subsection (1) of this
190 section shall have been completed, abandoned, or cannot be
191 completed in a timely fashion, any amounts remaining in such
192 special fund shall be applied to pay debt service on the bonds
193 issued under this act, in accordance with the proceedings

194 authorizing the issuance of such bonds and as directed by the
195 commission.

196 (3) The Department of Finance and Administration, acting
197 through the Bureau of Building, Grounds and Real Property
198 Management, is expressly authorized and empowered to receive and
199 expend any local or other source funds in connection with the
200 expenditure of funds provided for in this section. The
201 expenditure of monies deposited into the special fund shall be
202 under the direction of the Department of Finance and
203 Administration, and such funds shall be paid by the State
204 Treasurer upon warrants issued by such department, which warrants
205 shall be issued upon requisitions signed by the Executive Director
206 of the Department of Finance and Administration or his designee.

207 SECTION 4. (1) (a) A special fund, to be designated as the
208 "2000 IHL Additional Repair and Renovation Fund," is created
209 within the State Treasury. The fund shall be maintained by the
210 State Treasurer as a separate and special fund, separate and apart
211 from the General Fund of the state. Unexpended amounts remaining
212 in the fund at the end of a fiscal year shall not lapse into the
213 State General Fund, and any interest earned or investment earnings
214 on amounts in the fund shall be deposited into such fund.

215 (b) Monies deposited into the fund shall be disbursed,
216 in the discretion of the Department of Finance and Administration,
217 to pay the costs of critical repair and renovation needs of state
218 institutions of higher learning, with priority given to needs
219 affecting accreditation matters.

220 (2) Amounts deposited into such special fund shall be
221 disbursed to pay the costs of projects described in subsection (1)
222 of this section. If any monies in such special fund are not used
223 within four (4) years after the date the proceeds of the bonds
224 authorized under this act are deposited into the special fund,
225 then the Department of Finance and Administration shall provide an
226 accounting of such unused monies to the commission. Promptly

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

234 (3) The Department of Finance and Administration, acting
235 through the Bureau of Building, Grounds and Real Property
236 Management, is expressly authorized and empowered to receive and
237 expend any local or other source funds in connection with the
238 expenditure of funds provided for in this section. The
239 expenditure of monies deposited into the special fund shall be
240 under the direction of the Department of Finance and
241 Administration, and such funds shall be paid by the State
242 Treasurer upon warrants issued by such department, which warrants
243 shall be issued upon requisitions signed by the Executive Director
244 of the Department of Finance and Administration or his designee.

245 SECTION 5. (1) The commission, at one time, or from time to
246 time, may declare by resolution the necessity for issuance of
247 general obligation bonds of the State of Mississippi to provide
248 funds for all costs incurred or to be incurred for the purposes
249 described in Sections 2, 3 and 4 of this act. Upon the adoption
250 of a resolution by the Department of Finance and Administration,
251 declaring the necessity for the issuance of any part or all of the
252 general obligation bonds authorized by this section, the
253 Department of Finance and Administration shall deliver a certified
254 copy of its resolution or resolutions to the commission. Upon
255 receipt of such resolution, the commission, in its discretion, may
256 act as the issuing agent, prescribe the form of the bonds,
257 advertise for and accept bids, issue and sell the bonds so
258 authorized to be sold and do any and all other things necessary
259 and advisable in connection with the issuance and sale of such

260 bonds. The total amount of bonds issued under this act shall not
261 exceed Twenty Million Dollars (\$20,000,000.00). The bonds
262 authorized under this act may not be issued after July 1, 2003.

263 (2) The proceeds of the bonds issued under this act shall be
264 deposited into the following special funds in not more than the
265 following amounts:

266 (a) The 2000 IHL Repair and Renovation Fund created in
267 Section 2 of this act.....\$10,000,000.00.

268 (b) The 2000 Community and Junior Colleges Repair and
269 Renovation Fund created in Section 3 of this act...\$ 6,000,000.00.

270 (c) The 2000 IHL Additional Repair and Renovation Fund
271 created in Section 4 of this act.....\$ 4,000,000.00.

272 (3) Any investment earnings on amounts deposited into the
273 special funds created in Sections 2, 3 and 4 of this act shall be
274 used to pay debt service on bonds issued under this act, in
275 accordance with the proceedings authorizing issuance of such
276 bonds.

277 SECTION 6. The principal of and interest on the bonds
278 authorized under this act shall be payable in the manner provided
279 in this section. Such bonds shall bear such date or dates, be in
280 such denomination or denominations, bear interest at such rate or
281 rates (not to exceed the limits set forth in Section 75-17-101,
282 Mississippi Code of 1972), be payable at such place or places
283 within or without the State of Mississippi, shall mature
284 absolutely at such time or times not to exceed twenty-five (25)
285 years from date of issue, be redeemable before maturity at such
286 time or times and upon such terms, with or without premium, shall
287 bear such registration privileges, and shall be substantially in
288 such form, all as shall be determined by resolution of the
289 commission.

290 SECTION 7. The bonds authorized by this act shall be signed
291 by the chairman of the commission, or by his facsimile signature,
292 and the official seal of the commission shall be affixed thereto,

293 attested by the secretary of the commission. The interest
294 coupons, if any, to be attached to such bonds may be executed by
295 the facsimile signatures of such officers. Whenever any such
296 bonds shall have been signed by the officials designated to sign
297 the bonds who were in office at the time of such signing but who
298 may have ceased to be such officers before the sale and delivery
299 of such bonds, or who may not have been in office on the date such
300 bonds may bear, the signatures of such officers upon such bonds
301 and coupons shall nevertheless be valid and sufficient for all
302 purposes and have the same effect as if the person so officially
303 signing such bonds had remained in office until their delivery to
304 the purchaser, or had been in office on the date such bonds may
305 bear. However, notwithstanding anything herein to the contrary,
306 such bonds may be issued as provided in the Registered Bond Act of
307 the State of Mississippi.

308 SECTION 8. All bonds and interest coupons issued under the
309 provisions of this act have all the qualities and incidents of
310 negotiable instruments under the provisions of the Mississippi
311 Uniform Commercial Code, and in exercising the powers granted by
312 this act, the commission shall not be required to and need not
313 comply with the provisions of the Mississippi Uniform Commercial
314 Code.

315 SECTION 9. The commission shall act as the issuing agent for
316 the bonds authorized under this act, prescribe the form of the
317 bonds, advertise for and accept bids, issue and sell the bonds so
318 authorized to be sold, pay all fees and costs incurred in such
319 issuance and sale, and do any and all other things necessary and
320 advisable in connection with the issuance and sale of such bonds.
321 The commission is authorized and empowered to pay the costs that
322 are incident to the sale, issuance and delivery of the bonds
323 authorized under this act from the proceeds derived from the sale
324 of such bonds. The commission shall sell such bonds on sealed
325 bids at public sale, and for such price as it may determine to be

326 for the best interest of the State of Mississippi, but no such
327 sale shall be made at a price less than par plus accrued interest
328 to the date of delivery of the bonds to the purchaser. All
329 interest accruing on such bonds so issued shall be payable
330 semiannually or annually; however, the first interest payment may
331 be for any period of not more than one (1) year.

332 Notice of the sale of any such bonds shall be published at
333 least one time, not less than ten (10) days before the date of
334 sale, and shall be so published in one or more newspapers
335 published or having a general circulation in the City of Jackson,
336 Mississippi, and in one or more other newspapers or financial
337 journals with a national circulation, to be selected by the
338 commission.

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

344 SECTION 10. The bonds issued under the provisions of this
345 act are general obligations of the State of Mississippi, and for
346 the payment thereof the full faith and credit of the State of
347 Mississippi is irrevocably pledged. If the funds appropriated by
348 the Legislature are insufficient to pay the principal of and the
349 interest on such bonds as they become due, then the deficiency
350 shall be paid by the State Treasurer from any funds in the State
351 Treasury not otherwise appropriated. All such bonds shall contain
352 recitals on their faces substantially covering the provisions of
353 this section.

354 SECTION 11. Upon the issuance and sale of bonds under the
355 provisions of this act, the commission shall transfer the proceeds
356 of any such sale or sales to the special funds created in Sections
357 2, 3 and 4 of this act in the amounts provided for in Section 5(2)
358 of this act. The proceeds of such bonds shall be disbursed solely

359 upon the order of the Department of Finance and Administration
360 under such restrictions, if any, as may be contained in the
361 resolution providing for the issuance of the bonds.

362 SECTION 12. The bonds authorized under this act may be
363 issued without any other proceedings or the happening of any other
364 conditions or things other than those proceedings, conditions and
365 things which are specified or required by this act. Any
366 resolution providing for the issuance of bonds under the
367 provisions of this act shall become effective immediately upon its
368 adoption by the commission, and any such resolution may be adopted
369 at any regular or special meeting of the commission by a majority
370 of its members.

371 SECTION 13. The bonds authorized under the authority of this
372 act may be validated in the Chancery Court of the First Judicial
373 District of Hinds County, Mississippi, in the manner and with the
374 force and effect provided by Chapter 13, Title 31, Mississippi
375 Code of 1972, for the validation of county, municipal, school
376 district and other bonds. The notice to taxpayers required by
377 such statutes shall be published in a newspaper published or
378 having a general circulation in the City of Jackson, Mississippi.

379 SECTION 14. Any holder of bonds issued under the provisions
380 of this act or of any of the interest coupons pertaining thereto
381 may, either at law or in equity, by suit, action, mandamus or
382 other proceeding, protect and enforce any and all rights granted
383 under this act, or under such resolution, and may enforce and
384 compel performance of all duties required by this act to be
385 performed, in order to provide for the payment of bonds and
386 interest thereon.

387 SECTION 15. All bonds issued under the provisions of this
388 act shall be legal investments for trustees and other fiduciaries,
389 and for savings banks, trust companies and insurance companies
390 organized under the laws of the State of Mississippi, and such
391 bonds shall be legal securities which may be deposited with and

392 shall be received by all public officers and bodies of this state
393 and all municipalities and political subdivisions for the purpose
394 of securing the deposit of public funds.

395 SECTION 16. Bonds issued under the provisions of this act
396 and income therefrom shall be exempt from all taxation in the
397 State of Mississippi.

398 SECTION 17. The proceeds of the bonds issued under this act
399 shall be used solely for the purposes herein provided, including
400 the costs incident to the issuance and sale of such bonds.

401 SECTION 18. The State Treasurer is authorized, without
402 further process of law, to certify to the Department of Finance
403 and Administration the necessity for warrants, and the Department
404 of Finance and Administration is authorized and directed to issue
405 such warrants, in such amounts as may be necessary to pay when due
406 the principal of, premium, if any, and interest on, or the
407 accreted value of, all bonds issued under this act; and the State
408 Treasurer shall forward the necessary amount to the designated
409 place or places of payment of such bonds in ample time to
410 discharge such bonds, or the interest thereon, on the due dates
411 thereof.

412 SECTION 19. This act shall be deemed to be full and complete
413 authority for the exercise of the powers herein granted, but this
414 act shall not be deemed to repeal or to be in derogation of any
415 existing law of this state.

416 SECTION 20. This act shall take effect and be in force from
417 and after its passage.