

By: Morris, Smith (39th), McCoy, Compretta, To: Ways and Means
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HOUSE BILL NO. 1697

1 AN ACT TO AMEND CHAPTER 578, LAWS OF 1999, TO REVISE THE
2 PURPOSES FOR WHICH THE PROCEEDS OF CERTAIN BONDS ISSUED FOR
3 IMPROVEMENTS AT THE STENNIS SPACE CENTER MAY BE UTILIZED; TO
4 PROVIDE FOR THE ISSUANCE OF \$1,000,000.00 IN STATE GENERAL
5 OBLIGATION BONDS FOR CAPITAL IMPROVEMENTS AT THE STENNIS SPACE
6 CENTER AND THE STENNIS INTERNATIONAL AIRPORT TO ATTRACT ADVANCED
7 TECHNOLOGY JOBS; AND FOR RELATED PURPOSES.

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

9 SECTION 1. Chapter 578, Laws of 1999, is amended as follows:

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

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

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

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

22 Section 2. (1) A special fund, to be designated the "1999
23 Hancock County Port and Harbor Commission and Stennis Space Center
24 Improvement Fund," is created within the State Treasury. The fund
25 shall be maintained by the State Treasurer as a separate and
26 special fund, separate and apart from the General Fund of the
27 state. Unexpended amounts remaining in the fund at the end of a
28 fiscal year shall not lapse into the State General Fund and any

29 interest earned or investment earnings on amounts in the fund
30 shall be deposited into such fund.

31 (2) Monies deposited into the fund shall be expended for the
32 following projects:

33 (a) Construction of necessary utilities, roads,
34 buildings, parking and wastewater treatment systems * * * within
35 the fee area of the Stennis Space Center * * * provided such sites
36 and any improvements thereon have been purchased by the State of
37 Mississippi or the Hancock County Port and Harbor Commission or
38 leased by the State of Mississippi or the Hancock County Port and
39 Harbor Commission for a period of not less than ninety-nine (99)
40 years; * * *

41 (b) Modification of the Mississippi Army Ammunition
42 Plant at the Stennis Space Center and the construction of a fifty
43 thousand (50,000) square foot addition to such plant for the
44 purpose of manufacturing rockets; and

45 (c) Construction of necessary utilities, roads,
46 buildings, parking and wastewater treatment systems within the fee
47 area of the Stennis International Airport provided such sites and
48 any improvements thereon have been purchased by the State of
49 Mississippi or the Hancock County Port and Harbor Commission or
50 leased by the State of Mississippi or the Hancock County Port and
51 Harbor Commission for a period of not less than ninety-nine (99)
52 years.

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

63 (4) The Department of Finance and Administration, acting
64 through the Bureau of Building, Grounds and Real Property
65 Management, is expressly authorized and empowered to receive and

66 expend any local or other source funds in connection with the
67 expenditure of funds provided for in this section. The
68 expenditure of monies deposited into the special fund shall be
69 under the direction of the Department of Finance and
70 Administration, and such funds shall be paid by the State
71 Treasurer upon warrants issued by such department, which warrants
72 shall be issued upon requisitions signed by the Executive Director
73 of the Department of Finance and Administration, or his designee.

74 Section 3. (1) (a) A special fund, to be designated as the
75 "1999 General Building 1016 Capital Improvements Fund," is created
76 within the State Treasury. The fund shall be maintained by the
77 State Treasurer as a separate and special fund, separate and apart
78 from the General Fund of the state. Unexpended amounts remaining
79 in the fund at the end of a fiscal year shall not lapse into the
80 State General Fund and any interest earned or investment earnings
81 on amounts in the fund shall be deposited into such fund.

82 (b) Monies deposited into the fund shall be disbursed
83 in the discretion of the Department of Finance and Administration
84 to pay the costs of repairs, renovations and improvements to
85 General Building 1016 at the Tri-State Commerce Park in Tishomingo
86 County, Mississippi, that are necessary to utilize such building
87 for the manufacture of rocket parts.

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

98 (3) The Department of Finance and Administration, acting

99 through the Bureau of Building, Grounds and Real Property
100 Management, is expressly authorized and empowered to receive and
101 expend any local or other source funds in connection with the
102 expenditure of funds provided for in this section. The
103 expenditure of monies deposited into the special fund shall be
104 under the direction of the Department of Finance and
105 Administration, and such funds shall be paid by the State
106 Treasurer upon warrants issued by such department, which warrants
107 shall be issued upon requisitions signed by the Executive Director
108 of the Department of Finance and Administration, or his designee.

109 Section 4. (1) (a) A special fund, to be designated as the
110 "2000 Stennis Space Center and Stennis International Airport
111 Advanced Technology Jobs Capital Improvements Fund," is created
112 within the State Treasury. The fund shall be maintained by the
113 State Treasurer as a separate and special fund, separate and apart
114 from the General Fund of the state. Unexpended amounts remaining
115 in the fund at the end of a fiscal year shall not lapse into the
116 State General Fund and any interest earned or investment earnings
117 on amounts in the fund shall be deposited into such fund.

118 (b) Monies deposited into the fund shall be disbursed
119 in the discretion of the Department of Finance and Administration
120 to pay the costs of capital improvements at the Stennis Space
121 Center and the Stennis International Airport that are necessary to
122 attract advanced technology jobs.

123 (2) Amounts deposited into such special fund shall be
124 disbursed to pay the costs of the projects described in subsection
125 (1) of this section. If any monies in such special fund are not
126 used within four (4) years after the date the proceeds of the
127 bonds authorized under this act are deposited into the special
128 fund, then the Department of Finance and Administration shall
129 provide an accounting of such unused monies to the commission.
130 Promptly after the commission has certified, by resolution duly
131 adopted, that the projects described in subsection (1) of this

132 section shall have been completed, abandoned, or cannot be
133 completed in a timely fashion, any amount remaining in such
134 special fund shall be applied to pay debt service on the bonds
135 issued under this act, in accordance with the proceedings
136 authorizing the issuance of such bonds and as directed by the
137 commission.

138 (3) The Department of Finance and Administration, acting
139 through the Bureau of Building, Grounds and Real Property
140 Management, is expressly authorized and empowered to receive and
141 expend any local or other source funds in connection with the
142 expenditure of funds provided for in this section. The
143 expenditure of monies deposited into the special fund shall be
144 under the direction of the Department of Finance and
145 Administration, and such funds shall be paid by the State
146 Treasurer upon warrants issued by such department, which warrants
147 shall be issued upon requisitions signed by the Executive Director
148 of the Department of Finance and Administration, or his designee.

149 Section 5. (1) The commission, at one time, or from time to
150 time, may declare by resolution the necessity for issuance of
151 general obligation bonds of the State of Mississippi to provide
152 funds for all costs incurred or to be incurred for the purposes
153 described in Sections 2, 3 and 4 of this act. Upon the adoption
154 of a resolution by the Department of Finance and Administration,
155 declaring the necessity for the issuance of any part or all of the
156 general obligation bonds authorized by this section, the
157 Department of Finance and Administration shall deliver a certified
158 copy of its resolution or resolutions to the commission. Upon
159 receipt of such resolution, the commission, in its discretion, may
160 act as the issuing agent, prescribe the form of the bonds,
161 advertise for and accept bids, issue and sell the bonds so
162 authorized to be sold and do any and all other things necessary
163 and advisable in connection with the issuance and sale of such
164 bonds. The total amount of bonds issued under this act shall not

165 exceed Eighteen Million Dollars (\$18,000,000.00).

166 (2) The proceeds of the bonds issued pursuant to this act
167 shall be deposited into the following special funds in not more
168 than the following amounts:

169 (a) The 1999 Hancock County Port and Harbor Commission
170 and Stennis Space Center Improvement Fund created pursuant to
171 Section 2 of this act.....\$9,000,000.00.

172 (b) The 1999 General Building 1016 Capital Improvements
173 Fund created pursuant to Section 3 of this act.....\$8,000,000.00.

174 (c) The 2000 Stennis Space Center and Stennis
175 International Airport Advanced Technology Jobs Capital
176 Improvements Fund created pursuant to Section 4 of this
177 act.....\$1,000,000.00.

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

183 (4) The proceeds of the bonds issued pursuant to this act
184 shall be used to provide funds for all costs incurred or to be
185 incurred for the purposes described in Sections 2, 3 and 4 of this
186 act as such sections may be amended from time to time.

187 Section 6. The principal of and interest on the bonds
188 authorized under this act shall be payable in the manner provided
189 in this section. Such bonds shall bear such date or dates, be in
190 such denomination or denominations, bear interest at such rate or
191 rates (not to exceed the limits set forth in Section 75-17-101,
192 Mississippi Code of 1972), be payable at such place or places
193 within or without the State of Mississippi, shall mature
194 absolutely at such time or times not to exceed twenty-five (25)
195 years from date of issue, be redeemable before maturity at such
196 time or times and upon such terms, with or without premium, shall
197 bear such registration privileges, and shall be substantially in

198 such form, all as shall be determined by resolution of the
199 commission.

200 Section 7. The bonds authorized by this act shall be signed
201 by the chairman of the commission, or by his facsimile signature,
202 and the official seal of the commission shall be affixed thereto,
203 attested by the secretary of the commission. The interest
204 coupons, if any, to be attached to such bonds may be executed by
205 the facsimile signatures of such officers. Whenever any such
206 bonds shall have been signed by the officials designated to sign
207 the bonds who were in office at the time of such signing but who
208 may have ceased to be such officers before the sale and delivery
209 of such bonds, or who may not have been in office on the date such
210 bonds may bear, the signatures of such officers upon such bonds
211 and coupons shall nevertheless be valid and sufficient for all
212 purposes and have the same effect as if the person so officially
213 signing such bonds had remained in office until their delivery to
214 the purchaser, or had been in office on the date such bonds may
215 bear. However, notwithstanding anything herein to the contrary,
216 such bonds may be issued as provided in the Registered Bond Act of
217 the State of Mississippi.

218 Section 8. All bonds and interest coupons issued under the
219 provisions of this act have all the qualities and incidents of
220 negotiable instruments under the provisions of the Uniform
221 Commercial Code, and in exercising the powers granted by this act,
222 the commission shall not be required to and need not comply with
223 the provisions of the Uniform Commercial Code.

224 Section 9. The commission shall act as the issuing agent for
225 the bonds authorized under this act, prescribe the form of the
226 bonds, advertise for and accept bids, issue and sell the bonds so
227 authorized to be sold, pay all fees and costs incurred in such
228 issuance and sale, and do any and all other things necessary and
229 advisable in connection with the issuance and sale of such bonds.
230 The commission is authorized and empowered to pay the costs that

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

241 Notice of the sale of any such bonds shall be published at
242 least one time, not less than ten (10) days before the date of
243 sale, and shall be so published in one or more newspapers
244 published or having a general circulation in the City of Jackson,
245 Mississippi, and in one or more other newspapers or financial
246 journals with a national circulation, to be selected by the
247 commission.

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

253 Section 10. The bonds issued under the provisions of this
254 act are general obligations of the State of Mississippi, and for
255 the payment thereof the full faith and credit of the State of
256 Mississippi is irrevocably pledged. If the funds appropriated by
257 the Legislature are insufficient to pay the principal of and the
258 interest on such bonds as they become due, then the deficiency
259 shall be paid by the State Treasurer from any funds in the State
260 Treasury not otherwise appropriated. All such bonds shall contain
261 recitals on their faces substantially covering the provisions of
262 this section.

263 Section 11. Upon the issuance and sale of bonds under the

264 provisions of this act, the commission shall transfer the proceeds
265 of any such sale or sales to the special funds created in Sections
266 2, 3 and 4 of this act in the amounts provided for in Section 5(2)
267 of this act. The proceeds of such bonds shall be disbursed solely
268 upon the order of the Department of Finance and Administration
269 under such restrictions, if any, as may be contained in the
270 resolution providing for the issuance of the bonds.

271 Section 12. The bonds authorized under this act may be
272 issued without any other proceedings or the happening of any other
273 conditions or things other than those proceedings, conditions and
274 things which are specified or required by this act. Any
275 resolution providing for the issuance of bonds under the
276 provisions of this act shall become effective immediately upon its
277 adoption by the commission, and any such resolution may be adopted
278 at any regular or special meeting of the commission by a majority
279 of its members.

280 Section 13. The bonds authorized under the authority of this
281 act may be validated in the Chancery Court of the First Judicial
282 District of Hinds County, Mississippi, in the manner and with the
283 force and effect provided by Chapter 13, Title 31, Mississippi
284 Code of 1972, for the validation of county, municipal, school
285 district and other bonds. The notice to taxpayers required by
286 such statutes shall be published in a newspaper published or
287 having a general circulation in the City of Jackson, Mississippi.

288 Section 14. Any holder of bonds issued under the provisions
289 of this act or of any of the interest coupons pertaining thereto
290 may, either at law or in equity, by suit, action, mandamus or
291 other proceeding, protect and enforce any and all rights granted
292 under this act, or under such resolution, and may enforce and
293 compel performance of all duties required by this act to be
294 performed, in order to provide for the payment of bonds and
295 interest thereon.

296 Section 15. All bonds issued under the provisions of this

297 act shall be legal investments for trustees and other fiduciaries,
298 and for savings banks, trust companies and insurance companies
299 organized under the laws of the State of Mississippi, and such
300 bonds shall be legal securities which may be deposited with and
301 shall be received by all public officers and bodies of this state
302 and all municipalities and political subdivisions for the purpose
303 of securing the deposit of public funds.

304 Section 16. Bonds issued under the provisions of this act
305 and income therefrom shall be exempt from all taxation in the
306 State of Mississippi.

307 Section 17. The proceeds of the bonds issued under this act
308 shall be used solely for the purposes herein provided, including
309 the costs incident to the issuance and sale of such bonds.

310 Section 18. The State Treasurer is authorized, without
311 further process of law, to certify to the Department of Finance
312 and Administration the necessity for warrants, and the Department
313 of Finance and Administration is authorized and directed to issue
314 such warrants, in such amounts as may be necessary to pay when due
315 the principal of, premium, if any, and interest on, or the
316 accreted value of, all bonds issued under this act; and the State
317 Treasurer shall forward the necessary amount to the designated
318 place or places of payment of such bonds in ample time to
319 discharge such bonds, or the interest thereon, on the due dates
320 thereof.

321 Section 19. This act shall be deemed to be full and complete
322 authority for the exercise of the powers herein granted, but this
323 act shall not be deemed to repeal or to be in derogation of any
324 existing law of this state.

325 * * *

326 SECTION 2. This act shall take effect and be in force from
327 and after its passage.