

By: Hewes

To: Finance

SENATE BILL NO. 2195

1 AN ACT TO PROVIDE FOR THE ISSUANCE OF GENERAL OBLIGATION
2 BONDS TO PROVIDE FUNDS FOR IMPROVEMENTS TO THE LYNN MEADOWS
3 DISCOVERY CENTER IN GULFPORT, MISSISSIPPI; AND FOR RELATED
4 PURPOSES.

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

6 SECTION 1. (1) Upon the receipt of matching funds or
7 verification that the matching funds described in this subsection
8 are forthcoming, the Department of Finance and Administration, at
9 one time or from time to time, may declare by resolution the
10 necessity for issuance of general obligation bonds of the State of
11 Mississippi in an amount not to exceed Two Million Dollars
12 (\$2,000,000.00) to provide funds for Phase II of improvements to
13 the Lynn Meadows Discovery Center in Gulfport, Mississippi. Such
14 improvements shall include the repair and renovation of the
15 gymnasium/cafeteria building at the Lynn Meadows Discovery Center
16 for additional exhibit space, repair and renovation of the
17 education building at the Lynn Meadows Discovery Center, and other
18 necessary improvements to such facility and the grounds of such
19 facility, including design and fabrication of exhibits. The
20 issuance of the bonds described in this subsection and the
21 allocation of such funds are conditioned upon the private sector
22 or local or federal government providing Two Million Dollars

23 (\$2,000,000.00) to match the funds provided under this section.
24 The matching funds required pursuant to this subsection may be
25 provided in the form of cash or in kind contributions or any
26 combination of cash or in kind contributions.

27 (2) Upon the adoption of a resolution by the Department of
28 Finance and Administration, declaring the necessity for the
29 issuance of any part or all of the general obligation bonds
30 authorized by this section, the department shall deliver a
31 certified copy of its resolution or resolutions to the State Bond
32 Commission. Upon receipt of such resolution, the State Bond
33 Commission, in its discretion, may act as the issuing agent,
34 prescribe the form of the bonds, advertise for and accept bids,
35 issue and sell the bonds so authorized to be sold, and do any and
36 all other things necessary and advisable in connection with the
37 issuance and sale of such bonds.

38 (3) The amount of bonds issued under this act shall not
39 exceed Two Million Dollars (\$2,000,000.00) for the project
40 described in subsection (1) of this section.

41 SECTION 2. The principal of and interest on the bonds
42 authorized under this act shall be payable in the manner provided
43 in this section. Such bonds shall bear such date or dates, be in
44 such denomination or denominations, bear interest at such rate or
45 rates not exceeding the limits set forth in Section 75-17-101, be
46 payable at such place or places within or without the State of
47 Mississippi, shall mature absolutely at such time or times not to
48 exceed twenty (20) years from date of issue, be redeemable before
49 maturity at such time or times and upon such terms, with or
50 without premium, shall bear such registration privileges, and
51 shall be substantially in such form, all as determined by
52 resolution of the State Bond Commission.

53 SECTION 3. The bonds authorized under this act shall be

54 signed by the Chairman of the State Bond Commission, or by his
55 facsimile signature, and the official seal of the State Bond
56 Commission shall be affixed thereto, attested by the Secretary of
57 the State Bond Commission. The interest coupons, if any, to be
58 attached to such bonds may be executed by the facsimile signatures
59 of such officers. Whenever any such bonds shall have been signed
60 by the officials designated to sign the bonds who were in office
61 at the time of such signing but who may have ceased to be such
62 officers before the sale and delivery of such bonds, or who may
63 not have been in office on the date such bonds may bear, the
64 signatures of such officers upon such bonds and coupons shall
65 nevertheless be valid and sufficient for all purposes and have the
66 same effect as if the person so officially signing such bonds had
67 remained in office until their delivery to the purchaser, or had
68 been in office on the date such bonds may bear. However,
69 notwithstanding anything in this act to the contrary, such bonds
70 may be issued as provided in the Registered Bond Act of the State
71 of Mississippi.

72 SECTION 4. All bonds and interest coupons issued under the
73 provisions of this act have all the qualities and incidents of
74 negotiable instruments under the provisions of the Uniform
75 Commercial Code, and in exercising the powers granted by this act,
76 the State Bond Commission shall not be required to and need not
77 comply with the provisions of the Uniform Commercial Code.

78 SECTION 5. The State Bond Commission shall act as the
79 issuing agent for the bonds authorized under this act, prescribe
80 the form of the bonds, advertise for and accept bids, issue and
81 sell the bonds so authorized to be sold, pay all fees and costs

82 incurred in such issuance and sale, and do all other things
83 necessary and advisable in connection with the issuance and sale
84 of the bonds. The State Bond Commission may pay the costs that
85 are incident to the sale, issuance and delivery of the bonds
86 authorized under this act from the proceeds derived from the sale
87 of the bonds. The State Bond Commission shall sell such bonds on
88 sealed bids at public sale, and for such price as it may determine
89 to be for the best interest of the State of Mississippi, but no
90 such sale may be made at a price less than par plus accrued
91 interest to the date of delivery of the bonds to the purchaser.
92 All interest accruing on such bonds so issued shall be payable
93 semiannually or annually; however, the first interest payment may
94 be for any period of not more than one (1) year.

95 Notice of the sale of any such bond shall be published at
96 least one (1) time, not less than ten (10) days before the date of
97 sale, and shall be so published in one or more newspapers
98 published or having a general circulation in the City of Jackson,
99 Mississippi, and in one or more other newspapers or financial
100 journals with a national circulation, to be selected by the State
101 Bond Commission.

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

107 SECTION 6. The bonds issued under the provisions of this act
108 are general obligations of the State of Mississippi, and for the
109 payment thereof the full faith and credit of the State of

110 Mississippi is irrevocably pledged. If the funds appropriated by
111 the Legislature are insufficient to pay the principal of and the
112 interest on such bonds as they become due, then the deficiency
113 shall be paid by the State Treasurer from any funds in the State
114 Treasury not otherwise appropriated. All such bonds shall contain
115 recitals on their faces substantially covering the provisions of
116 this section.

117 SECTION 7. The State Treasurer is authorized to certify to
118 the Executive Director of the Department of Finance and
119 Administration the necessity for warrants, and the Executive
120 Director of the Department of Finance and Administration is
121 authorized and directed to issue such warrants, in such amounts as
122 may be necessary to pay when due the principal of, premium, if
123 any, and interest on, or the accreted value of, all bonds issued
124 under this act; and the State Treasurer shall forward the
125 necessary amount to the designated place or places of payment of
126 such bonds in ample time to discharge such bonds, or the interest
127 on the bonds, on their due dates.

128 SECTION 8. Upon the issuance and sale of bonds under this
129 act, the State Bond Commission shall deposit the proceeds of any
130 such sale or sales in a special fund created in the State Treasury
131 to be known as the "Lynn Meadows Discovery Center Fund." Such
132 fund shall be maintained by the State Treasurer as a separate and
133 special fund, separate and apart from the General Fund of the
134 state, and investment earnings on amounts in the fund shall be
135 deposited into such fund. The proceeds of such bonds shall be
136 used solely for the purposes provided in this act, including the
137 costs incident to the issuance and sale of such bonds. The costs

138 incident to the issuance and sale of such bonds shall be disbursed
139 by warrant upon requisition of the State Bond Commission, signed
140 by the chairman of the commission. The remaining monies in the
141 fund shall be expended solely under the direction of the
142 Department of Finance and Administration under such restrictions,
143 if any, as may be contained in the resolution providing for the
144 issuance of the bonds, and such funds shall be paid by the State
145 Treasurer upon warrants issued by the Executive Director of the
146 Department of Finance and Administration.

147 SECTION 9. The bonds authorized under this act may be issued
148 without any other proceedings or the happening of any other
149 conditions or things other than those proceedings, conditions and
150 things that are specified or required by this act. Any resolution
151 providing for the issuance of bonds under this act shall become
152 effective immediately upon its adoption by the State Bond
153 Commission, and any such resolution may be adopted at any regular
154 or special meeting of the State Bond Commission by a majority of
155 its members.

156 SECTION 10. The bonds authorized under the authority of this
157 act may be validated in the Chancery Court of the First Judicial
158 District of Hinds County, Mississippi, in the manner and with the
159 force and effect provided by Chapter 13, Title 31, Mississippi
160 Code of 1972, for the validation of county, municipal, school
161 district and other bonds. The notice to taxpayers required by
162 such statutes shall be published in a newspaper published or
163 having a general circulation in the City of Jackson, Mississippi.

164 SECTION 11. Any holder of bonds issued under this act or of
165 any of the interest coupons pertaining to the bonds may, either at

166 law or in equity, by suit, action, mandamus or other proceeding,
167 protect and enforce all rights granted under this act, or under
168 such resolution, and may enforce and compel performance of all
169 duties required by this act to be performed, in order to provide
170 for the payment of bonds and interest on the bonds.

171 SECTION 12. All bonds issued under this act shall be legal
172 investments for trustees and other fiduciaries, and for savings
173 banks, trust companies and insurance companies organized under the
174 laws of the State of Mississippi, and such bonds shall be legal
175 securities that may be deposited with and shall be received by all
176 public officers and bodies of this state and all municipalities
177 and political subdivisions for the purpose of securing the deposit
178 of public funds.

179 SECTION 13. Bonds issued under this act and income from the
180 bonds shall be exempt from all taxation in the State of
181 Mississippi.

182 SECTION 14. This act shall be deemed to be full and complete
183 authority for the exercise of the powers granted, but this act
184 shall not be deemed to repeal or to be in derogation of any
185 existing law of this state.

186 SECTION 15. This act shall take effect and be in force from
187 and after its passage.