

By: Tollison

To: Finance

SENATE BILL NO. 2408

1 AN ACT TO AMEND SECTIONS 18 THROUGH 32 OF CHAPTER 530, LAWS
2 OF 1995, TO INCREASE THE AMOUNT OF STATE GENERAL OBLIGATION BONDS
3 WHICH MAY BE ISSUED TO PROVIDE GRANTS TO COUNTIES AND
4 MUNICIPALITIES TO FUND THE CONSTRUCTION, RENOVATION AND EXPANSION
5 OF LIVESTOCK FACILITIES; AND FOR RELATED PURPOSES.

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

7 SECTION 1. Sections 18 through 32 of Chapter 530, Laws of
8 1995, is amended as follows:

9 Section 18. (1) The Department of Agriculture and Commerce
10 is hereby authorized and empowered to use the proceeds of the
11 bonds authorized to be issued by Sections 18 through 32 of this
12 act to provide grants to counties and municipalities to provide
13 funds for the construction, renovation and expansion of livestock
14 facilities. Counties and municipalities must demonstrate to the
15 satisfaction of the Department of Agriculture and Commerce that
16 they are able to operate and maintain the livestock facilities in
17 order to receive a grant. Any county or municipality that
18 receives a grant from the Department of Agriculture and Commerce
19 shall be required to match the amount of the grant with an equal
20 amount of cash, which shall be used together with the grant for
21 the construction, renovation or expansion of livestock facilities
22 in the county or municipality; provided, however, that a portion

23 of such matching funds not to exceed Twenty-five Thousand Dollars
24 (\$25,000.00) may be provided in the form of in kind contributions
25 satisfactory to the Department of Agriculture and Commerce. The
26 amount of any grant that the Department of Agriculture and
27 Commerce may provide for the construction, renovation or expansion
28 of livestock facilities at any one (1) location shall not be more
29 than Five Hundred Thousand Dollars (\$500,000.00). The maximum
30 aggregate amount of grants that may be awarded by the Department
31 of Agriculture and Commerce in any one (1) congressional district
32 shall be Three Million Dollars (\$3,000,000.00); provided, however,
33 that if all the funds that are allocated to a congressional
34 district have not been obligated for grants for locations in such
35 congressional district by July 1, 2001, such funds may be utilized
36 for grants for locations in other congressional districts. The
37 construction, renovation or expansion of livestock facilities
38 using grants from the Department of Agriculture and Commerce shall
39 not be required to be performed by or under the supervision of the
40 Bureau of Building, Grounds and Real Property Management of the
41 Department of Finance and Administration.

42 (2) The Department of Agriculture and Commerce shall adopt
43 necessary rules and regulations to govern the administration of
44 the program described in subsection (1) of this section,
45 including, but not limited to, rules and regulations governing
46 applications for grants and rules and regulations providing for
47 the equitable distribution of grant funds. The Department of
48 Agriculture and Commerce shall comply with the provisions of the
49 Mississippi Administrative Procedures Law.

50 Section 19. (1) The Department of Agriculture and Commerce,
51 at one time or from time to time, may declare by resolution the
52 necessity for issuance of general obligation bonds of the State of
53 Mississippi to provide funds for the grant program authorized in

54 Section 18 of this act.

55 (2) Upon the adoption of a resolution by the Department of
56 Agriculture and Commerce declaring the necessity for the issuance
57 of any part or all of the general obligation bonds authorized by
58 this section, the department shall deliver a certified copy of its
59 resolution or resolutions to the State Bond Commission. Upon
60 receipt of such resolution, the State Bond Commission, in its
61 discretion, may act as the issuing agent, prescribe the form of
62 the bonds, advertise for and accept bids, issue and sell the bonds
63 so authorized to be sold, and do any and all other things
64 necessary and advisable in connection with the issuance and sale
65 of such bonds.

66 (3) The amount of bonds issued under Sections 18 through 32
67 of this act shall not exceed Fifteen Million Dollars
68 (\$15,000,000.00).

69 Section 20. The principal of and interest on the bonds
70 authorized under Sections 18 through 32 of this act shall be
71 payable in the manner provided in this section. Such bonds shall
72 bear such date or dates, be in such denomination or denominations,
73 bear interest at such rate or rates not exceeding the limits set
74 forth in Section 75-17-101, be payable at such place or places
75 within or without the State of Mississippi, shall mature
76 absolutely at such time or times not to exceed twenty (20) years
77 from date of issue, be redeemable before maturity at such time or
78 times and upon such terms, with or without premium, shall bear
79 such registration privileges, and shall be substantially in such
80 form, all as determined by resolution of the State Bond
81 Commission.

82 Section 21. The bonds authorized under Sections 18 through
83 32 of this act shall be signed by the Chairman of the State Bond
84 Commission, or by his facsimile signature, and the official seal
85 of the State Bond Commission shall be affixed thereto, attested by
86 the Secretary of the State Bond Commission. The interest coupons,
87 if any, to be attached to such bonds may be executed by the
88 facsimile signatures of such officers. Whenever any such bonds
89 shall have been signed by the officials designated to sign the
90 bonds who were in office at the time of such signing but who may
91 have ceased to be such officers before the sale and delivery of
92 such bonds, or who may not have been in office on the date such
93 bonds may bear, the signatures of such officers upon such bonds
94 and coupons shall nevertheless be valid and sufficient for all
95 purposes and have the same effect as if the person so officially
96 signing such bonds had remained in office until their delivery to
97 the purchaser, or had been in office on the date such bonds may
98 bear. However, notwithstanding anything in Sections 18 through 32
99 of this act to the contrary, such bonds may be issued as provided
100 in the Registered Bond Act of the State of Mississippi.

101 Section 22. All bonds and interest coupons issued under the
102 provisions of Sections 18 through 32 of this act have all the
103 qualities and incidents of negotiable instruments under the
104 provisions of the Uniform Commercial Code, and in exercising the
105 powers granted by Sections 18 through 32 of this act, the State
106 Bond Commission shall not be required to and need not comply with
107 the provisions of the Uniform Commercial Code.

108 Section 23. The State Bond Commission shall act as the
109 issuing agent for the bonds authorized under Sections 18 through

110 32 of this act, prescribe the form of the bonds, advertise for and
111 accept bids, issue and sell the bonds so authorized to be sold,
112 pay all fees and costs incurred in such issuance and sale, and do
113 all other things necessary and advisable in connection with the
114 issuance and sale of the bonds. The State Bond Commission may pay
115 the costs that are incident to the sale, issuance and delivery of
116 the bonds authorized under Sections 18 through 32 of this act from
117 the proceeds derived from the sale of the bonds. The State Bond
118 Commission shall sell such bonds on sealed bids at public sale,
119 and for such price as it may determine to be for the best interest
120 of the State of Mississippi, but no such sale may be made at a
121 price less than par plus accrued interest to the date of delivery
122 of the bonds to the purchaser. All interest accruing on such
123 bonds so issued shall be payable semiannually or annually;
124 however, the first interest payment may be for any period of not
125 more than one (1) year.

126 Notice of the sale of any such bond shall be published at
127 least one (1) time, not less than ten (10) days before the date of
128 sale, and shall be so published in one or more newspapers
129 published or having a general circulation in the City of Jackson,
130 Mississippi, and in one or more other newspapers or financial
131 journals with a national circulation, to be selected by the State
132 Bond Commission.

133 The State Bond Commission, when issuing any bonds under the
134 authority of Sections 18 through 32 of this act, may provide that
135 the bonds, at the option of the State of Mississippi, may be
136 called in for payment and redemption at the call price named
137 therein and accrued interest on such date or dates named therein.

138 Section 24. The bonds issued under the provisions of
139 Sections 18 through 32 of this act are general obligations of the
140 State of Mississippi, and for the payment thereof the full faith
141 and credit of the State of Mississippi are irrevocably pledged.
142 If the funds appropriated by the Legislature are insufficient to
143 pay the principal of and the interest on such bonds as they become
144 due, then the deficiency shall be paid by the State Treasurer from
145 any funds in the State Treasury not otherwise appropriated. All
146 such bonds shall contain recitals on their faces substantially
147 covering the provisions of this section.

148 Section 25. The State Treasurer is authorized to certify to
149 the State Fiscal Officer the necessity for warrants, and the State
150 Fiscal Officer is authorized and directed to issue such warrants
151 in such amounts as may be necessary to pay when due the principal
152 of, premium, if any, and interest on, or the accredited value of,
153 all bonds issued under Sections 18 through 32 of this act; and the
154 State Treasurer shall forward the necessary amount to the
155 designated place or places of payment of such bonds in ample time
156 to discharge such bonds, or the interest on the bonds, on their
157 due dates.

158 Section 26. Upon the issuance and sale of bonds under
159 Sections 18 through 32 of this act, the State Bond Commission
160 shall deposit the proceeds of any such sale or sales in a special
161 fund created in the State Treasury to be known as the "Livestock
162 Facilities Grant Fund." The proceeds of such bonds shall be used
163 solely for the purposes provided in Sections 18 through 32 of this
164 act, including the costs incident to the issuance and sale of such
165 bonds. The costs incident to the issuance and sale of such bonds

166 shall be disbursed by warrant upon requisition of the State Bond
167 Commission, signed by the chairman of the commission. The
168 remaining monies in the fund shall be expended solely under the
169 direction of the Department of Finance and Administration under
170 such restrictions, if any, as may be contained in the resolution
171 providing for the issuance of the bonds, and such funds shall be
172 paid by the State Treasurer upon warrants issued by the State
173 Fiscal Officer.

174 Section 27. The bonds authorized under Sections 18 through
175 32 of this act may be issued without any other proceedings or the
176 happening of any other conditions or things other than those
177 proceedings, conditions and things that are specified or required
178 by this act. Any resolution providing for the issuance of bonds
179 under Sections 18 through 32 of this act shall become effective
180 immediately upon its adoption by the State Bond Commission, and
181 any such resolution may be adopted at any regular or special
182 meeting of the State Bond Commission by a majority of its members.

183 Section 28. The bonds authorized under the authority of
184 Sections 18 through 32 of this act may be validated in the
185 Chancery Court of the First Judicial District of Hinds County,
186 Mississippi, in the manner and with the force and effect provided
187 by Chapter 13, Title 31, Mississippi Code of 1972, for the
188 validation of county, municipal, school district and other bonds.

189 The notice to taxpayers required by such statutes shall be
190 published in a newspaper published or having a general circulation
191 in the City of Jackson, Mississippi.

192 Section 29. Any holder of bonds issued under Sections 18
193 through 32 of this act or of any of the interest coupons

194 pertaining to the bonds may, either at law or in equity, by suit,
195 action, mandamus or other proceeding, protect and enforce all
196 rights granted under Sections 18 through 32 of this act, or under
197 such resolution, and may enforce and compel performance of all
198 duties required by Sections 18 through 32 of this act to be
199 performed, in order to provide for the payment of bonds and
200 interest on the bonds.

201 Section 30. All bonds issued under Sections 18 through 32 of
202 this act shall be legal investments for trustees and other
203 fiduciaries, and for savings banks, trust companies and insurance
204 companies organized under the laws of the State of Mississippi,
205 and such bonds shall be legal securities that may be deposited
206 with and shall be received by all public officers and bodies of
207 this state and all municipalities and political subdivisions for
208 the purpose of securing the deposit of public funds.

209 Section 31. Bonds issued under Sections 18 through 32 of
210 this act and income from the bonds shall be exempt from all
211 taxation in the State of Mississippi.

212 Section 32. Sections 18 through 32 of this act shall be
213 deemed to be full and complete authority for the exercise of the
214 powers therein granted, but Sections 18 through 32 of this act
215 shall not be deemed to repeal or to be in derogation of any
216 existing law of this state.

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