

By: Farris, King

To: Finance

SENATE BILL NO. 2740

1 AN ACT TO AUTHORIZE THE ISSUANCE OF GENERAL OBLIGATION BONDS
2 OF THE STATE OF MISSISSIPPI FOR THE PURPOSE OF PROVIDING FUNDS TO
3 ASSIST IN THE CONSTRUCTION OF THE HATTIESBURG - SOUTH MISSISSIPPI
4 VISITOR CENTER; AND FOR RELATED PURPOSES.

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

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

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

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

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

18 SECTION 2. (1) (a) A special fund, to be designated as the
19 "2000 Hattiesburg - South Mississippi Visitor Center Construction
20 Fund" is created within the State Treasury. The fund shall be
21 maintained by the State Treasurer as a separate and special fund,
22 separate and apart from the General Fund of the state. Unexpended
23 amounts remaining in the fund at the end of a fiscal year shall
24 not lapse into the State General Fund, and any interest earned or
25 investment earnings on amounts in the fund shall be deposited
26 into such fund.

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

28 in the discretion of the Department of Finance and Administration,
29 to pay the costs of construction of the Hattiesburg - South
30 Mississippi Visitor Center, in Hattiesburg, Mississippi, on the
31 condition that matching funds in the aggregate sum of at least
32 Four Hundred Thousand Dollars (\$400,000.00) are provided.

33 (2) Amounts deposited into such special fund shall be
34 disbursed to pay the costs of the project described in subsection
35 (1) of this section. Promptly after the commission has certified,
36 by resolution duly adopted, that the project described in
37 subsection (1) shall have been completed, abandoned, or cannot be
38 completed in a timely fashion, any amounts remaining in such
39 special fund shall be applied to pay debt service on the bonds
40 issued under this act, in accordance with the proceedings
41 authorizing the issuance of such bonds and as directed by the
42 commission.

43 SECTION 3. (1) Upon receipt of one or more binding
44 agreements from any source or sources to provide matching funds in
45 the aggregate sum of at least Four Hundred Thousand Dollars
46 (\$400,000.00), the commission, at one time, or from time to time,
47 may declare by resolution the necessity for issuance of general
48 obligation bonds of the State of Mississippi to provide funds for
49 all costs incurred or to be incurred for the purposes described in
50 Section 2 of this act. Upon the adoption of a resolution by the
51 Department of Finance and Administration, declaring the necessity
52 for the issuance of any part or all of the general obligation
53 bonds authorized by this section, the Department of Finance and
54 Administration shall deliver a certified copy of its resolution or
55 resolutions to the commission. Upon receipt of such resolution,
56 the commission, in its discretion, may act as the issuing agent,
57 prescribe the form of the bonds, advertise for and accept bids,
58 issue and sell the bonds so authorized to be sold and do any and
59 all other things necessary and advisable in connection with the
60 issuance and sale of such bonds. The total amount of bonds issued

61 under this act shall not exceed Four Hundred Thousand Dollars
62 (\$400,000.00).

63 (2) Any investment earnings on amounts deposited into the
64 special fund created in Section 2 of this act shall be used to pay
65 debt service on bonds issued under this act, in accordance with
66 the proceedings authorizing issuance of such bonds.

67 SECTION 4. The principal of and interest on the bonds
68 authorized under this act shall be payable in the manner provided
69 in this section. Such bonds shall bear such date or dates, be in
70 such denomination or denominations, bear interest at such rate or
71 rates (not to exceed the limits set forth in Section 75-17-101,
72 Mississippi Code of 1972), be payable at such place or places
73 within or without the State of Mississippi, shall mature
74 absolutely at such time or times not to exceed twenty-five (25)
75 years from date of issue, be redeemable before maturity at such
76 time or times and upon such terms, with or without premium, shall
77 bear such registration privileges, and shall be substantially in
78 such form, all as shall be determined by resolution of the
79 commission.

80 SECTION 5. The bonds authorized by this act shall be signed
81 by the chairman of the commission, or by his facsimile signature,
82 and the official seal of the commission shall be affixed thereto,
83 attested by the secretary of the commission. The interest
84 coupons, if any, to be attached to such bonds may be executed by
85 the facsimile signatures of such officers. Whenever any such
86 bonds shall have been signed by the officials designated to sign
87 the bonds who were in office at the time of such signing but who
88 may have ceased to be such officers before the sale and delivery
89 of such bonds, or who may not have been in office on the date such
90 bonds may bear, the signatures of such officers upon such bonds
91 and coupons shall nevertheless be valid and sufficient for all
92 purposes and have the same effect as if the person so officially
93 signing such bonds had remained in office until their delivery to

94 the purchaser, or had been in office on the date such bonds may
95 bear. However, notwithstanding anything herein to the contrary,
96 such bonds may be issued as provided in the Registered Bond Act of
97 the State of Mississippi.

98 SECTION 6. All bonds and interest coupons issued under the
99 provisions of this act have all the qualities and incidents of
100 negotiable instruments under the provisions of the Mississippi
101 Uniform Commercial Code, and in exercising the powers granted by
102 this act, the commission shall not be required to and need not
103 comply with the provisions of the Mississippi Uniform Commercial
104 Code.

105 SECTION 7. The commission shall act as the issuing agent for
106 the bonds authorized under this act, prescribe the form of the
107 bonds, advertise for and accept bids, issue and sell the bonds so
108 authorized to be sold, pay all fees and costs incurred in such
109 issuance and sale, and do any and all other things necessary and
110 advisable in connection with the issuance and sale of such bonds.

111 The commission is authorized and empowered to pay the costs that
112 are incident to the sale, issuance and delivery of the bonds
113 authorized under this act from the proceeds derived from the sale
114 of such bonds. The commission shall sell such bonds on sealed
115 bids at public sale, and for such price as it may determine to be
116 for the best interest of the State of Mississippi, but no such
117 sale shall be made at a price less than par plus accrued interest
118 to the date of delivery of the bonds to the purchaser. All
119 interest accruing on such bonds so issued shall be payable
120 semiannually or annually; however, the first interest payment may
121 be for any period of not more than one (1) year.

122 Notice of the sale of any such bonds shall be published at
123 least one (1) time, not less than ten (10) days before the date of
124 sale, and shall be so published in one or more newspapers
125 published or having a general circulation in the City of Jackson,
126 Mississippi, and in one or more other newspapers or financial

127 journals with a national circulation, to be selected by the
128 commission.

129 The commission, when issuing any bonds under the authority of
130 this act, may provide that bonds, at the option of the State of
131 Mississippi, may be called in for payment and redemption at the
132 call price named therein and accrued interest on such date or
133 dates named therein.

134 SECTION 8. The bonds issued under the provisions of this act
135 are general obligations of the State of Mississippi, and for the
136 payment thereof the full faith and credit of the State of
137 Mississippi is irrevocably pledged. If the funds appropriated by
138 the Legislature are insufficient to pay the principal of and the
139 interest on such bonds as they become due, then the deficiency
140 shall be paid by the State Treasurer from any funds in the State
141 Treasury not otherwise appropriated. All such bonds shall contain
142 recitals on their faces substantially covering the provisions of
143 this section.

144 SECTION 9. Upon the issuance and sale of bonds under the
145 provisions of this act, the commission shall transfer the proceeds
146 of any such sale or sales to the special fund created in Section 2
147 of this act. The proceeds of such bonds shall be disbursed solely
148 upon the order of the Department of Finance and Administration
149 under such restrictions, if any, as may be contained in the
150 resolution providing for the issuance of the bonds.

151 SECTION 10. The bonds authorized under this act may be
152 issued without any other proceedings or the happening of any other
153 conditions or things other than those proceedings, conditions and
154 things which are specified or required by this act. Any
155 resolution providing for the issuance of bonds under the
156 provisions of this act shall become effective immediately upon its
157 adoption by the commission, and any such resolution may be adopted
158 at any regular or special meeting of the commission by a majority
159 of its members.

160 SECTION 11. The bonds authorized under the authority of this
161 act may be validated in the Chancery Court of the First Judicial
162 District of Hinds County, Mississippi, in the manner and with the
163 force and effect provided by Chapter 13, Title 31, Mississippi
164 Code of 1972, for the validation of county, municipal, school
165 district and other bonds. The notice to taxpayers required by
166 such statutes shall be published in a newspaper published or
167 having a general circulation in the City of Jackson, Mississippi.

168 SECTION 12. Any holder of bonds issued under the provisions
169 of this act or of any of the interest coupons pertaining thereto
170 may, either at law or in equity, by suit, action, mandamus or
171 other proceeding, protect and enforce any and all rights granted
172 under this act, or under such resolution, and may enforce and
173 compel performance of all duties required by this act to be
174 performed, in order to provide for the payment of bonds and
175 interest thereon.

176 SECTION 13. All bonds issued under the provisions of this
177 act shall be legal investments for trustees and other fiduciaries,
178 and for savings banks, trust companies and insurance companies
179 organized under the laws of the State of Mississippi, and such
180 bonds shall be legal securities which may be deposited with and
181 shall be received by all public officers and bodies of this state
182 and all municipalities and political subdivisions for the purpose
183 of securing the deposit of public funds.

184 SECTION 14. Bonds issued under the provisions of this act
185 and income therefrom shall be exempt from all taxation in the
186 State of Mississippi.

187 SECTION 15. The proceeds of the bonds issued under this act
188 shall be used solely for the purposes herein provided, including
189 the costs incident to the issuance and sale of such bonds.

190 SECTION 16. The State Treasurer is authorized, without
191 further process of law, to certify to the Department of Finance
192 and Administration the necessity for warrants, and the Department

193 of Finance and Administration is authorized and directed to issue
194 such warrants, in such amounts as may be necessary to pay when due
195 the principal of, premium, if any, and interest on, or the
196 accreted value of, all bonds issued under this act; and the State
197 Treasurer shall forward the necessary amount to the designated
198 place or places of payment of such bonds in ample time to
199 discharge such bonds, or the interest thereon, on the due dates
200 thereof.

201 SECTION 17. This act shall be deemed to be full and complete
202 authority for the exercise of the powers herein granted, but this
203 act shall not be deemed to repeal or to be in derogation of any
204 existing law of this state.

205 SECTION 18. This act shall take effect and be in force from
206 and after July 1, 2000.