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To: Finance

SENATE BILL NO. 3225

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 \$30,000,000.00 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, and investment earnings on amounts in the fund shall be
28 deposited into such fund.

29 (2) Monies deposited into the fund shall be expended for the
30 following projects:

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

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

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

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

61 (4) The Department of Finance and Administration, acting

62 through the Bureau of Building, Grounds and Real Property
63 Management, is expressly authorized and empowered to receive and
64 expend any local or other source funds in connection with the
65 expenditure of funds provided for in this section. The
66 expenditure of monies deposited into the special fund shall be
67 under the direction of the Department of Finance and
68 Administration, and such funds shall be paid by the State
69 Treasurer upon warrants issued by such department, which warrants
70 shall be issued upon requisitions signed by the Executive Director
71 of the Department of Finance and Administration, or his designee.

72 Section 3. (1) (a) A special fund, to be designated as the
73 "1999 General Building 1016 Capital Improvements Fund," is created
74 within the State Treasury. The fund shall be maintained by the
75 State Treasurer as a separate and special fund, separate and apart
76 from the General Fund of the state. Unexpended amounts remaining
77 in the fund at the end of a fiscal year shall not lapse into the
78 State General Fund and any interest earned or investment earnings
79 on amounts in the fund shall be deposited into such fund.

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

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

95 by the commission.

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

107 Section 4. (1) (a) A special fund, to be designated as the
108 "2000 Stennis Space Center and Stennis International Airport
109 Advanced Technology Jobs Capital Improvements Fund," is created
110 within the State Treasury. The fund shall be maintained by the
111 State Treasurer as a separate and special fund, separate and apart
112 from the General Fund of the state. Unexpended amounts remaining
113 in the fund at the end of a fiscal year shall not lapse into the
114 State General Fund and any interest earned or investment earnings
115 on amounts in the fund shall be deposited into such fund.

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

121 (2) Amounts deposited into such special fund shall be
122 disbursed to pay the costs of the project described in subsection
123 (1) of this section. Promptly after the commission has certified,
124 by resolution duly adopted, that the project described in
125 subsection (1) of this section shall have been completed,
126 abandoned, or cannot be completed in a timely fashion, any amount
127 remaining in such special fund shall be applied to pay debt

128 service on the bonds issued under this act, in accordance with the
129 proceedings authorizing the issuance of such bonds and as directed
130 by the commission.

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

142 Section 5. (1) The commission, at one time, or from time to
143 time, may declare by resolution the necessity for issuance of
144 general obligation bonds of the State of Mississippi to provide
145 funds for all costs incurred or to be incurred for the purposes
146 described in Sections 2, 3 and 4 of this act. Upon the adoption
147 of a resolution by the Department of Finance and Administration,
148 declaring the necessity for the issuance of any part or all of the
149 general obligation bonds authorized by this section, the
150 Department of Finance and Administration shall deliver a certified
151 copy of its resolution or resolutions to the commission. Upon
152 receipt of such resolution, the commission, in its discretion, may
153 act as the issuing agent, prescribe the form of the bonds,
154 advertise for and accept bids, issue and sell the bonds so
155 authorized to be sold and do any and all other things necessary
156 and advisable in connection with the issuance and sale of such
157 bonds. The total amount of bonds issued under this act shall not
158 exceed Forty-seven Million Dollars (\$47,000,000.00).

159 (2) The proceeds of the bonds issued pursuant to this act
160 shall be deposited into the following special funds in not more

161 than the following amounts:

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

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

167 (c) The 2000 Stennis Space Center and Stennis
168 International Airport Advanced Technology Jobs Capital
169 Improvements Fund created pursuant to Section 4 of this
170 act.....\$ 30,000,000.00.

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

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

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

193 Section 7. The bonds authorized by this act shall be signed

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

211 Section 8. All bonds and interest coupons issued under the
212 provisions of this act have all the qualities and incidents of
213 negotiable instruments under the provisions of the Uniform
214 Commercial Code, and in exercising the powers granted by this act,
215 the commission shall not be required to and need not comply with
216 the provisions of the Uniform Commercial Code.

217 Section 9. The commission shall act as the issuing agent for
218 the bonds authorized under this act, prescribe the form of the
219 bonds, advertise for and accept bids, issue and sell the bonds so
220 authorized to be sold, pay all fees and costs incurred in such
221 issuance and sale, and do any and all other things necessary and
222 advisable in connection with the issuance and sale of such bonds.

223 The commission is authorized and empowered to pay the costs that
224 are incident to the sale, issuance and delivery of the bonds
225 authorized under this act from the proceeds derived from the sale
226 of such bonds. The commission shall sell such bonds on sealed

227 bids at public sale, and for such price as it may determine to be
228 for the best interest of the State of Mississippi, but no such
229 sale shall be made at a price less than par plus accrued interest
230 to the date of delivery of the bonds to the purchaser. All
231 interest accruing on such bonds so issued shall be payable
232 semiannually or annually; however, the first interest payment may
233 be for any period of not more than one (1) year.

234 Notice of the sale of any such bonds shall be published at
235 least one (1) time, not less than ten (10) days before the date of
236 sale, and shall be so published in one or more newspapers
237 published or having a general circulation in the City of Jackson,
238 Mississippi, and in one or more other newspapers or financial
239 journals with a national circulation, to be selected by the
240 commission.

241 The commission, when issuing any bonds under the authority of
242 this act, may provide that bonds, at the option of the State of
243 Mississippi, may be called in for payment and redemption at the
244 call price named therein and accrued interest on such date or
245 dates named therein.

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

256 Section 11. Upon the issuance and sale of bonds under the
257 provisions of this act, the commission shall transfer the proceeds
258 of any such sale or sales to the special funds created in Sections
259 2, 3 and 4 of this act in the amounts provided for in Section 5(2)

260 of this act. The proceeds of such bonds shall be disbursed solely
261 upon the order of the Department of Finance and Administration
262 under such restrictions, if any, as may be contained in the
263 resolution providing for the issuance of the bonds.

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

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

281 Section 14. Any holder of bonds issued under the provisions
282 of this act or of any of the interest coupons pertaining thereto
283 may, either at law or in equity, by suit, action, mandamus or
284 other proceeding, protect and enforce any and all rights granted
285 under this act, or under such resolution, and may enforce and
286 compel performance of all duties required by this act to be
287 performed, in order to provide for the payment of bonds and
288 interest thereon.

289 Section 15. All bonds issued under the provisions of this
290 act shall be legal investments for trustees and other fiduciaries,
291 and for savings banks, trust companies and insurance companies
292 organized under the laws of the State of Mississippi, and such

293 bonds shall be legal securities which may be deposited with and
294 shall be received by all public officers and bodies of this state
295 and all municipalities and political subdivisions for the purpose
296 of securing the deposit of public funds.

297 Section 16. Bonds issued under the provisions of this act
298 and income therefrom shall be exempt from all taxation in the
299 State of Mississippi.

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

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

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

318 * * *

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