

By: Minor

To: Finance

SENATE BILL NO. 3235

1 AN ACT TO AUTHORIZE THE ISSUANCE OF GENERAL OBLIGATION BONDS
2 OF THE STATE OF MISSISSIPPI IN THE AMOUNT OF \$2,000,000.00 FOR THE
3 PURPOSE OF REPAIR AND RENOVATION OF THE OLD JONESTOWN PUBLIC
4 SCHOOL BUILDING IN JONESTOWN, MISSISSIPPI, THAT ARE NECESSARY TO
5 CONVERT SUCH BUILDING INTO A COMMUNITY EMPOWERMENT CENTER FOR
6 JONESTOWN, MISSISSIPPI; AND FOR RELATED PURPOSES.

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

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

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

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

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

20 SECTION 2. (1) (a) A special fund, to be designated as the
21 "Jonestown Community Empowerment Center Repair and Renovation
22 Fund," is created within the State Treasury. The fund shall be
23 maintained by the State Treasurer as a separate and special fund,
24 separate and apart from the General Fund of the state. Unexpended
25 amounts remaining in the fund at the end of a fiscal year shall
26 not lapse into the State General Fund, and any interest earned or
27 investment earnings on amounts in the fund shall be deposited to
28 the credit of the fund. Monies in the fund may not be used or

29 expended for any purpose except as authorized under this act.

30 (b) Monies deposited into the fund shall be disbursed,
31 in the discretion of the Department of Finance and Administration,
32 to pay the costs of repair and renovation of the old Jonestown
33 Public School Building located in Jonestown, Mississippi, into a
34 community empowerment center for Jonestown, Mississippi. Such
35 improvements shall include, but not be limited to, the repairs and
36 renovations detailed in the "Feasibility Report for the Renovation
37 of the Jonestown Public School Building Into a Community
38 Empowerment Center" prepared by the Small Town Center of the
39 School of Architecture at Mississippi State University.

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

50 (3) The Department of Finance and Administration, acting
51 through the Bureau of Building, Grounds and Real Property
52 Management, is expressly authorized and empowered to receive and
53 expend any local or other source funds in connection with the
54 expenditure of funds provided for in this section. The
55 expenditure of monies deposited into the special fund shall be
56 under the direction of the Department of Finance and
57 Administration, and such funds shall be paid by the State
58 Treasurer upon warrants issued by such department, which warrants
59 shall be issued upon requisitions signed by the Executive Director
60 of the Department of Finance and Administration, or his designee.

61 SECTION 3. (1) The commission, at one (1) time, or from
62 time to time, may declare by resolution the necessity for issuance
63 of general obligation bonds of the State of Mississippi to provide
64 funds for all costs incurred or to be incurred for the purposes
65 described in Section 2 of this act. Upon the adoption of a

66 resolution by the Department of Finance and Administration,
67 declaring the necessity for the issuance of any part or all of the
68 general obligation bonds authorized by this section, the
69 Department of Finance and Administration shall deliver a certified
70 copy of its resolution or resolutions to the commission. Upon
71 receipt of such resolution, the commission, in its discretion, may
72 act as the issuing agent, prescribe the form of the bonds,
73 advertise for and accept bids, issue and sell the bonds so
74 authorized to be sold and do any and all other things necessary
75 and advisable in connection with the issuance and sale of such
76 bonds. The total amount of bonds issued under this act shall not
77 exceed Two Million Dollars (\$2,000,000.00).

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

82 SECTION 4. The principal of and interest on the bonds
83 authorized under this act shall be payable in the manner provided
84 in this section. Such bonds shall bear such date or dates, be in
85 such denomination or denominations, bear interest at such rate or
86 rates (not to exceed the limits set forth in Section 75-17-101,
87 Mississippi Code of 1972), be payable at such place or places
88 within or without the State of Mississippi, shall mature
89 absolutely at such time or times not to exceed twenty-five (25)
90 years from date of issue, be redeemable before maturity at such
91 time or times and upon such terms, with or without premium, shall
92 bear such registration privileges, and shall be substantially in
93 such form, all as shall be determined by resolution of the
94 commission.

95 SECTION 5. The bonds authorized by this act shall be signed
96 by the chairman of the commission, or by his facsimile signature,
97 and the official seal of the commission shall be affixed thereto,
98 attested by the secretary of the commission. The interest

99 coupons, if any, to be attached to such bonds may be executed by
100 the facsimile signatures of such officers. Whenever any such
101 bonds shall have been signed by the officials designated to sign
102 the bonds who were in office at the time of such signing but who
103 may have ceased to be such officers before the sale and delivery
104 of such bonds, or who may not have been in office on the date such
105 bonds may bear, the signatures of such officers upon such bonds
106 and coupons shall nevertheless be valid and sufficient for all
107 purposes and have the same effect as if the person so officially
108 signing such bonds had remained in office until their delivery to
109 the purchaser, or had been in office on the date such bonds may
110 bear. However, notwithstanding anything herein to the contrary,
111 such bonds may be issued as provided in the Registered Bond Act of
112 the State of Mississippi.

113 SECTION 6. All bonds and interest coupons issued under the
114 provisions of this act have all the qualities and incidents of
115 negotiable instruments under the provisions of the Uniform
116 Commercial Code, and in exercising the powers granted by this act,
117 the commission shall not be required to and need not comply with
118 the provisions of the Uniform Commercial Code.

119 SECTION 7. The commission shall act as the issuing agent for
120 the bonds authorized under this act, prescribe the form of the
121 bonds, advertise for and accept bids, issue and sell the bonds so
122 authorized to be sold, pay all fees and costs incurred in such
123 issuance and sale, and do any and all other things necessary and
124 advisable in connection with the issuance and sale of such bonds.

125 The commission is authorized and empowered to pay the costs that
126 are incident to the sale, issuance and delivery of the bonds
127 authorized under this act from the proceeds derived from the sale
128 of such bonds. The commission shall sell such bonds on sealed
129 bids at public sale, and for such price as it may determine to be
130 for the best interest of the State of Mississippi, but no such
131 sale shall be made at a price less than par plus accrued interest

132 to the date of delivery of the bonds to the purchaser. All
133 interest accruing on such bonds so issued shall be payable
134 semiannually or annually; however, the first interest payment may
135 be for any period of not more than one (1) year.

136 Notice of the sale of any such bond shall be published at
137 least one (1) time, not less than ten (10) days before the date of
138 sale, and shall be so published in one or more newspapers
139 published or having a general circulation in the City of Jackson,
140 Mississippi, and in one or more other newspapers or financial
141 journals with a national circulation, to be selected by the
142 commission.

143 The commission, when issuing any bonds under the authority of
144 this act, may provide that bonds, at the option of the state, may
145 be called in for payment and redemption at the call price named
146 therein and accrued interest on such date or dates named therein.

147 SECTION 8. The bonds issued under the provisions of this act
148 are general obligations of the State of Mississippi, and for the
149 payment thereof the full faith and credit of the State of
150 Mississippi is irrevocably pledged. If the funds appropriated by
151 the Legislature are insufficient to pay the principal of and the
152 interest on such bonds as they become due, then the deficiency
153 shall be paid by the State Treasurer from any funds in the State
154 Treasury not otherwise appropriated. All such bonds shall contain
155 recitals on their faces substantially covering the provisions of
156 this section.

157 SECTION 9. Upon the issuance and sale of bonds under the
158 provisions of this act, the commission shall transfer the proceeds
159 of any such sale or sales to the special fund created in Section 2
160 of this act. The proceeds of such bonds shall be disbursed solely
161 upon the order of the Department of Finance and Administration
162 under such restrictions, if any, as may be contained in the
163 resolution providing for the issuance of the bonds.

164 SECTION 10. The bonds authorized under this act may be

165 issued without any other proceedings or the happening of any other
166 conditions or things other than those proceedings, conditions and
167 things which are specified or required by this act. Any
168 resolution providing for the issuance of bonds under the
169 provisions of this act shall become effective immediately upon its
170 adoption by the commission, and any such resolution may be adopted
171 at any regular or special meeting of the commission by a majority
172 of its members.

173 SECTION 11. The bonds authorized under the authority of this
174 act may be validated in the Chancery Court of the First Judicial
175 District of Hinds County, Mississippi, in the manner and with the
176 force and effect provided by Chapter 13, Title 31, Mississippi
177 Code of 1972, for the validation of county, municipal, school
178 district and other bonds. The notice to taxpayers required by
179 such statutes shall be published in a newspaper published or
180 having a general circulation in the City of Jackson, Mississippi.

181 SECTION 12. Any holder of bonds issued under the provisions
182 of this act or of any of the interest coupons pertaining thereto
183 may, either at law or in equity, by suit, action, mandamus or
184 other proceeding, protect and enforce any and all rights granted
185 under this act, or under such resolution, and may enforce and
186 compel performance of all duties required by this act to be
187 performed, in order to provide for the payment of bonds and
188 interest thereon.

189 SECTION 13. All bonds issued under the provisions of this
190 act shall be legal investments for trustees and other fiduciaries,
191 and for savings banks, trust companies and insurance companies
192 organized under the laws of the State of Mississippi, and such
193 bonds shall be legal securities which may be deposited with and
194 shall be received by all public officers and bodies of this state
195 and all municipalities and political subdivisions for the purpose
196 of securing the deposit of public funds.

197 SECTION 14. Bonds issued under the provisions of this act

198 and income therefrom shall be exempt from all taxation in the
199 State of Mississippi.

200 SECTION 15. The proceeds of the bonds issued under this act
201 shall be used solely for the purposes therein provided, including
202 the costs incident to the issuance and sale of such bonds.

203 SECTION 16. The State Treasurer is authorized, without
204 further process of law, to certify to the Department of Finance
205 and Administration the necessity for warrants, and the Department
206 of Finance and Administration is authorized and directed to issue
207 such warrants, in such amounts as may be necessary to pay when due
208 the principal of, premium, if any, and interest on, or the
209 accreted value of, all bonds issued under this act; and the State
210 Treasurer shall forward the necessary amount to the designated
211 place or places of payment of such bonds in ample time to
212 discharge such bonds, or the interest thereon, on the due dates
213 thereof.

214 SECTION 17. This act shall be deemed to be full and complete
215 authority for the exercise of the powers therein granted, but this
216 act shall not be deemed to repeal or to be in derogation of any
217 existing law of this state.

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