

By: Representatives Miles, Baker, Ellzey,  
Hamilton, Holland, Hudson, Maples, Markham,  
Pierce, Taylor, Ward

To: Ways and Means

HOUSE BILL NO. 278

1 AN ACT TO AUTHORIZE THE DEPARTMENT OF AGRICULTURE AND  
2 COMMERCE TO USE THE PROCEEDS OF THE BONDS AUTHORIZED TO BE ISSUED  
3 UNDER THIS ACT TO PROVIDE GRANTS TO COUNTIES AND MUNICIPALITIES  
4 FOR THE CONSTRUCTION, RENOVATION AND EXPANSION OF LIVESTOCK  
5 FACILITIES; TO PROVIDE THAT ANY COUNTY OR MUNICIPALITY THAT  
6 RECEIVES A GRANT SHALL BE REQUIRED TO MATCH THE AMOUNT OF THE  
7 GRANT WITH AN EQUAL AMOUNT OF CASH; TO LIMIT THE MAXIMUM AMOUNT OF  
8 SUCH GRANTS FOR ANY ONE LOCATION; TO LIMIT THE COUNTIES AND  
9 MUNICIPALITIES THAT MAY APPLY FOR SUCH GRANTS; TO AUTHORIZE THE  
10 ISSUANCE OF GENERAL OBLIGATION BONDS TO PROVIDE A SOURCE OF FUNDS  
11 FOR SUCH GRANTS; AND FOR RELATED PURPOSES.

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

13 SECTION 1. (1) The Department of Agriculture and Commerce  
14 may use the proceeds of the bonds authorized to be issued by  
15 Sections 1 through 15 of this act to provide grants to counties  
16 and municipalities to provide funds for the construction,  
17 renovation and expansion of livestock facilities. Counties and  
18 municipalities must demonstrate to the satisfaction of the  
19 Department of Agriculture and Commerce that they are able to  
20 operate and maintain the livestock facilities in order to receive  
21 a grant. Any county or municipality that receives a grant from  
22 the Department of Agriculture and Commerce shall be required to  
23 match the amount of the grant with an equal amount of cash which  
24 shall be used together with the grant for the construction,  
25 renovation or expansion of livestock facilities in the county or  
26 municipality; however, a portion of such matching funds not to  
27 exceed Twenty-five Thousand Dollars (\$25,000.00) may be provided  
28 in the form of in-kind contributions satisfactory to the  
29 Department of Agriculture and Commerce. Funds for the grant  
30 program authorized in this section shall not be restricted by  
31 congressional districts. The amount of any grant that the



32 Department of Agriculture and Commerce may provide for the  
33 construction, renovation or expansion of livestock facilities at  
34 any one (1) location shall not be more than Five Hundred Thousand  
35 Dollars (\$500,000.00). Counties and municipalities that received  
36 proceeds of bonds issued under Sections 18 through 32 of Chapter  
37 530, Laws of 1995, cannot apply to use bonds authorized to be  
38 issued by Sections 1 through 15 of this act; however, if all the  
39 funds have not been obligated for grants, such funds may be  
40 utilized for grants for any county or municipality that did not  
41 previously reach the maximum amount of grant that may have been  
42 awarded by the Department of Agriculture and Commerce under  
43 Sections 18 through 32 of Chapter 530, Laws of 1995. The  
44 construction, renovation or expansion of livestock facilities  
45 using grants from the Department of Agriculture and Commerce shall  
46 not be required to be performed by or under the supervision of the  
47 Bureau of Building, Grounds and Real Property Management of the  
48 Department of Finance and Administration.

49 (2) The Department of Agriculture and Commerce shall adopt  
50 necessary rules and regulations to govern the administration of  
51 the program described in subsection (1) of this section,  
52 including, but not limited to, rules and regulations governing  
53 applications for grants and rules and regulations providing for  
54 the equitable distribution of grant funds. The Department of  
55 Agriculture and Commerce shall comply with the provisions of the  
56 Mississippi Administrative Procedures Law.

57 SECTION 2. (1) The Department of Agriculture and Commerce,  
58 at one time or from time to time, may declare by resolution the  
59 necessity for issuance of general obligation bonds of the State of  
60 Mississippi to provide funds for the grant program authorized in  
61 Section 1 of this act.

62 (2) Upon the adoption of a resolution by the Department of  
63 Agriculture and Commerce declaring the necessity for the issuance  
64 of any part or all of the general obligation bonds authorized by



65 this section, the department shall deliver a certified copy of its  
66 resolution or resolutions to the State Bond Commission. Upon  
67 receipt of such resolution, the State Bond Commission, in its  
68 discretion, may act as the issuing agent, prescribe the form of  
69 the bonds, advertise for and accept bids, issue and sell the bonds  
70 so authorized to be sold, and do any and all other things  
71 necessary and advisable in connection with the issuance and sale  
72 of such bonds.

73 (3) The amount of bonds issued under Sections 1 through 15  
74 of this act shall not exceed Five Million Dollars (\$5,000,000.00).

75 SECTION 3. The principal of and interest on the bonds  
76 authorized under Sections 1 through 15 of this act shall be  
77 payable in the manner provided in this section. Such bonds shall  
78 bear such date or dates, be in such denomination or denominations,  
79 bear interest at such rate or rates not exceeding the limits set  
80 forth in Section 75-17-101, be payable at such place or places  
81 within or without the State of Mississippi, shall mature  
82 absolutely at such time or times not to exceed twenty (20) years  
83 from date of issue, be redeemable before maturity at such time or  
84 times and upon such terms, with or without premium, shall bear  
85 such registration privileges, and shall be substantially in such  
86 form, all as determined by resolution of the State Bond  
87 Commission.

88 SECTION 4. The bonds authorized under Sections 1 through 15  
89 of this act shall be signed by the Chairman of the State Bond  
90 Commission, or by his facsimile signature, and the official seal  
91 of the State Bond Commission shall be affixed thereto, attested by  
92 the Secretary of the State Bond Commission. The interest coupons,  
93 if any, to be attached to such bonds may be executed by the  
94 facsimile signatures of such officers. Whenever any such bonds  
95 shall have been signed by the officials designated to sign the  
96 bonds who were in office at the time of such signing but who may  
97 have ceased to be such officers before the sale and delivery of



98 such bonds, or who may not have been in office on the date such  
99 bonds may bear, the signatures of such officers upon such bonds  
100 and coupons shall nevertheless be valid and sufficient for all  
101 purposes and have the same effect as if the person so officially  
102 signing such bonds had remained in office until their delivery to  
103 the purchaser, or had been in office on the date such bonds may  
104 bear. However, notwithstanding anything in Sections 1 through 15  
105 of this act to the contrary, such bonds may be issued as provided  
106 in the Registered Bond Act of the State of Mississippi.

107 SECTION 5. All bonds and interest coupons issued under the  
108 provisions of Sections 1 through 15 of this act have all the  
109 qualities and incidents of negotiable instruments under the  
110 provisions of the Uniform Commercial Code, and in exercising the  
111 powers granted by Sections 1 through 15 of this act, the State  
112 Bond Commission shall not be required to and need not comply with  
113 the provisions of the Uniform Commercial Code.

114 SECTION 6. The State Bond Commission shall act as the  
115 issuing agent for the bonds authorized under Sections 1 through 15  
116 of this act, prescribe the form of the bonds, advertise for and  
117 accept bids, issue and sell the bonds so authorized to be sold,  
118 pay all fees and costs incurred in such issuance and sale, and do  
119 all other things necessary and advisable in connection with the  
120 issuance and sale of the bonds. The State Bond Commission may pay  
121 the costs that are incident to the sale, issuance and delivery of  
122 the bonds authorized under Sections 1 through 15 of this act from  
123 the proceeds derived from the sale of the bonds. The State Bond  
124 Commission shall sell such bonds on sealed bids at public sale,  
125 and for such price as it may determine to be for the best interest  
126 of the State of Mississippi, but no such sale may be made at a  
127 price less than par plus accrued interest to the date of delivery  
128 of the bonds to the purchaser. All interest accruing on such  
129 bonds so issued shall be payable semiannually or annually;



130 however, the first interest payment may be for any period of not  
131 more than one (1) year.

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

139 The State Bond Commission, when issuing any bonds under the  
140 authority of Sections 1 through 15 of this act, may provide that  
141 the bonds, at the option of the State of Mississippi, may be  
142 called in for payment and redemption at the call price named  
143 therein and accrued interest on such date or dates named therein.

144 SECTION 7. The bonds issued under the provisions of Sections  
145 1 through 15 of this act are general obligations of the State of  
146 Mississippi, and for the payment thereof the full faith and credit  
147 of the State of Mississippi are irrevocably pledged. If the funds  
148 appropriated by the Legislature are insufficient to pay the  
149 principal of and the interest on such bonds as they become due,  
150 then the deficiency shall be paid by the State Treasurer from any  
151 funds in the State Treasury not otherwise appropriated. All such  
152 bonds shall contain recitals on their faces substantially covering  
153 the provisions of this section.

154 SECTION 8. The State Treasurer is authorized to certify to  
155 the State Fiscal Officer the necessity for warrants, and the State  
156 Fiscal Officer is authorized and directed to issue such warrants,  
157 in such amounts as may be necessary to pay when due the principal  
158 of, premium, if any, and interest on, or the accreted value of,  
159 all bonds issued under Sections 1 through 15 of this act; and the  
160 State Treasurer shall forward the necessary amount to the  
161 designated place or places of payment of such bonds in ample time



162 to discharge such bonds, or the interest on the bonds, on their  
163 due dates.

164 SECTION 9. Upon the issuance and sale of bonds under  
165 Sections 1 through 15 of this act, the State Bond Commission shall  
166 deposit the proceeds of any such sale or sales in a special fund  
167 created in the State Treasury to be known as the "Livestock  
168 Facilities Grant Fund." The proceeds of such bonds shall be used  
169 solely for the purposes provided in Sections 1 through 15 of this  
170 act, including the costs incident to the issuance and sale of such  
171 bonds. The costs incident to the issuance and sale of such bonds  
172 shall be disbursed by warrant upon requisition of the State Bond  
173 Commission, signed by the chairman of the commission. The  
174 remaining monies in the fund shall be expended solely under the  
175 direction of the Department of Finance and Administration under  
176 such restrictions, if any, as may be contained in the resolution  
177 providing for the issuance of the bonds, and such funds shall be  
178 paid by the State Treasurer upon warrants issued by the State  
179 Fiscal Officer.

180 SECTION 10. The bonds authorized under Sections 1 through 15  
181 of this act may be issued without any other proceedings or the  
182 happening of any other conditions or things other than those  
183 proceedings, conditions and things that are specified or required  
184 by this act. Any resolution providing for the issuance of bonds  
185 under Sections 1 through 15 of this act shall become effective  
186 immediately upon its adoption by the State Bond Commission, and  
187 any such resolution may be adopted at any regular or special  
188 meeting of the State Bond Commission by a majority of its members.

189 SECTION 11. The bonds authorized under the authority of  
190 Sections 1 through 15 of this act may be validated in the Chancery  
191 Court of the First Judicial District of Hinds County, Mississippi,  
192 in the manner and with the force and effect provided by Chapter  
193 13, Title 31, Mississippi Code of 1972, for the validation of  
194 county, municipal, school district and other bonds. The notice to



195 taxpayers required by such statutes shall be published in a  
196 newspaper published or having a general circulation in the City of  
197 Jackson, Mississippi.

198 SECTION 12. Any holder of bonds issued under Sections 1  
199 through 15 of this act or of any of the interest coupons  
200 pertaining to the bonds may, either at law or in equity, by suit,  
201 action, mandamus or other proceeding, protect and enforce all  
202 rights granted under Sections 1 through 15 of this act, or under  
203 such resolution, and may enforce and compel performance of all  
204 duties required by Sections 1 through 15 of this act to be  
205 performed, in order to provide for the payment of bonds and  
206 interest on the bonds.

207 SECTION 13. All bonds issued under Sections 1 through 15 of  
208 this act shall be legal investments for trustees and other  
209 fiduciaries, and for savings banks, trust companies and insurance  
210 companies organized under the laws of the State of Mississippi,  
211 and such bonds shall be legal securities that may be deposited  
212 with and shall be received by all public officers and bodies of  
213 this state and all municipalities and political subdivisions for  
214 the purpose of securing the deposit of public funds.

215 SECTION 14. Bonds issued under Sections 1 through 15 of this  
216 act and income from the bonds shall be exempt from all taxation in  
217 the State of Mississippi.

218 SECTION 15. Sections 1 through 15 of this act shall be  
219 deemed to be full and complete authority for the exercise of the  
220 powers therein granted, but Sections 1 through 15 of this act  
221 shall not be deemed to repeal or to be in derogation of any  
222 existing law of this state.

223 **SECTION 16. This act shall take effect and be in force from**  
224 **and after its passage.**

