HOUSE BILL NO. 278

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

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

SECTION 1. (1) The Department of Agriculture and Commerce
may use the proceeds of the bonds authorized to be issued by
Sections 1 through 15 of this act to provide grants to counties
and municipalities to provide funds for the construction,
renovation and expansion of livestock facilities. Counties and
municipalities must demonstrate to the satisfaction of the
Department of Agriculture and Commerce that they are able to
operate and maintain the livestock facilities in order to receive
a grant. Any county or municipality that receives a grant from
the Department of Agriculture and Commerce shall be required to
match the amount of the grant with an equal amount of cash which
shall be used together with the grant for the construction,
renovation or expansion of livestock facilities in the county or
municipality; however, a portion of such matching funds not to
exceed Twenty-five Thousand Dollars ($25,000.00) may be provided
in the form of in-kind contributions satisfactory to the
Department of Agriculture and Commerce. Funds for the grant
program authorized in this section shall not be restricted by
congressional districts. The amount of any grant that the
Department of Agriculture and Commerce may provide for the
construction, renovation or expansion of livestock facilities at
any one (1) location shall not be more than Five Hundred Thousand
Dollars ($500,000.00). Counties and municipalities that received
proceeds of bonds issued under Sections 18 through 32 of Chapter
530, Laws of 1995, cannot apply to use bonds authorized to be
issued by Sections 1 through 15 of this act; however, if all the
funds have not been obligated for grants, such funds may be
utilized for grants for any county or municipality that did not
previously reach the maximum amount of grant that may have been
awarded by the Department of Agriculture and Commerce under
Sections 18 through 32 of Chapter 530, Laws of 1995. The
construction, renovation or expansion of livestock facilities
using grants from the Department of Agriculture and Commerce shall
not be required to be performed by or under the supervision of the
Bureau of Building, Grounds and Real Property Management of the
Department of Finance and Administration.

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

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

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

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

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

SECTION 4. The bonds authorized under Sections 1 through 15
of this act shall be signed by the Chairman of the State Bond
Commission, or by his facsimile signature, and the official seal
of the State Bond Commission shall be affixed thereto, attested by
the Secretary of the State Bond Commission. The interest coupons,
if any, to be attached to such bonds may be executed by the
facsimile signatures of such officers. Whenever any such bonds
shall have been signed by the officials designated to sign the
bonds who were in office at the time of such signing but who may
have ceased to be such officers before the sale and delivery of
such bonds, or who may not have been in office on the date such
bonds may bear, the signatures of such officers upon such bonds
and coupons shall nevertheless be valid and sufficient for all
purposes and have the same effect as if the person so officially
signing such bonds had remained in office until their delivery to
the purchaser, or had been in office on the date such bonds may
bear. However, notwithstanding anything in Sections 1 through 15
of this act to the contrary, such bonds may be issued as provided
in the Registered Bond Act of the State of Mississippi.

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

SECTION 6. The State Bond Commission shall act as the
issuing agent for the bonds authorized under Sections 1 through 15
of this act, prescribe the form of the bonds, advertise for and
accept bids, issue and sell the bonds so authorized to be sold,
pay all fees and costs incurred in such issuance and sale, and do
all other things necessary and advisable in connection with the
issuance and sale of the bonds. The State Bond Commission may pay
the costs that are incident to the sale, issuance and delivery of
the bonds authorized under Sections 1 through 15 of this act from
the proceeds derived from the sale of the bonds. The State Bond
Commission shall sell such bonds on sealed bids at public sale,
and for such price as it may determine to be for the best interest
of the State of Mississippi, but no such sale may be made at a
price less than par plus accrued interest to the date of delivery
of the bonds to the purchaser. All interest accruing on such
bonds so issued shall be payable semiannually or annually;
however, the first interest payment may be for any period of not
more than one (1) year.

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

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

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

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

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

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

SECTION 11. The bonds authorized under the authority of Sections 1 through 15 of this act may be validated in the Chancery Court of the First Judicial District of Hinds County, Mississippi, in the manner and with the force and effect provided by Chapter 13, Title 31, Mississippi Code of 1972, for the validation of county, municipal, school district and other bonds. The notice to
taxpayers required by such statutes shall be published in a
newspaper published or having a general circulation in the City of
Jackson, Mississippi.

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

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

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

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

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