MISSISSIPPI LEGISLATURE

To: Ways and Means; Game and Fish

By: Representative Chism

HOUSE BILL NO. 291

AN ACT TO AUTHORIZE THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE STATE OF MISSISSIPPI FOR THE PURPOSE OF CONSTRUCTION AND DEVELOPMENT OF A GOLF COURSE AND RELATED FACILITIES AT LAKE LOWNDES STATE PARK; TO ALLOW LOCAL GOVERNMENTS TO PARTICIPATE IN THE GOLF COURSE PROJECT AT LAKE LOWNDES STATE PARK, AS PROVIDED IN THIS ACT; AND FOR RELATED PURPOSES.

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

SECTION 1. As used in Sections 1 through 17 of this act, the following words shall have the meanings ascribed herein unless the context clearly requires otherwise:

(a) "Commission" means the Commission on Wildlife, Fisheries and Parks.

(b) "Department" means the Department of Finance and Administration.

SECTION 2. (1) (a) A special fund, to be designated as the "2001 Lake Lowndes Golf Course Construction Fund" is created within the State Treasury. The fund shall be maintained by the State Treasurer as a separate and special fund, separate and apart from the General Fund of the state and investment earnings on amounts in the fund shall be deposited into such fund.

(b) Monies deposited into the fund shall be disbursed, in the discretion of the Commission on Wildlife, Fisheries and Parks, to pay the costs of construction and development of a golf course and related facilities at Lake Lowndes State Park as described in Section 3 of this act.

(2) Amounts deposited into such special fund shall be disbursed to pay the costs of the project described in Section 3 of this act. Promptly after the commission has certified, by resolution duly adopted, that the projects described in Section 3
of this act have been completed, abandoned or cannot be completed
in a timely fashion, any amounts remaining in such special fund
shall be applied to pay debt service on the bonds issued under
this act, in accordance with the proceedings authorizing the
issuance of such bonds and as directed by the State Bond
Commission.

(3) The Department of Wildlife, Fisheries and Parks may
receive and expend any local or other source funds in connection
with the expenditure of funds provided for in this section. The
expenditure of monies deposited into the special fund shall be
under the direction of the Commission on Wildlife, Fisheries and
Parks, and such funds shall be paid by the State Treasurer upon
warrants issued by such commission, which warrants shall be issued
upon requisitions signed by the Executive Director of the
Department of Finance and Administration or his designee.

SECTION 3. (1) (a) Before the issuance of any of the bonds
authorized under Sections 1 through 17 of this act, the commission
shall forward to the State Bond Commission its resolution
declaring the necessity for the issuance of general obligation
bonds as authorized by Sections 1 through 17 of this act for the
purpose of development and construction at the Lake Lowndes State
Park of the following: an eighteen-hole golf course, a driving
range, practice areas, a clubhouse facility which shall include
service of food and beverages, a cart storage facility,
maintenance areas and equipment, any other appurtenances related
to the operation of such golf facilities and all furnishings and
equipment.

(b) All clubhouse facilities, cart storage facilities,
maintenance areas and equipment, and any other appurtenances
related to the operation of the golf course and all furnishings
and equipment described in paragraph (a) of this subsection (1)
shall be of the same design, size, and specifications as those at
the Mallard Pointe Golf Course at John Kyle State Park.
(2) All contracts for construction performed or related to the projects authorized under Sections 1 through 17 of this act shall be advertised, bid and accepted by the commission in accordance with the same procedure as prescribed for the advertisement and acceptance of bids for the purchase of commodities and contracts for public construction under Section 31-7-1 et seq. Contracts for professional services shall be in accordance with a fair and open procedure similar to that used by the Department of Finance and Administration.

SECTION 4. Upon receipt of a certified copy of a resolution of the commission declaring the necessity for the issuance of any part or all of the bonds authorized by Sections 1 through 17 of this act, the State Bond Commission is authorized and empowered, at one time or from time to time, to declare the necessity for issuance of, and to sell and issue general obligation bonds of the State of Mississippi in the principal amount requested, not to exceed an aggregate principal amount of Five Million Dollars ($5,000,000.00), for the purposes hereinabove set forth. The State Bond Commission is authorized and empowered to pay the costs that are incident to the sale, issuance and delivery of the bonds authorized under Sections 1 through 17 of this act, from the proceeds derived from the sale of such bonds.

SECTION 5. The principal of and interest on the bonds authorized under Sections 1 through 17 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 to exceed the limit set forth in Section 8 of this act), 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-five (25) 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 shall be determined by resolution of the State
Bond Commission.

SECTION 6. The bonds authorized by Sections 1 through 17 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 herein 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 the delivery of
the same to the purchaser, or had been in office on the date such
bonds may bear. However, notwithstanding anything herein to the
contrary, such bonds may be issued as provided in the Registered
Bond Act of the State of Mississippi.

SECTION 7. All bonds and interest coupons issued under
Sections 1 through 17 of this act, have all the qualities and
incidents of negotiable instruments under the provisions of the
Mississippi Uniform Commercial Code and in exercising the powers
granted by Sections 1 through 17 of this act, the State Bond
Commission shall not be required to and need not comply with the
provisions of the Mississippi Uniform Commercial Code. Such bonds
and income therefrom shall be exempt from all taxation within the
State of Mississippi.

SECTION 8. The State Bond Commission shall act as the
issuing agent for the bonds authorized under Sections 1 through 17
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 any and all other things necessary and advisable in connection with the issuance and sale of such 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 17 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 shall be made at a price less than par plus accrued interest to date of delivery of the bonds to the purchaser. All bonds shall bear interest at such rate or rates not exceeding the limits set forth in Section 75-17-101. All interest accruing on such bonds so issued shall be payable semiannually or annually, except that 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 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 17 of this act, may provide that 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 9. The bonds issued under the provisions of Sections 1 through 17 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 is hereby 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 10. The State Treasurer is authorized to certify to the Executive Director of the Department of Finance and Administration the necessity for warrants, and the executive director is authorized and directed to issue such warrants, in such amounts as may be necessary to pay when due the principal of and interest on all bonds issued under the provisions of Sections 1 through 17 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 thereon, on the due dates thereof.

SECTION 11. The bonds authorized under Sections 1 through 17 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 which are specified or required by Sections 1 through 17 of this act. Any resolution providing for the issuance of general obligation bonds under the provisions of Sections 1 through 17 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 12. The bonds authorized under the authority of Sections 1 through 17 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 13. The proceeds of the bonds authorized in Sections
1 through 17 of this act shall be deposited in a special fund
created in the State Treasury to be known as the "2001 Lake
Lowndes Golf Course Construction Fund." The proceeds of such
bonds shall be used solely for the purposes provided in Sections 1
through 17 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 Governor.
The expenditure of the remaining money shall be under the
direction of the Commission on Wildlife, Fisheries and Parks, and
such funds shall be paid by the State Treasurer upon warrants
issued by the Executive Director of the Department of Finance and
Administration.

SECTION 14. Any holder of bonds issued under the provisions
of Sections 1 through 17 of this act, or of any of the interest
coupons pertaining thereto may, either at law or in equity, by
suit, action, mandamus or other proceeding, protect and enforce
any and all rights granted under Sections 1 through 17 of this
act, or under such resolution, and may enforce and compel
performance of all duties required by Sections 1 through 17 of
this act to be performed, in order to provide for the payment of
bonds and interest thereon.

SECTION 15. All bonds issued under the provisions of
Sections 1 through 17 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
which 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 16. The provisions of Sections 1 through 17 of this act shall be deemed to be full and complete authority for the exercise of the powers therein granted, but Sections 1 through 17 of this act shall not be deemed to repeal or to be in derogation of any existing law of this state.

SECTION 17. For the purpose of aiding in the planning, design, undertaking and carrying out of the project specified in Section 3 of this act, any county or municipality, or governmental subdivision thereof, is authorized to contribute funds or property to defray any expenses of the specified project; to furnish or pledge public resources to the project, including but not limited to, buildings, facilities, equipment and employees; or to participate in the effectuation of the specified project in any manner.

SECTION 18. After authorization by the commission, any person who is employed by the Department of Wildlife, Fisheries and Parks as a golf professional at the Lake Lowndes State Park golf course may charge and collect fees for teaching golf lessons at the park in reasonable amounts that have been approved in advance by the commission. Any such person who charges and collects fees for teaching golf lessons shall be authorized to keep those fees as personal income in addition to his regular salary from the Department of Wildlife, Fisheries and Parks. Such fees shall not be considered to be public funds. However, each person who charges and collects such fees shall keep a detailed record of all fees collected and shall report to the commission on a regular basis, as prescribed by the commission, the amount of all fees collected during the preceding reporting period.

SECTION 19. This act shall take effect and be in force from and after July 1, 2001.