

By: Representative Ryals

To: Ways and Means

HOUSE BILL NO. 1256

1 AN ACT TO AMEND CHAPTER 453, LAWS OF 1999, TO REQUIRE THE
 2 COMMISSION ON WILDLIFE, FISHERIES AND PARKS TO ADOPT A RESOLUTION
 3 DECLARING THE NECESSITY FOR THE ISSUANCE OF BONDS AUTHORIZED FOR
 4 THE PURPOSE OF CONSTRUCTING A GOLF COURSE AND RELATED FACILITIES
 5 AT THE HUGH WHITE STATE PARK; TO DELETE THE REQUIREMENT THAT THE
 6 COMMISSION ON WILDLIFE, FISHERIES AND PARKS MAKE A DETERMINATION
 7 THAT THE GOLF COURSE WILL BE FINANCIALLY FEASIBLE BEFORE BONDS MAY
 8 BE ISSUED FOR THE PROJECT; TO PROVIDE THAT THE SPECIAL FUND
 9 CREATED IN THE STATE TREASURY FOR THE DEPOSIT OF BOND PROCEEDS FOR
 10 THE PURPOSE OF CONSTRUCTING THE GOLF COURSE AND RELATED FACILITIES
 11 SHALL BE UNDER THE DIRECTION OF THE DEPARTMENT OF FINANCE AND
 12 ADMINISTRATION; TO PROVIDE THAT UPON COMPLETION OF THE GOLF COURSE
 13 AND RELATED FACILITIES, THE DEPARTMENT OF WILDLIFE, FISHERIES AND
 14 PARKS SHALL ASSUME ALL SUPERVISION, MANAGEMENT, OPERATION,
 15 MAINTENANCE OF THE PROJECTS AND SHALL USE DEPARTMENT EMPLOYEES FOR
 16 SUCH PURPOSES; AND FOR RELATED PURPOSES.

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

18 SECTION 1. Chapter 453, Laws of 1999, is amended as follows:

19 Section 1. As used in Sections 1 through 16 of this act, the
 20 following words shall have the meanings ascribed herein unless the
 21 context clearly requires otherwise:

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

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

26 Section 2. (1) (a) A special fund, to be designated as the
 27 "1999 Hugh White Golf Course Construction Fund" is created within
 28 the State Treasury. The fund shall be maintained by the State
 29 Treasurer as a separate and special fund, separate and apart from
 30 the General Fund of the state and investment earnings on amounts
 31 in the fund shall be deposited into such fund. Unexpended amounts
 32 remaining in the fund at the end of a fiscal year shall not lapse

33 into the State General Fund, and any interest earned or investment
34 earnings on amounts in the fund shall be deposited to the credit
35 of the fund.

36 (b) Monies deposited into the fund shall be disbursed,
37 in the discretion of the department, to pay the costs of
38 construction and development of a golf course and related
39 facilities at Hugh White State Park as described in Section 3 of
40 this act.

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

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

59 Section 3. (1) (a) * * * Bonds issued under Sections 1
60 through 16 of this act may be used for the purpose of development
61 and construction at the Hugh White State Park of the following:
62 an eighteen-hole golf course, a driving range, practice areas, a
63 clubhouse facility which shall include service of food and
64 beverages, a cart storage facility, maintenance areas and

65 equipment, any other appurtenances related to the operation of
66 such golf facilities and all furnishings and equipment.

67 (b) All clubhouse facilities, cart storage facilities,
68 maintenance areas and equipment, and any other appurtenances
69 related to the operation of the golf course and all furnishings
70 and equipment described in paragraph (a) of this subsection (1)
71 shall be of similar design, size and specifications as those at
72 the Mallard Pointe Golf Course at John Kyle State Park.

73 (2) All contracts for construction performed or related to
74 the projects authorized under Sections 1 through 16 of this act
75 shall be advertised, bid and accepted by the department in
76 accordance with the same procedure as prescribed for the
77 advertisement and acceptance of bids for the purchase of
78 commodities and contracts for public construction under Section
79 31-7-1 et seq. Contracts for professional services shall be in
80 accordance with a fair and open procedure similar to that used by
81 the department * * *.

82 (3) Upon completion of the projects described in this
83 section, the Department of Wildlife, Fisheries and Parks shall
84 assume all supervision, management, operation and maintenance of
85 such projects. The Department of Wildlife, Fisheries and Parks
86 shall use department employees for such purposes.

87 Section 4. The commission shall adopt a resolution declaring
88 the necessity for issuance of general obligation bonds of the
89 State of Mississippi to provide funds for all costs incurred or to
90 be incurred for the purposes described in Section 3 of this act.
91 Upon the adoption of a resolution by the commission, declaring the
92 necessity for the issuance of any part or all of the general
93 obligation bonds authorized by this section, the commission shall
94 deliver a certified copy of its resolution or resolutions to the
95 State Bond Commission. Upon receipt of such resolution, the State
96 Bond Commission is authorized and empowered, at one time or from
97 time to time, to declare the necessity for issuance of, and to

98 sell and issue general obligation bonds of the State of
99 Mississippi in the principal amount requested, not to exceed an
100 aggregate principal amount of Five Million Dollars
101 (\$5,000,000.00), for the purposes hereinabove set forth. The
102 State Bond Commission is authorized and empowered to pay the costs
103 that are incident to the sale, issuance and delivery of the bonds
104 authorized under Sections 1 through 16 of this act, from the
105 proceeds derived from the sale of such bonds.

106 Section 5. The principal of and interest on the bonds
107 authorized under Sections 1 through 16 of this act shall be
108 payable in the manner provided in this section. Such bonds shall
109 bear such date or dates, be in such denomination or denominations,
110 bear interest at such rate or rates (not to exceed the limit set
111 forth in Section 8 of this act), be payable at such place or
112 places within or without the State of Mississippi, shall mature
113 absolutely at such time or times not to exceed twenty-five (25)
114 years from date of issue, be redeemable before maturity at such
115 time or times and upon such terms, with or without premium, shall
116 bear such registration privileges, and shall be substantially in
117 such form, all as shall be determined by resolution of the State
118 Bond Commission.

119 Section 6. The bonds authorized by Section 4 of this act
120 shall be signed by the Chairman of the State Bond Commission, or
121 by his facsimile signature, and the official seal of the State
122 Bond Commission shall be affixed thereto, attested by the
123 Secretary of the State Bond Commission. The interest coupons, if
124 any, to be attached to such bonds may be executed by the facsimile
125 signatures of such officers. Whenever any such bonds shall have
126 been signed by the officials herein designated to sign the bonds,
127 who were in office at the time of such signing but who may have
128 ceased to be such officers before the sale and delivery of such
129 bonds, or who may not have been in office on the date such bonds
130 may bear, the signatures of such officers upon such bonds and

131 coupons shall nevertheless be valid and sufficient for all
132 purposes and have the same effect as if the person so officially
133 signing such bonds had remained in office until the delivery of
134 the same to the purchaser, or had been in office on the date such
135 bonds may bear. However, notwithstanding anything herein to the
136 contrary, such bonds may be issued as provided in the Registered
137 Bond Act of the State of Mississippi.

138 Section 7. All bonds and interest coupons issued under
139 Sections 1 through 16 of this act, have all the qualities and
140 incidents of negotiable instruments under the provisions of the
141 Mississippi Uniform Commercial Code and in exercising the powers
142 granted by Sections 1 through 16 of this act, the State Bond
143 Commission shall not be required to and need not comply with the
144 provisions of the Mississippi Uniform Commercial Code. Such bonds
145 and income therefrom shall be exempt from all taxation within the
146 State of Mississippi.

147 Section 8. The State Bond Commission shall act as the
148 issuing agent for the bonds authorized under Sections 1 through 16
149 of this act, prescribe the form of the bonds, advertise for and
150 accept bids, issue and sell the bonds so authorized to be sold,
151 pay all fees and costs incurred in such issuance and sale, and do
152 any and all other things necessary and advisable in connection
153 with the issuance and sale of such bonds. The State Bond
154 Commission may pay the costs that are incident to the sale,
155 issuance and delivery of the bonds authorized under Sections 1
156 through 16 of this act from the proceeds derived from the sale of
157 the bonds. The State Bond Commission shall sell such bonds on
158 sealed bids at public sale and for such price as it may determine
159 to be for the best interest of the State of Mississippi, but no
160 such sale shall be made at a price less than par plus accrued
161 interest to date of delivery of the bonds to the purchaser. All
162 bonds shall bear interest at such rate or rates not exceeding the
163 limits set forth in Section 75-17-101. All interest accruing on

164 such bonds so issued shall be payable semiannually or annually,
165 except that the first interest payment may be for any period of
166 not more than one (1) year.

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

173 The State Bond Commission, when issuing any bonds under the
174 authority of Sections 1 through 16 of this act, may provide that
175 bonds, at the option of the State of Mississippi, may be called in
176 for payment and redemption at the call price named therein and
177 accrued interest on such date or dates named therein.

178 Section 9. The bonds issued under the provisions of Sections
179 1 through 16 of this act are general obligations of the State of
180 Mississippi, and for the payment thereof the full faith and credit
181 of the State of Mississippi is hereby irrevocably pledged. If the
182 funds appropriated by the Legislature are insufficient to pay the
183 principal of and the interest on such bonds as they become due,
184 then the deficiency shall be paid by the State Treasurer from any
185 funds in the State Treasury not otherwise appropriated. All such
186 bonds shall contain recitals on their faces substantially covering
187 the provisions of this section.

188 Section 10. The State Treasurer is authorized to certify to
189 the Executive Director of the Department of Finance and
190 Administration the necessity for warrants, and the executive
191 director is authorized and directed to issue such warrants, in
192 such amounts as may be necessary to pay when due the principal of
193 and interest on all bonds issued under the provisions of Sections
194 1 through 16 of this act; and the State Treasurer shall forward
195 the necessary amount to the designated place or places of payment

196 of such bonds in ample time to discharge such bonds, or the
197 interest thereon, on the due dates thereof.

198 Section 11. The bonds authorized under Sections 1 through 16
199 of this act may be issued without any other proceedings or the
200 happening of any other conditions or things other than those
201 proceedings, conditions and things which are specified or required
202 by Sections 1 through 16 of this act. Any resolution providing
203 for the issuance of general obligation bonds under the provisions
204 of Sections 1 through 16 of this act shall become effective
205 immediately upon its adoption by the State Bond Commission, and
206 any such resolution may be adopted at any regular or special
207 meeting of the State Bond Commission by a majority of its members.

208 Section 12. The bonds authorized under the authority of
209 Sections 1 through 16 of this act may be validated in the Chancery
210 Court of the First Judicial District of Hinds County, Mississippi,
211 in the manner and with the force and effect provided by Chapter
212 13, Title 31, Mississippi Code of 1972, for the validation of
213 county, municipal, school district and other bonds. The notice to
214 taxpayers required by such statutes shall be published in a
215 newspaper published or having a general circulation in the City of
216 Jackson, Mississippi.

217 Section 13. The proceeds of the bonds authorized in Sections
218 1 through 16 of this act shall be deposited in a special fund
219 created in the State Treasury to be known as the "1999 Hugh White
220 Golf Course Construction Fund." The proceeds of such bonds shall
221 be used solely for the purposes provided in Sections 1 through 16
222 of this act, including the costs incident to the issuance and sale
223 of such bonds. The costs incident to the issuance and sale of
224 such bonds shall be disbursed by warrant upon requisition of the
225 State Bond Commission, signed by the Governor. The expenditure of
226 the remaining money shall be under the direction of the department
227 and such funds shall be paid by the State Treasurer upon warrants

228 issued by the Executive Director of the Department of Finance and
229 Administration.

230 Section 14. Any holder of bonds issued under the provisions
231 of Sections 1 through 16 of this act, or of any of the interest
232 coupons pertaining thereto may, either at law or in equity, by
233 suit, action, mandamus or other proceeding, protect and enforce
234 any and all rights granted under Sections 1 through 16 of this
235 act, or under such resolution, and may enforce and compel
236 performance of all duties required by Sections 1 through 16 of
237 this act to be performed, in order to provide for the payment of
238 bonds and interest thereon.

239 Section 15. All bonds issued under the provisions of
240 Sections 1 through 16 of this act shall be legal investments for
241 trustees and other fiduciaries, and for savings banks, trust
242 companies and insurance companies organized under the laws of the
243 State of Mississippi, and such bonds shall be legal securities
244 which may be deposited with and shall be received by all public
245 officers and bodies of this state and all municipalities and
246 political subdivisions for the purpose of securing the deposit of
247 public funds.

248 Section 16. The provisions of Sections 1 through 16 of this
249 act shall be deemed to be full and complete authority for the
250 exercise of the powers therein granted, but Sections 1 through 16
251 of this act shall not be deemed to repeal or to be in derogation
252 of any existing law of this state.

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

260 participate in the effectuation of the specified project in any
261 manner.

262 Section 18. After authorization by the Commission on
263 Wildlife, Fisheries and Parks, any person who is employed by the
264 Department of Wildlife, Fisheries and Parks as a golf professional
265 at the Hugh White State Park golf course may charge and collect
266 fees for teaching golf lessons at the park in reasonable amounts
267 that have been approved in advance by the commission. Any such
268 person who charges and collects fees for teaching golf lessons
269 shall be authorized to keep those fees as personal income in
270 addition to his regular salary from the Department of Wildlife,
271 Fisheries and Parks. Such fees shall not be considered to be
272 public funds. However, each person who charges and collects such
273 fees shall keep a detailed record of all fees collected and shall
274 report to the commission on a regular basis, as prescribed by the
275 commission, the amount of all fees collected during the preceding
276 reporting period.

277 * * *

278 SECTION 2. This act shall take effect and be in force from
279 and after July 1, 2001.