HOUSE BILL NO. 1256

AN ACT TO AMEND CHAPTER 453, LAWS OF 1999, TO REQUIRE THE
COMMISSION ON WILDLIFE, FISHERIES AND PARKS TO ADOPT A RESOLUTION
DECLARING THE NECESSITY FOR THE ISSUANCE OF BONDS AUTHORIZED FOR
THE purpose of constructing a golf course and related facilities
at the Hugh White State Park; to delete the requirement that the
Commission on Wildlife, Fisheries and Parks make a determination
that the golf course will be financially feasible before bonds may
be issued for the project; to provide that the special fund
created in the state treasury for the deposit of bond proceeds for
the purpose of constructing the golf course and related facilities
shall be under the direction of the department of Finance and
Administration; to provide that upon completion of the golf course
and related facilities, the Department of Wildlife, Fisheries and
Parks shall assume all supervision, management, operation,
maintenance of the projects and shall use Department employees for
such purposes; and for related purposes.

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

SECTION 1. Chapter 453, Laws of 1999, is amended as follows:
Section 1. As used in Sections 1 through 16 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
"1999 Hugh White 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
remaining in the fund at the end of a fiscal year shall not lapse

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By: Representative Ryals                        To: Ways and Means

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

(b) Monies deposited into the fund shall be disbursed, in the discretion of the department, to pay the costs of construction and development of a golf course and related facilities at Hugh White 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 commission.

(3) The department, acting through the Bureau of Building, Grounds and Real Property Management, 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 department, and such funds shall be paid by the State Treasurer upon warrants issued by such department, 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) ** Bonds issued under Sections 1 through 16 of this act may be used for the purpose of development and construction at the Hugh White 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 similar 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 16 of this act
shall be advertised, bid and accepted by the department 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 * * *

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

Section 4. The commission shall adopt a resolution declaring
the necessity for issuance of general obligation bonds of the
State of Mississippi to provide funds for all costs incurred or to
be incurred for the purposes described in Section 3 of this act.

Upon the adoption of a resolution by the commission, declaring the
necessity for the issuance of any part or all of the general
obligation bonds authorized by this section, the commission shall
deliver a certified copy of its resolution or resolutions to the
State Bond Commission. Upon receipt of such resolution, 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 hereinafter 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 16 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 16 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 Section 4 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 16 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 16 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 16 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 16 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 bonds 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 16 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 16 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 16 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 16
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 16 of this act. Any resolution providing
for the issuance of general obligation bonds under the provisions
of Sections 1 through 16 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 16 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 16 of this act shall be deposited in a special fund
created in the State Treasury to be known as the "1999 Hugh White
Golf Course Construction Fund." The proceeds of such bonds shall
be used solely for the purposes provided in Sections 1 through 16
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 department
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 16 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 16 of this act, or under such resolution, and may enforce and compel performance of all duties required by Sections 1 through 16 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 16 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 16 of this act shall be deemed to be full and complete authority for the exercise of the powers therein granted, but Sections 1 through 16 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 on Wildlife, Fisheries and Parks, any person who is employed by the Department of Wildlife, Fisheries and Parks as a golf professional at the Hugh White 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.

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