MISSISSIPPI LEGISLATURE

By: Representatives Smith (39th), Morris, McCoy, Reynolds, Moak

REGULAR SESSION 2001

To: Ways and Means

HOUSE BILL NO. 1642


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

SECTION 1. As used in Sections 1 through 18 of this act, the following words shall have the meanings ascribed herein unless the context clearly requires otherwise:

(a) "Accreted value" of any bond means, as of any date of computation, an amount equal to the sum of (i) the stated initial value of such bond, plus (ii) the interest accrued thereon from the issue date to the date of computation at the rate, compounded semiannually, that is necessary to produce the approximate yield to maturity shown for bonds of the same maturity.

(b) "State" means the State of Mississippi.

(c) "Commission" means the State Bond Commission.

SECTION 2. (1) (a) A special fund, to be designated as the "2001 State Agencies Capital Improvements 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. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the
State General Fund, and any interest earned or 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 Department of Finance and Administration, to pay the costs of capital improvements, renovation and/or repair of existing facilities, furnishings and/or equipping facilities for public facilities for agencies or their successors as hereinafter described:

<table>
<thead>
<tr>
<th>NAME</th>
<th>PROJECT</th>
<th>AMOUNT</th>
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<tbody>
<tr>
<td></td>
<td>Construction of a new training facility</td>
<td>$ 500,000.00</td>
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<tr>
<td></td>
<td>Construction, furnishing and equipping of nursing facilities</td>
<td></td>
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<td></td>
<td>at East Mississippi State Hospital</td>
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<td></td>
<td>in order to meet state licensure requirements</td>
<td>$ 7,500,000.00</td>
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<td>Construction, furnishing and equipping of a new Highway Safety Patrol Substation in the Jackson, Mississippi metropolitan area</td>
<td>$ 2,000,000.00</td>
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<td>Repair and renovation to roads, parks and cabins at state parks</td>
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<td>as determined necessary by the Department of Wildlife, Fisheries and Parks</td>
<td>$ 5,150,000.00</td>
</tr>
<tr>
<td></td>
<td>Improvements to the Lyman State Fish Hatchery</td>
<td>$ 1,000,000.00</td>
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</table>
the campground area at the

John Kyle State Park including bath

houses and electrical upgrades...$ 150,000.00

Department of Finance and Administration.........$ 16,000,000.00

Tenant build out expenses

related to repair and renovation of

the Walter Sillers Building....$ 10,000,000.00

Repair and renovation of

state owned facilities and

institutions of higher learning

necessary for compliance with the

Americans With Disabilities Act.$ 6,000,000.00

Department of Rehabilitation Services..............$ 100,000.00

Repair and renovation of

the Addie McBryde Center located

at the University of Mississippi Medical

Center in Jackson, Mississippi...$ 100,000.00

Mississippi Veterans Memorial Stadium..............$ 300,000.00

Repair and renovation

necessary for compliance with the

Americans with Disabilities Act..$ 300,000.00

Department of Education............................$ 7,000,000.00

Phase II of construction,

furnishing and equipping of the

Mississippi School of Fine Arts on

the campus of Whitworth College in

Brookhaven, Mississippi....$ 7,000,000.00

TOTAL........................................ $ 38,550,000.00

(2) Amounts deposited into such special fund shall be
dischussed to pay the costs of projects described in subsection (1)
of this section. If any monies in such special fund are not used
within four (4) years after the date the proceeds of the bonds
authorized under Sections 1 through 18 of this act are deposited
into the special fund, then the agency for which any unused monies
are allocated under subsection (1) of this section shall provide
an accounting of such unused monies to the commission. Promptly
after the commission has certified, by resolution duly adopted,
that the projects described in subsection (1) of this section
shall 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 Sections
1 through 18 of this act, in accordance with the proceedings
authorizing the issuance of such bonds and as directed by the
commission.

(3) The Department of Finance and Administration, acting
through the Bureau of Building, Grounds and Real Property
Management, is expressly authorized and empowered to 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 of Finance and
Administration, 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.

(4) Any amounts allocated to an agency that are in excess of
that needed to complete the projects at such agency are described
in subsection (1) of this section may be used for general repairs
and renovations at the agency to which such amount is allocated.

(5) The Department of Finance and Administration, acting
through the Bureau of Building, Grounds and Real Property
Management, is authorized to preplan the construction of an
academic center at the Columbia Training School in Marion County,
Mississippi. The project authorized in this subsection shall be
in addition to the projects authorized in subsection (1) of this
section.
SECTION 3.  (1)  (a)  A special fund, to be designated as the "2001 Mississippi State Owned Buildings Repair and Renovation 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. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned or 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 Department of Finance and Administration, to pay the costs of repair and renovation of state owned buildings and facilities.

(2) Amounts deposited into such special fund shall be disbursed to pay the costs of the projects described in subsection (1) of this section. If any monies in such special fund are not used within four (4) years after the date the proceeds of the bonds authorized under Sections 1 through 18 of this act are deposited into the special fund, then the Department of Finance and Administration shall provide an accounting of such unused monies to the commission. Promptly after the commission has certified, by resolution duly adopted, that the projects described in subsection (1) of this section shall 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 Sections 1 through 18 of this act, in accordance with the proceedings authorizing the issuance of such bonds and as directed by the commission.

(3) The Department of Finance and Administration, acting through the Bureau of Building, Grounds and Real Property Management, is expressly authorized and empowered to 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 of Finance and Administration, 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 4. (1) The commission, 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 all costs incurred or to be incurred for the purposes described in Sections 2 and 3 of this act. Upon the adoption of a resolution by the Department of Finance and Administration, declaring the necessity for the issuance of any part or all of the general obligation bonds authorized by this section, the Department of Finance and Administration shall deliver a certified copy of its resolution or resolutions to the commission. Upon receipt of such resolution, the 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. The total amount of bonds issued under Sections 1 through 18 of this act shall not exceed Forty-two Million Five Hundred Fifty Thousand Dollars ($42,550,000.00). No bonds shall be issued under Sections 1 through 18 of this act after July 1, 2004.

(2) The proceeds of the bonds issued pursuant to Sections 1 through 18 of this act shall be deposited into the following special funds in not more than the following amounts:

(a) The 2001 State Agencies Capital Improvements Fund created pursuant to Section 2 of this act............. $38,550,000.00.

(b) The 2001 Mississippi State Owned Buildings Repair and Renovation Fund created pursuant to Section 3 of this act.............................. $ 4,000,000.00.
Any investment earnings on amounts deposited into the special funds created in Sections 2 and 3 of this act shall be used to pay debt service on bonds issued under Sections 1 through 18 of this act, in accordance with the proceedings authorizing issuance of such bonds.

SECTION 5. The principal of and interest on the bonds authorized under Sections 1 through 18 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 limits set forth in Section 75-17-101, Mississippi Code of 1972), 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 commission.

SECTION 6. The bonds authorized by Sections 1 through 18 of this act shall be signed by the chairman of the commission, or by his facsimile signature, and the official seal of the commission shall be affixed thereto, attested by the secretary of the 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 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 the provisions of Sections 1 through 18 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 18 of this act, the commission shall not be required to and need not comply with the provisions of the Uniform Commercial Code.

SECTION 8. The commission shall act as the issuing agent for the bonds authorized under Sections 1 through 18 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 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 18 of this act from the proceeds derived from the sale of such bonds. The 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 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 bonds shall be published at least one 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 commission.

The commission, when issuing any bonds under the authority of Sections 1 through 18 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 18 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 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. Upon the issuance and sale of bonds under the provisions of Sections 1 through 18 of this act, the commission shall transfer the proceeds of any such sale or sales to the special funds created in Sections 2 and 3 of this act in the amounts provided for in Section 4(2) of this act. The proceeds of such bonds shall be disbursed solely upon the order 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.

SECTION 11. The bonds authorized under Sections 1 through 18 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 18 of this act. Any resolution providing for the issuance of bonds under the provisions of Sections 1 through 18 of this act shall become effective immediately upon its
adoption by the commission, and any such resolution may be adopted at any regular or special meeting of the commission by a majority of its members.

SECTION 12. The bonds authorized under the authority of Sections 1 through 18 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. Any holder of bonds issued under the provisions of Sections 1 through 18 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 18 of this act, or under such resolution, and may enforce and compel performance of all duties required by Sections 1 through 18 of this act to be performed, in order to provide for the payment of bonds and interest thereon.

SECTION 14. All bonds issued under the provisions of Sections 1 through 18 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 15. Bonds issued under the provisions of Sections 1 through 18 of this act and income therefrom shall be exempt from all taxation in the State of Mississippi.
SECTION 16. The proceeds of the bonds issued under Sections 1 through 18 of this act shall be used solely for the purposes herein provided, including the costs incident to the issuance and sale of such bonds.

SECTION 17. The State Treasurer is authorized, without further process of law, to certify to the Department of Finance and Administration the necessity for warrants, and the Department of Finance and Administration 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 18 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 18. Sections 1 through 18 of this act shall be deemed to be full and complete authority for the exercise of the powers herein granted, but Sections 1 through 18 of this act shall not be deemed to repeal or to be in derogation of any existing law of this state.

SECTION 19. Section 2, Chapter 560, Laws of 1998, is amended as follows:

Section 2. (1) (a) A special fund, to be designated as the "1998 Archives and History Capital Improvements 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 Department of Finance and Administration, to pay the costs of capital improvements, additions, renovation, restoration and/or repair of existing facilities, exhibits,
furnishing, and/or equipping facilities, preplanning and moving
and build-out expenses as hereinafter described:

(i) Archives and History Building: Construct on
state owned land a new Archives and History Building complete with
parking.

(ii) Central Mechanical Plant: Construct on state
owned land a new central mechanical and electrical service plant
to support the existing facilities located on the Old Capitol
Green plus the new Archives and History Building.

(iii) War Memorial Building: Renovate and restore
the War Memorial Building.

(iv) Charlotte Capers Building: Plan through
construction bidding documents the renovation of the Charlotte
Capers Building.

(v) Museum: Plan through construction bidding
documents a new museum located on state owned property in Jackson,
Mississippi, bound on the south by Amite Street, on the east by
Jefferson Street, on the west by North Street and on the north by
Mississippi Street, complete with exhibits interpreting the
history and prehistory of the state.

(vi) Old Capitol: Plan through construction
bidding documents the renovation and restoration of the Old
Capitol.

(vii) Moving and Build-Out Expenses: During the
course of the construction and relocation of various state
agencies, provide for moving costs, moving archival collections,
development and reestablishment of computer networks,
communications, partition construction, furnishings and equipment,
and other necessary expenses associated with the construction
authorized by this act.

(c) All new buildings authorized by this act to be
constructed or planned shall be designed to be aesthetically
pleasing and compatible with state owned buildings located nearby.
To the extent practicable, all new buildings authorized by this act to be constructed or planned shall be of sustainable design and shall be energy efficient.

(2) Amounts deposited into such special fund shall be disbursed to pay the costs of projects described in subsection (1) of this section. Promptly after the commission has certified, by resolution duly adopted, that the projects described in subsection (1) shall 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 of Finance and Administration, acting through the Bureau of Building, Grounds and Real Property Management, is expressly authorized and empowered to 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 of Finance and Administration, 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 20. Section 39-23-3, Mississippi Code of 1972, is amended as follows:

39-23-3. The Mississippi Children's Museum may be located:

(a) At the old National Guard Armory located on the Mississippi State Fairgrounds in Jackson, Mississippi, after the repair, renovation, furnishing and equipping of such facility by the Department of Finance and Administration as provided for in Sections 16 through 33 of Chapter 535, Laws of 1997, as amended;

(b) In such structure and at such location as shall be submitted by the Board of Directors of the Mississippi Children's Museum.
Museum, a Mississippi nonprofit corporation, to and approved as an appropriate structure and location by the Department of Finance and Administration, after the repair, renovation, furnishing and equipping of such facility by the Department of Finance and Administration as provided in Sections 16 through 33 of Chapter 535, Laws of 1997, as amended; or

(c) In the building, formerly known as the Mississippi Museum of Natural Science, on land located adjacent to the State Fairgrounds in the City of Jackson, County of Hinds, Mississippi, described more specifically as follows:

Starting at the point of intersection of the North line of Pearl Street and the West line of Jefferson Street, run Northerly along the West line of Jefferson Street a distance of 240 feet to the point of beginning, an iron pin. Continue Northerly along the West line of Jefferson Street for a distance of 257.9 feet to an iron pin; turn left through an angle of 89 degrees - 57 minutes - 14 seconds and run Westerly for a distance of 278.9 feet to an iron pin on the east right-of-way line of the G.M. & O. Railroad; turn left through an angle of 79 degrees - 29 minutes - 30 seconds and run Southerly along the East right-of-way of the G.M. & O. Railroad (Said line being a curve to the left with a radius of 2814.93 feet, chord definition) for a distance of 260.4 feet to an iron pipe; turn left through an angle of 95 degrees - 12 minutes - 26 seconds and run Easterly and parallel with the North line of this tract for a distance of 314.7 feet to the point of beginning.

SECTION 21. Section 39-23-5, Mississippi Code of 1972, is amended as follows:
39-23-5. (1) The Department of Finance and Administration shall proceed with the repair, renovation, furnishing and equipping of the old National Guard Armory on the Mississippi State Fairgrounds, or another structure if approved by the Department of Finance and Administration as provided in Section 17 of Chapter 589 of Laws, 1999, for its use as a children's museum as soon as practicable.

(2) The Department of Finance and Administration shall proceed with the repair, renovation, furnishing and equipping of the facility at the location described in Section 39-23-3(c) as soon as practicable.

SECTION 22. Section 39-23-7, Mississippi Code of 1972, is amended as follows:

39-23-7. If the old National Guard Armory is repaired, renovated, furnished and equipped as provided for in Sections 39-23-1 through 39-23-7 and Sections 20 through 33 Chapter 535, Laws of 1997, as amended, the Mississippi Fair Commission shall lease the facility for a period not exceeding twenty (20) years to a nonprofit corporation whose primary purpose for incorporation is the support and improvement of a children's museum in Mississippi. The benefit to Mississippi from the operation of such lease shall be considered as sufficient consideration. The lease shall be executed for a nominal fee and it shall be presumed that such lease shall not amount to a donation of state property.

If the facility at the location described in Section 39-23-3(c) is repaired, renovated, furnished and equipped as provided for in Sections 39-23-1 through 39-23-7 and Sections 20 through 33 of Chapter 535, Laws of 1997, as amended, the Department of Finance and Administration shall lease the facility for a period not exceeding twenty (20) years to a nonprofit corporation whose primary purpose for incorporation is the support and improvement of a children's museum in Mississippi. The benefit to Mississippi from the operation of such lease shall be...
considered as sufficient consideration. The lease shall be executed for a nominal fee and it shall be presumed that such lease shall not amount to a donation of state property.

SECTION 23. Section 20, Chapter 535, Laws of 1997, as amended by Section 137, Chapter 589, Laws of 1999, is amended as follows:

Section 20. (1) Upon the receipt of matching funds or verification that the matching funds described in this subsection are forthcoming, the Department of Finance and Administration, 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 in an amount not to exceed Two Million Dollars ($2,000,000.00) to provide funds for the: (a) repair, renovation, remodeling, equipping, furnishing, adding to or improving the old National Guard Armory on the State Fairgrounds in Jackson, Mississippi, or another structure if approved by the Department of Finance and Administration as provided in Section 17 of this act, for use as a children's museum as authorized under Sections 16 through 33 of this act; or (b) repair, renovation, furnishing and equipping of the facility at the location described in Section 39-23-3(c). The issuance of the bonds described in this subsection and the allocation of such funds are conditioned upon the private sector or local or federal government providing Two Million Dollars ($2,000,000.00) to match the funds provided under this section. The matching funds required pursuant to this subsection may be provided in the form of cash or in kind contributions or any combination of cash or in kind contributions. In kind contributions shall include, but not be limited to, the value of exhibits that are contributed to the children's museum authorized under Sections 16 through 33 of this act.

(2) Upon the adoption of a resolution by the Department of Finance and Administration, 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. The amount of bonds issued under Sections 16 through 33 shall not exceed Two Million Dollars ($2,000,000.00).

SECTION 24. This act shall take effect and be in force from and after its passage.