

REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER AND MADAM PRESIDENT:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

H. B. No. 371: Bonds; issue bonds to provide funds for Mississippi Land, Water and Timber Resources Fund.

We, therefore, respectfully submit the following report and recommendation:

1. That the Senate recede from its Amendment No. 1.

2. That the House and Senate adopt the following amendment:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

9 SECTION 1. As used in Sections 1 through 16 of this act, the
10 following words shall have the meanings ascribed herein unless the
11 context clearly requires otherwise:

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

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

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

21 SECTION 2. The commission, at one time, or from time to
22 time, may declare by resolution the necessity for issuance of
23 general obligation bonds of the State of Mississippi to provide
24 funds for the Mississippi Land, Water and Timber Resources Fund

25 created in Section 69-46-7, Mississippi Code of 1972. Upon the
26 adoption of a resolution by the Mississippi Land, Water and Timber
27 Resources Board, declaring the necessity for the issuance of any
28 part or all of the general obligation bonds authorized by this
29 section, the Mississippi Land, Water and Timber Resources Board
30 shall deliver a certified copy of its resolution or resolutions to
31 the commission. Upon receipt of such resolution, the commission,
32 in its discretion, may act as the issuing agent, prescribe the
33 form of the bonds, advertise for and accept bids, issue and sell
34 the bonds so authorized to be sold and do any and all other things
35 necessary and advisable in connection with the issuance and sale
36 of such bonds. The total amount of bonds issued under Sections 1
37 through 16 of this act shall not exceed Ten Million Dollars
38 (\$10,000,000.00). No bonds shall be issued under Sections 1
39 through 16 of this act after July 1, 2005.

40 SECTION 3. The principal of and interest on the bonds
41 authorized under Sections 1 through 16 of this act shall be
42 payable in the manner provided in this section. Such bonds shall
43 bear such date or dates, be in such denomination or denominations,
44 bear interest at such rate or rates (not to exceed the limits set
45 forth in Section 75-17-101, Mississippi Code of 1972), be payable
46 at such place or places within or without the State of
47 Mississippi, shall mature absolutely at such time or times not to
48 exceed twenty-five (25) years from date of issue, be redeemable
49 before maturity at such time or times and upon such terms, with or
50 without premium, shall bear such registration privileges, and
51 shall be substantially in such form, all as shall be determined by
52 resolution of the commission.

53 SECTION 4. The bonds authorized by Sections 1 through 16 of
54 this act shall be signed by the chairman of the commission, or by
55 his facsimile signature, and the official seal of the commission

56 shall be affixed thereto, attested by the secretary of the
57 commission. The interest coupons, if any, to be attached to such
58 bonds may be executed by the facsimile signatures of such
59 officers. Whenever any such bonds shall have been signed by the
60 officials designated to sign the bonds who were in office at the
61 time of such signing but who may have ceased to be such officers
62 before the sale and delivery of such bonds, or who may not have
63 been in office on the date such bonds may bear, the signatures of
64 such officers upon such bonds and coupons shall nevertheless be
65 valid and sufficient for all purposes and have the same effect as
66 if the person so officially signing such bonds had remained in
67 office until their delivery to the purchaser, or had been in
68 office on the date such bonds may bear. However, notwithstanding
69 anything herein to the contrary, such bonds may be issued as
70 provided in the Registered Bond Act of the State of Mississippi.

71 SECTION 5. All bonds and interest coupons issued under the
72 provisions of Sections 1 through 16 of this act have all the
73 qualities and incidents of negotiable instruments under the
74 provisions of the Mississippi Uniform Commercial Code, and in
75 exercising the powers granted by Sections 1 through 16 of this
76 act, the commission shall not be required to and need not comply
77 with the provisions of the Mississippi Uniform Commercial Code.

78 SECTION 6. The commission shall act as the issuing agent for
79 the bonds authorized under Sections 1 through 16 of this act,
80 prescribe the form of the bonds, advertise for and accept bids,
81 issue and sell the bonds so authorized to be sold, pay all fees
82 and costs incurred in such issuance and sale, and do any and all
83 other things necessary and advisable in connection with the
84 issuance and sale of such bonds. The commission is authorized and
85 empowered to pay the costs that are incident to the sale, issuance
86 and delivery of the bonds authorized under Sections 1 through 16

87 of this act from the proceeds derived from the sale of such bonds.

88 The commission shall sell such bonds on sealed bids at public
89 sale, and for such price as it may determine to be for the best
90 interest of the State of Mississippi, but no such sale shall be
91 made at a price less than par plus accrued interest to the date of
92 delivery of the bonds to the purchaser. All interest accruing on
93 such bonds so issued shall be payable semiannually or annually;
94 however, the first interest payment may be for any period of not
95 more than one (1) year.

96 Notice of the sale of any such bonds shall be published at
97 least one time, not less than ten (10) days before the date of
98 sale, and shall be so published in one or more newspapers
99 published or having a general circulation in the City of Jackson,
100 Mississippi, and in one or more other newspapers or financial
101 journals with a national circulation, to be selected by the
102 commission.

103 The commission, when issuing any bonds under the authority of
104 Sections 1 through 16 of this act, may provide that bonds, at the
105 option of the State of Mississippi, may be called in for payment
106 and redemption at the call price named therein and accrued
107 interest on such date or dates named therein.

108 SECTION 7. The bonds issued under the provisions of Sections
109 1 through 16 of this act are general obligations of the State of
110 Mississippi, and for the payment thereof the full faith and credit
111 of the State of Mississippi is irrevocably pledged. If the funds
112 appropriated by the Legislature are insufficient to pay the
113 principal of and the interest on such bonds as they become due,
114 then the deficiency shall be paid by the State Treasurer from any
115 funds in the State Treasury not otherwise appropriated. All such
116 bonds shall contain recitals on their faces substantially covering
117 the provisions of this section.

118 SECTION 8. Upon the issuance and sale of bonds under the
119 provisions of Sections 1 through 16 of this act, the commission
120 shall transfer the proceeds of any such sale or sales to the
121 Mississippi Land, Water and Timber Resources Fund created in
122 Section 69-46-7, Mississippi Code of 1972.

123 SECTION 9. The bonds authorized under Sections 1 through 16
124 of this act may be issued without any other proceedings or the
125 happening of any other conditions or things other than those
126 proceedings, conditions and things which are specified or required
127 by Sections 1 through 16 of this act. Any resolution providing
128 for the issuance of bonds under the provisions of Sections 1
129 through 16 of this act shall become effective immediately upon its
130 adoption by the commission, and any such resolution may be adopted
131 at any regular or special meeting of the commission by a majority
132 of its members.

133 SECTION 10. The bonds authorized under the authority of
134 Sections 1 through 16 of this act may be validated in the Chancery
135 Court of the First Judicial District of Hinds County, Mississippi,
136 in the manner and with the force and effect provided by Chapter
137 13, Title 31, Mississippi Code of 1972, for the validation of
138 county, municipal, school district and other bonds. The notice to
139 taxpayers required by such statutes shall be published in a
140 newspaper published or having a general circulation in the City of
141 Jackson, Mississippi.

142 SECTION 11. Any holder of bonds issued under the provisions
143 of Sections 1 through 16 of this act or of any of the interest
144 coupons pertaining thereto may, either at law or in equity, by
145 suit, action, mandamus or other proceeding, protect and enforce
146 any and all rights granted under Sections 1 through 16 of this
147 act, or under such resolution, and may enforce and compel
148 performance of all duties required by Sections 1 through 16 of

149 this act to be performed, in order to provide for the payment of
150 bonds and interest thereon.

151 SECTION 12. All bonds issued under the provisions of Section
152 1 through 16 of this act shall be legal investments for trustees
153 and other fiduciaries, and for savings banks, trust companies and
154 insurance companies organized under the laws of the State of
155 Mississippi, and such bonds shall be legal securities which may be
156 deposited with and shall be received by all public officers and
157 bodies of this state and all municipalities and political
158 subdivisions for the purpose of securing the deposit of public
159 funds.

160 SECTION 13. Bonds issued under the provisions of Sections 1
161 through 16 of this act and income therefrom shall be exempt from
162 all taxation in the State of Mississippi.

163 SECTION 14. The proceeds of the bonds issued under Sections
164 1 through 16 of this act shall be used solely for the purposes
165 herein provided, including the costs incident to the issuance and
166 sale of such bonds.

167 SECTION 15. The State Treasurer is authorized, without
168 further process of law, to certify to the Department of Finance
169 and Administration the necessity for warrants, and the Department
170 of Finance and Administration is authorized and directed to issue
171 such warrants, in such amounts as may be necessary to pay when due
172 the principal of, premium, if any, and interest on, or the
173 accreted value of, all bonds issued under Sections 1 through 16 of
174 this act; and the State Treasurer shall forward the necessary
175 amount to the designated place or places of payment of such bonds
176 in ample time to discharge such bonds, or the interest thereon, on
177 the due dates thereof.

178 SECTION 16. Sections 1 through 16 of this act shall be
179 deemed to be full and complete authority for the exercise of the

180 powers herein granted, but Sections 1 through 16 of this act shall
181 not be deemed to repeal or to be in derogation of any existing law
182 of this state.

183 SECTION 17. Section 69-46-5, Mississippi Code of 1972 is
184 amended as follows:

185 69-46-5. The board shall have the following powers and
186 duties:

187 (a) To develop marketing plans and opportunities for
188 independent farmers in Mississippi;

189 (b) To encourage the commercialization of new
190 agricultural technology businesses;

191 (c) To initiate the development of processing
192 facilities for Mississippi agricultural commodities;

193 (d) To initiate the development of Mississippi
194 wholesale distribution businesses for agricultural inputs and
195 products;

196 (e) To promote the development of institutional and
197 specialty markets for Mississippi agriculture products;

198 (f) To encourage additional research for new
199 agricultural product development;

200 (g) To develop a working relationship with the state
201 offices of the United States Department of Agriculture as may be
202 appropriate for the promotion and development of agriculture in
203 Mississippi;

204 (h) To promote the rural quality of life in Mississippi
205 through such programs as 4-H, Future Farmers of America and
206 agricultural education;

207 (i) To file an annual report with the Governor,
208 Secretary of the Senate and the Clerk of the House of
209 Representatives not later than December 1 of each year, with
210 recommendations for any legislation necessary to accomplish the

211 purposes of the Mississippi Land, Water and Timber Resources Act;

212

213 (j) The board may promulgate and enforce rules and
214 regulations, in accordance with the Mississippi Administrative
215 Procedures Law, as may be necessary to carry out the provisions of
216 the Mississippi Land, Water and Timber Resources Act;

217 (k) To expend funds out of the Mississippi Land, Water
218 and Timber Resources Fund * * * to carry out its powers and duties
219 under the Mississippi Land, Water and Timber Resources Act.

220 SECTION 18. This act shall take effect and be in force from
221 and after its passage.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AUTHORIZE THE ISSUANCE OF GENERAL OBLIGATION BONDS
2 OF THE STATE OF MISSISSIPPI FOR THE PURPOSE OF PROVIDING FUNDS FOR
3 THE MISSISSIPPI LAND, WATER AND TIMBER RESOURCES FUND; TO AMEND
4 SECTION 69-46-5, MISSISSIPPI CODE OF 1972, TO DELETE THE
5 REQUIREMENT THAT MONIES IN THE MISSISSIPPI LAND, WATER AND TIMBER
6 RESOURCES FUND BE APPROPRIATED IN ORDER TO BE EXPENDED; AND FOR
7 RELATED PURPOSES.

CONFEREES FOR THE HOUSE

CONFEREES FOR THE SENATE

X _____
William J. McCoy

X _____
William R. Minor

X _____
Leonard Morris

X _____
Cindy HydeSmith

X _____
Jeffrey C. Smith

X _____
Videt Carmichael