

By: Representatives Miles, Holland, Bowles,  
Markham, Ward, Montgomery (15th)

To: Agriculture; Ways and  
Means

HOUSE BILL NO. 68

1 AN ACT TO AUTHORIZE THE DEPARTMENT OF AGRICULTURE AND  
2 COMMERCE TO USE THE PROCEEDS OF THE BONDS AUTHORIZED TO BE ISSUED  
3 UNDER THIS ACT TO PROVIDE GRANTS TO COUNTIES AND MUNICIPALITIES  
4 FOR THE CONSTRUCTION, RENOVATION AND EXPANSION OF LIVESTOCK  
5 FACILITIES; TO PROVIDE THAT ANY COUNTY OR MUNICIPALITY THAT  
6 RECEIVES A GRANT SHALL BE REQUIRED TO MATCH THE AMOUNT OF THE  
7 GRANT WITH AN EQUAL AMOUNT OF CASH; TO LIMIT THE MAXIMUM AMOUNT OF  
8 SUCH GRANTS FOR ANY ONE LOCATION; TO LIMIT THE COUNTIES AND  
9 MUNICIPALITIES THAT MAY APPLY FOR SUCH GRANTS; TO AUTHORIZE THE  
10 ISSUANCE OF GENERAL OBLIGATION BONDS TO PROVIDE A SOURCE OF FUNDS  
11 FOR SUCH GRANTS; AND FOR RELATED PURPOSES.

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

13 **SECTION 1.** (1) The Department of Agriculture and Commerce  
14 may use the proceeds of the bonds authorized to be issued by this  
15 act to provide grants to counties and municipalities to provide  
16 funds for the construction, renovation and expansion of livestock  
17 facilities. Counties and municipalities must demonstrate to the  
18 satisfaction of the Department of Agriculture and Commerce that  
19 they are able to operate and maintain the livestock facilities in  
20 order to receive a grant. Any county or municipality that  
21 receives a grant from the Department of Agriculture and Commerce  
22 shall be required to match the amount of the grant with an equal  
23 amount of cash which shall be used together with the grant for the  
24 construction, renovation or expansion of livestock facilities in  
25 the county or municipality; however, a portion of such matching  
26 funds not to exceed Twenty-five Thousand Dollars (\$25,000.00) may  
27 be provided in the form of in-kind contributions satisfactory to  
28 the Department of Agriculture and Commerce. Funds for the grant  
29 program authorized in this section shall not be restricted by  
30 congressional districts. The amount of any grant that the  
31 Department of Agriculture and Commerce may provide for the



32 construction, renovation or expansion of livestock facilities at  
33 any one (1) location shall not be more than Five Hundred Thousand  
34 Dollars (\$500,000.00). Counties and municipalities that received  
35 proceeds of bonds issued under Sections 18 through 32 of Chapter  
36 530, Laws of 1995, cannot apply to use bonds authorized to be  
37 issued by this act; however, if all the funds have not been  
38 obligated for grants, such funds may be utilized for grants for  
39 any county or municipality that did not previously reach the  
40 maximum amount of grant that may have been awarded by the  
41 Department of Agriculture and Commerce under Sections 18 through  
42 32 of Chapter 530, Laws of 1995. The construction, renovation or  
43 expansion of livestock facilities using grants from the Department  
44 of Agriculture and Commerce shall not be required to be performed  
45 by or under the supervision of the Bureau of Building, Grounds and  
46 Real Property Management of the Department of Finance and  
47 Administration.

48 (2) The Department of Agriculture and Commerce shall adopt  
49 necessary rules and regulations to govern the administration of  
50 the program described in subsection (1) of this section,  
51 including, but not limited to, rules and regulations governing  
52 applications for grants and rules and regulations providing for  
53 the equitable distribution of grant funds. The Department of  
54 Agriculture and Commerce shall comply with the provisions of the  
55 Mississippi Administrative Procedures Law.

56 **SECTION 2.** (1) The Department of Agriculture and Commerce,  
57 at one time or from time to time, may declare by resolution the  
58 necessity for issuance of general obligation bonds of the State of  
59 Mississippi to provide funds for the grant program authorized in  
60 Section 1 of this act.

61 (2) Upon the adoption of a resolution by the Department of  
62 Agriculture and Commerce declaring the necessity for the issuance  
63 of any part or all of the general obligation bonds authorized by  
64 this section, the department shall deliver a certified copy of its



65 resolution or resolutions to the State Bond Commission. Upon  
66 receipt of such resolution, the State Bond Commission, in its  
67 discretion, may act as the issuing agent, prescribe the form of  
68 the bonds, advertise for and accept bids, issue and sell the bonds  
69 so authorized to be sold, and do any and all other things  
70 necessary and advisable in connection with the issuance and sale  
71 of such bonds.

72 (3) The amount of bonds issued under this act shall not  
73 exceed Five Million Dollars (\$5,000,000.00).

74 **SECTION 3.** The principal of and interest on the bonds  
75 authorized under this act shall be payable in the manner provided  
76 in this section. Such bonds shall bear such date or dates, be in  
77 such denomination or denominations, bear interest at such rate or  
78 rates not exceeding the limits set forth in Section 75-17-101, be  
79 payable at such place or places within or without the State of  
80 Mississippi, shall mature absolutely at such time or times not to  
81 exceed twenty (20) years from date of issue, be redeemable before  
82 maturity at such time or times and upon such terms, with or  
83 without premium, shall bear such registration privileges, and  
84 shall be substantially in such form, all as determined by  
85 resolution of the State Bond Commission.

86 **SECTION 4.** The bonds authorized under this act shall be  
87 signed by the Chairman of the State Bond Commission, or by his  
88 facsimile signature, and the official seal of the State Bond  
89 Commission shall be affixed thereto, attested by the Secretary of  
90 the State Bond Commission. The interest coupons, if any, to be  
91 attached to such bonds may be executed by the facsimile signatures  
92 of such officers. Whenever any such bonds shall have been signed  
93 by the officials designated to sign the bonds who were in office  
94 at the time of such signing but who may have ceased to be such  
95 officers before the sale and delivery of such bonds, or who may  
96 not have been in office on the date such bonds may bear, the  
97 signatures of such officers upon such bonds and coupons shall



98 nevertheless be valid and sufficient for all purposes and have the  
99 same effect as if the person so officially signing such bonds had  
100 remained in office until their delivery to the purchaser, or had  
101 been in office on the date such bonds may bear. However,  
102 notwithstanding anything in this act to the contrary, such bonds  
103 may be issued as provided in the Registered Bond Act of the State  
104 of Mississippi.

105       **SECTION 5.** All bonds and interest coupons issued under the  
106 provisions of this act have all the qualities and incidents of  
107 negotiable instruments under the provisions of the Uniform  
108 Commercial Code, and in exercising the powers granted by this act,  
109 the State Bond Commission shall not be required to and need not  
110 comply with the provisions of the Uniform Commercial Code.

111       **SECTION 6.** The State Bond Commission shall act as the  
112 issuing agent for the bonds authorized under this act, prescribe  
113 the form of the bonds, advertise for and accept bids, issue and  
114 sell the bonds so authorized to be sold, pay all fees and costs  
115 incurred in such issuance and sale, and do all other things  
116 necessary and advisable in connection with the issuance and sale  
117 of the bonds. The State Bond Commission may pay the costs that  
118 are incident to the sale, issuance and delivery of the bonds  
119 authorized under this act from the proceeds derived from the sale  
120 of the bonds. The State Bond Commission shall sell such bonds on  
121 sealed bids at public sale, and for such price as it may determine  
122 to be for the best interest of the State of Mississippi, but no  
123 such sale may be made at a price less than par plus accrued  
124 interest to the date of delivery of the bonds to the purchaser.  
125 All interest accruing on such bonds so issued shall be payable  
126 semiannually or annually; however, the first interest payment may  
127 be for any period of not more than one (1) year.

128       Notice of the sale of any such bond shall be published at  
129 least one (1) time, not less than ten (10) days before the date of  
130 sale, and shall be so published in one or more newspapers



131 published or having a general circulation in the City of Jackson,  
132 Mississippi, and in one or more other newspapers or financial  
133 journals with a national circulation, to be selected by the State  
134 Bond Commission.

135 The State Bond Commission, when issuing any bonds under the  
136 authority of this act, may provide that the bonds, at the option  
137 of the State of Mississippi, may be called in for payment and  
138 redemption at the call price named therein and accrued interest on  
139 such date or dates named therein.

140 **SECTION 7.** The bonds issued under the provisions of this act  
141 are general obligations of the State of Mississippi, and for the  
142 payment thereof the full faith and credit of the State of  
143 Mississippi are irrevocably pledged. If the funds appropriated by  
144 the Legislature are insufficient to pay the principal of and the  
145 interest on such bonds as they become due, then the deficiency  
146 shall be paid by the State Treasurer from any funds in the State  
147 Treasury not otherwise appropriated. All such bonds shall contain  
148 recitals on their faces substantially covering the provisions of  
149 this section.

150 **SECTION 8.** The State Treasurer is authorized to certify to  
151 the State Fiscal Officer the necessity for warrants, and the State  
152 Fiscal Officer is authorized and directed to issue such warrants,  
153 in such amounts as may be necessary to pay when due the principal  
154 of, premium, if any, and interest on, or the accreted value of,  
155 all bonds issued under this act; and the State Treasurer shall  
156 forward the necessary amount to the designated place or places of  
157 payment of such bonds in ample time to discharge such bonds, or  
158 the interest on the bonds, on their due dates.

159 **SECTION 9.** Upon the issuance and sale of bonds under this  
160 act, the State Bond Commission shall deposit the proceeds of any  
161 such sale or sales in a special fund created in the State Treasury  
162 to be known as the "Livestock Facilities Grant Fund." The  
163 proceeds of such bonds shall be used solely for the purposes



164 provided in this act, including the costs incident to the issuance  
165 and sale of such bonds. The costs incident to the issuance and  
166 sale of such bonds shall be disbursed by warrant upon requisition  
167 of the State Bond Commission, signed by the chairman of the  
168 commission. The remaining monies in the fund shall be expended  
169 solely under the direction of the Department of Finance and  
170 Administration under such restrictions, if any, as may be  
171 contained in the resolution providing for the issuance of the  
172 bonds, and such funds shall be paid by the State Treasurer upon  
173 warrants issued by the State Fiscal Officer.

174       **SECTION 10.** The bonds authorized under this act may be  
175 issued without any other proceedings or the happening of any other  
176 conditions or things other than those proceedings, conditions and  
177 things that are specified or required by this act. Any resolution  
178 providing for the issuance of bonds under this act shall become  
179 effective immediately upon its adoption by the State Bond  
180 Commission, and any such resolution may be adopted at any regular  
181 or special meeting of the State Bond Commission by a majority of  
182 its members.

183       **SECTION 11.** The bonds authorized under the authority of this  
184 act may be validated in the Chancery Court of the First Judicial  
185 District of Hinds County, Mississippi, in the manner and with the  
186 force and effect provided by Chapter 13, Title 31, Mississippi  
187 Code of 1972, for the validation of county, municipal, school  
188 district and other bonds. The notice to taxpayers required by  
189 such statutes shall be published in a newspaper published or  
190 having a general circulation in the City of Jackson, Mississippi.

191       **SECTION 12.** Any holder of bonds issued under this act or of  
192 any of the interest coupons pertaining to the bonds may, either at  
193 law or in equity, by suit, action, mandamus or other proceeding,  
194 protect and enforce all rights granted under this act, or under  
195 such resolution, and may enforce and compel performance of all



196 duties required by this act to be performed, in order to provide  
197 for the payment of bonds and interest on the bonds.

198       **SECTION 13.** All bonds issued under this act shall be legal  
199 investments for trustees and other fiduciaries, and for savings  
200 banks, trust companies and insurance companies organized under the  
201 laws of the State of Mississippi, and such bonds shall be legal  
202 securities that may be deposited with and shall be received by all  
203 public officers and bodies of this state and all municipalities  
204 and political subdivisions for the purpose of securing the deposit  
205 of public funds.

206       **SECTION 14.** Bonds issued under this act and income from the  
207 bonds shall be exempt from all taxation in the State of  
208 Mississippi.

209       **SECTION 15.** This act shall be deemed to be full and complete  
210 authority for the exercise of the powers therein granted, but this  
211 act shall not be deemed to repeal or to be in derogation of any  
212 existing law of this state.

213       **SECTION 16.** This act shall take effect and be in force from  
214 and after its passage.

