

By: Senator(s) Minor

To: Finance

SENATE BILL NO. 2748

1 AN ACT TO AMEND CHAPTER 560, LAWS OF 1998, TO DELETE
 2 PROVISIONS THAT REQUIRE STATE AGENCIES OCCUPYING FACILITIES FOR
 3 WHICH CAPITAL IMPROVEMENTS WERE UNDERTAKEN USING THE PROCEEDS OF
 4 BONDS ISSUED PURSUANT TO CHAPTER 560, LAWS OF 1998, TO PAY RENT IN
 5 AN AMOUNT SUFFICIENT TO PAY THE PRINCIPAL AND INTEREST ON BONDS
 6 ISSUED UNDER SUCH CHAPTER, AND WHICH PROVIDE FOR THE AMOUNT OF
 7 RENT TO BE PAID BY SUCH AGENCIES AFTER SUCH BONDS ARE RETIRED; AND
 8 FOR RELATED PURPOSES.

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

10 **SECTION 1.** Chapter 560, Laws of 1998, is amended as follows:

11 Section 1. As used in this act, the following words shall
 12 have the meanings ascribed herein unless the context clearly
 13 requires otherwise:

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

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

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

23 Section 2. (1) (a) A special fund, to be designated as the
 24 "1998 Archives and History Capital Improvements Fund" is created
 25 within the State Treasury. The fund shall be maintained by the
 26 State Treasurer as a separate and special fund, separate and apart
 27 from the General Fund of the state and investment earnings on
 28 amounts in the fund shall be deposited into such fund.

29 (b) Monies deposited into the fund shall be disbursed,
 30 in the discretion of the Department of Finance and Administration,



31 to pay the costs of capital improvements, additions, renovation,
32 restoration and/or repair of existing facilities, exhibits,
33 furnishing, and/or equipping facilities, preplanning and moving
34 and build-out expenses as hereinafter described:

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

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

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

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

47 (v) Museum: Plan through construction bidding
48 documents a new museum located on state-owned property complete
49 with exhibits interpreting the history and prehistory of the
50 state.

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

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

61 (c) All new buildings authorized by this act to be
62 constructed or planned shall be designed to be aesthetically
63 pleasing and compatible with state-owned buildings located nearby.



64 To the extent practicable, all new buildings authorized by this
65 act to be constructed or planned shall be of sustainable design
66 and shall be energy efficient.

67 (2) Amounts deposited into such special fund shall be
68 disbursed to pay the costs of projects described in subsection (1)
69 of this section. Promptly after the commission has certified, by
70 resolution duly adopted, that the projects described in subsection
71 (1) shall have been completed, abandoned, or cannot be completed
72 in a timely fashion, any amounts remaining in such special fund
73 shall be applied to pay debt service on the bonds issued under
74 this act, in accordance with the proceedings authorizing the
75 issuance of such bonds and as directed by the commission.

76 (3) The Department of Finance and Administration, acting
77 through the Bureau of Building, Grounds and Real Property
78 Management, is expressly authorized and empowered to receive and
79 expend any local or other source funds in connection with the
80 expenditure of funds provided for in this section. The
81 expenditure of monies deposited into the special fund shall be
82 under the direction of the Department of Finance and
83 Administration, and such funds shall be paid by the State
84 Treasurer upon warrants issued by such department, which warrants
85 shall be issued upon requisitions signed by the Executive Director
86 of the Department of Finance and Administration or his designee.

87 Section 3. (1) The commission, at one time, or from time to
88 time, may declare by resolution the necessity for issuance of
89 general obligation bonds of the State of Mississippi to provide
90 funds for all costs incurred or to be incurred for the purposes
91 described in Section 2 of this act. Upon the adoption of a
92 resolution by the Department of Finance and Administration,
93 declaring the necessity for the issuance of any part or all of the
94 general obligation bonds authorized by this section, the
95 Department of Finance and Administration shall deliver a certified
96 copy of its resolution or resolutions to the commission. Upon



97 receipt of such resolution, the commission, in its discretion, may
98 act as the issuing agent, prescribe the form of the bonds,
99 advertise for and accept bids, issue and sell the bonds so
100 authorized to be sold and do any and all other things necessary
101 and advisable in connection with the issuance and sale of such
102 bonds. The total amount of bonds issued under this act shall not
103 exceed Thirty-four Million Dollars (\$34,000,000.00).

104 (2) Any investment earnings on amounts deposited into the
105 special fund created in Section 2 of this act shall be used to pay
106 debt service on bonds issued under this act, in accordance with
107 the proceedings authorizing issuance of such bonds.

108 Section 4. The principal of and interest on the bonds
109 authorized under Section 3 of this act shall be payable in the
110 manner provided in this section. Such bonds shall bear such date
111 or dates, be in such denomination or denominations, bear interest
112 at such rate or rates (not to exceed the limits set forth in
113 Section 75-17-101, Mississippi Code of 1972), be payable at such
114 place or places within or without the State of Mississippi, shall
115 mature absolutely at such time or times not to exceed twenty-five
116 (25) years from date of issue, be redeemable before maturity at
117 such time or times and upon such terms, with or without premium,
118 shall bear such registration privileges, and shall be
119 substantially in such form, all as shall be determined by
120 resolution of the commission.

121 Section 5. The bonds authorized by Section 3 of this act
122 shall be signed by the chairman of the commission, or by his
123 facsimile signature, and the official seal of the commission shall
124 be affixed thereto, attested by the secretary of the commission.
125 The interest coupons, if any, to be attached to such bonds may be
126 executed by the facsimile signatures of such officers. Whenever
127 any such bonds shall have been signed by the officials designated
128 to sign the bonds who were in office at the time of such signing
129 but who may have ceased to be such officers before the sale and



130 delivery of such bonds, or who may not have been in office on the
131 date such bonds may bear, the signatures of such officers upon
132 such bonds and coupons shall nevertheless be valid and sufficient
133 for all purposes and have the same effect as if the person so
134 officially signing such bonds had remained in office until their
135 delivery to the purchaser, or had been in office on the date such
136 bonds may bear. However, notwithstanding anything herein to the
137 contrary, such bonds may be issued as provided in the Registered
138 Bond Act of the State of Mississippi.

139 Section 6. All bonds and interest coupons issued under the
140 provisions of this act have all the qualities and incidents of
141 negotiable instruments under the provisions of the Uniform
142 Commercial Code, and in exercising the powers granted by this act,
143 the commission shall not be required to and need not comply with
144 the provisions of the Uniform Commercial Code.

145 Section 7. The commission shall act as the issuing agent for
146 the bonds authorized under Section 3 of this act, prescribe the
147 form of the bonds, advertise for and accept bids, issue and sell
148 the bonds so authorized to be sold, pay all fees and costs
149 incurred in such issuance and sale, and do any and all other
150 things necessary and advisable in connection with the issuance and
151 sale of such bonds. The commission is authorized and empowered to
152 pay the costs that are incident to the sale, issuance and delivery
153 of the bonds authorized under this act from the proceeds derived
154 from the sale of such bonds. The commission shall sell such bonds
155 on sealed bids at public sale, and for such price as it may
156 determine to be for the best interest of the State of Mississippi,
157 but no such sale shall be made at a price less than par plus
158 accrued interest to the date of delivery of the bonds to the
159 purchaser. All interest accruing on such bonds so issued shall be
160 payable semiannually or annually; however, the first interest
161 payment may be for any period of not more than one (1) year.



162 Notice of the sale of any such bonds shall be published at
163 least one (1) time, not less than ten (10) days before the date of
164 sale, and shall be so published in one or more newspapers
165 published or having a general circulation in the City of Jackson,
166 Mississippi, and in one or more other newspapers or financial
167 journals with a national circulation, to be selected by the
168 commission.

169 The commission, when issuing any bonds under the authority of
170 this act, may provide that bonds, at the option of the State of
171 Mississippi, may be called in for payment and redemption at the
172 call price named therein and accrued interest on such date or
173 dates named therein.

174 Section 8. The bonds issued under the provisions of this act
175 are general obligations of the State of Mississippi, and for the
176 payment thereof the full faith and credit of the State of
177 Mississippi is irrevocably pledged. If the funds appropriated by
178 the Legislature are insufficient to pay the principal of and the
179 interest on such bonds as they become due, then the deficiency
180 shall be paid by the State Treasurer from any funds in the State
181 Treasury not otherwise appropriated. All such bonds shall contain
182 recitals on their faces substantially covering the provisions of
183 this section.

184 Section 9. Upon the issuance and sale of bonds under the
185 provisions of this act, the commission shall transfer the proceeds
186 of any such sale or sales to the special fund created in Section 2
187 of this act. The proceeds of such bonds shall be disbursed solely
188 upon the order of the Department of Finance and Administration
189 under such restrictions, if any, as may be contained in the
190 resolution providing for the issuance of the bonds.

191 Section 10. The bonds authorized under this act may be
192 issued without any other proceedings or the happening of any other
193 conditions or things other than those proceedings, conditions and
194 things which are specified or required by this act. Any



195 resolution providing for the issuance of bonds under the
196 provisions of this act shall become effective immediately upon its
197 adoption by the commission, and any such resolution may be adopted
198 at any regular or special meeting of the commission by a majority
199 of its members.

200 Section 11. The bonds authorized under the authority of this
201 act may be validated in the Chancery Court of the First Judicial
202 District of Hinds County, Mississippi, in the manner and with the
203 force and effect provided by Chapter 13, Title 31, Mississippi
204 Code of 1972, for the validation of county, municipal, school
205 district and other bonds. The notice to taxpayers required by
206 such statutes shall be published in a newspaper published or
207 having a general circulation in the City of Jackson, Mississippi.

208 Section 12. Any holder of bonds issued under the provisions
209 of this act or of any of the interest coupons pertaining thereto
210 may, either at law or in equity, by suit, action, mandamus or
211 other proceeding, protect and enforce any and all rights granted
212 under this act, or under such resolution, and may enforce and
213 compel performance of all duties required by this act to be
214 performed, in order to provide for the payment of bonds and
215 interest thereon.

216 Section 13. All bonds issued under the provisions of this
217 act shall be legal investments for trustees and other fiduciaries,
218 and for savings banks, trust companies and insurance companies
219 organized under the laws of the State of Mississippi, and such
220 bonds shall be legal securities which may be deposited with and
221 shall be received by all public officers and bodies of this state
222 and all municipalities and political subdivisions for the purpose
223 of securing the deposit of public funds.

224 Section 14. Bonds issued under the provisions of this act
225 and income therefrom shall be exempt from all taxation in the
226 State of Mississippi.



227 Section 15. The proceeds of the bonds issued under this act
228 shall be used solely for the purposes therein provided, including
229 the costs incident to the issuance and sale of such bonds.

230 Section 16. The State Treasurer is authorized, without
231 further process of law, to certify to the Department of Finance
232 and Administration the necessity for warrants, and the Department
233 of Finance and Administration is authorized and directed to issue
234 such warrants, in such amounts as may be necessary to pay when due
235 the principal of, premium, if any, and interest on, or the
236 accreted value of, all bonds issued under this act; and the State
237 Treasurer shall forward the necessary amount to the designated
238 place or places of payment of such bonds in ample time to
239 discharge such bonds, or the interest thereon, on the due dates
240 thereof.

241 Section 17. This act shall be deemed to be full and complete
242 authority for the exercise of the powers therein granted, but this
243 act shall not be deemed to repeal or to be in derogation of any
244 existing law of this state.

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246 **SECTION 2.** This act shall take effect and be in force from
247 and after its passage.

