

By: Senator(s) Minor, Browning, Burton,  
Dawkins, Dearing, Harden, Harvey, Jackson,  
Jordan, Lee, Little, Mettetal, Nunnelee,  
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To: Finance

SENATE BILL NO. 2916

1 AN ACT TO AMEND SECTION 43-33-729, MISSISSIPPI CODE OF 1972,  
2 TO INCREASE THE AMOUNT OF BONDS THAT THE MISSISSIPPI HOME  
3 CORPORATION MAY ISSUE ANNUALLY TO \$175,000,000.00 THROUGH JUNE 30,  
4 2006; TO EXCLUDE FROM SUCH LIMITATION BONDS AND NOTES IN WHICH THE  
5 MISSISSIPPI HOME CORPORATION ACTS AS A CONDUIT ISSUER; AND FOR  
6 RELATED PURPOSES.

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

8 **SECTION 1.** Section 43-33-729, Mississippi Code of 1972, is  
9 amended as follows:

10 **[Through June 30, 2006, this section shall read as follows:]**

11 43-33-729. (1) The corporation may from time to time issue  
12 its negotiable bonds and notes in such principal amounts as, in  
13 the opinion of the corporation, shall be necessary to provide  
14 sufficient funds for achieving the corporate purposes thereof,  
15 including operating expenses and reserves, the payment of interest  
16 on bonds and notes of the corporation, establishment of reserves  
17 to secure such bonds and notes, and all other expenditures of the  
18 corporation incident to and necessary or convenient to carry out  
19 its corporate purposes and powers. Provided, except as otherwise  
20 authorized herein, bonds and notes may be issued annually under  
21 this article in an aggregate principal amount not to exceed One  
22 Hundred Seventy-five Million Dollars (\$175,000,000.00), excluding  
23 bonds and notes issued to refund outstanding bonds and notes and  
24 bonds and notes in which the corporation acts as a conduit issuer.  
25 Such annual period shall be the same as the fiscal year of the  
26 state, commencing with the annual period of July 1, 2003, to June  
27 30, 2004.

28 (2) The provisions of Sections 75-71-1 through 75-71-57,  
29 Mississippi Code of 1972 (the "Mississippi Securities Act"), shall



30 not apply to bonds and notes issued under the authority of this  
31 article, and no application for a formal exemption from the  
32 provisions of such act shall be required with respect to such  
33 bonds and notes.

34 (3) Except as may otherwise be expressly provided by the  
35 corporation, all bonds and notes issued by the corporation shall  
36 be general obligations of the corporation, secured by the full  
37 faith and credit of the corporation and payable out of any monies,  
38 assets or revenues of the corporation, subject only to any  
39 agreement with the bondholders or noteholders pledging any  
40 particular monies, assets or revenues.

41 The corporation may issue bonds or notes to which the  
42 principal and interest are payable:

43 (a) Exclusively from the revenues of the corporation  
44 resulting from the use of the proceeds of such bonds or notes; or

45 (b) Exclusively from any particular revenues of the  
46 corporation, whether or not resulting from the use of the proceeds  
47 of such bonds or notes.

48 (4) Any bonds or notes issued by the corporation may be  
49 additionally secured:

50 (a) By private insurance, by a direct pay or standby  
51 letter of credit, or by any other credit enhancement facility  
52 procured by the corporation for the payment of any such bonds;

53 (b) By a pledge of any grant, subsidy or contribution  
54 from the United States or any agency or instrumentality thereof,  
55 or from the state or any agency, instrumentality or political  
56 subdivision thereof, or from any person, firm or corporation; or

57 (c) By the pledge of any securities, funds or reserves  
58 (or earnings thereon) available to the corporation.

59 (5) Bonds and notes issued by the corporation shall be  
60 authorized by a resolution or resolutions of the corporation  
61 adopted as provided for by this article; provided, that any such  
62 resolution authorizing the issuance of bonds or notes may delegate



63 to an officer or officers of the corporation the power to issue  
64 such bonds or notes from time to time and to fix the details of  
65 any such issues of bonds or notes by an appropriate certification  
66 of such authorized officer.

67 (6) Except as specifically provided in this article, no  
68 notice, consent or approval by any governmental body or public  
69 officer shall be required as a prerequisite to the issuance, sale  
70 or delivery of any bonds or notes of the corporation pursuant to  
71 the provisions of this article. However, all bonds or notes  
72 issued pursuant to this article may be validated, except as  
73 otherwise provided in this section, in accordance with the  
74 provisions of Sections 31-13-1 through 31-13-11, Mississippi Code  
75 of 1972, in the same manner as provided therein for bonds issued  
76 by a municipality. Any such validation proceedings shall be held  
77 in the First Judicial District of Hinds County, Mississippi.  
78 Notice thereof shall be given by publication in any newspaper  
79 published in the City of Jackson, Mississippi, and of general  
80 circulation throughout the state.

81 (7) It is hereby determined that the corporation is the sole  
82 entity in the state authorized to issue bonds or notes for the  
83 purposes of financing low and moderate income rental or  
84 residential housing as set forth in this article. In addition,  
85 the corporation shall have the power to issue mortgage credit  
86 certificates, as provided by Section 25 of the Internal Revenue  
87 Code of 1954, as amended, and to comply with all of the terms and  
88 conditions set forth in Section 25, as the same may be amended  
89 from time to time.

90 **[From and after July 1, 2006, this section shall read as**  
91 **follows:]**

92 43-33-729. (1) The corporation may from time to time issue  
93 its negotiable bonds and notes in such principal amounts as, in  
94 the opinion of the corporation, shall be necessary to provide  
95 sufficient funds for achieving the corporate purposes thereof,



96 including operating expenses and reserves, the payment of interest  
97 on bonds and notes of the corporation, establishment of reserves  
98 to secure such bonds and notes, and all other expenditures of the  
99 corporation incident to and necessary or convenient to carry out  
100 its corporate purposes and powers. Provided, except as otherwise  
101 authorized herein, bonds and notes shall not be issued under this  
102 article in an aggregate principal amount exceeding the aggregate  
103 principal amount of bonds and notes outstanding on July 1, 2006,  
104 excluding bonds and notes issued to refund outstanding bonds and  
105 notes and bonds and notes in which the corporation acts as a  
106 conduit issuer.

107 (2) The provisions of Sections 75-71-1 through 75-71-57,  
108 Mississippi Code of 1972 (the "Mississippi Securities Act"), shall  
109 not apply to bonds and notes issued under the authority of this  
110 article, and no application for a formal exemption from the  
111 provisions of such act shall be required with respect to such  
112 bonds and notes.

113 (3) Except as may otherwise be expressly provided by the  
114 corporation, all bonds and notes issued by the corporation shall  
115 be general obligations of the corporation, secured by the full  
116 faith and credit of the corporation and payable out of any monies,  
117 assets or revenues of the corporation, subject only to any  
118 agreement with the bondholders or noteholders pledging any  
119 particular monies, assets or revenues.

120 The corporation may issue bonds or notes to which the  
121 principal and interest are payable:

122 (a) Exclusively from the revenues of the corporation  
123 resulting from the use of the proceeds of such bonds or notes; or

124 (b) Exclusively from any particular revenues of the  
125 corporation, whether or not resulting from the use of the proceeds  
126 of such bonds or notes.

127 (4) Any bonds or notes issued by the corporation may be  
128 additionally secured:



129           (a) By private insurance, by a direct pay or standby  
130 letter of credit, or by any other credit enhancement facility  
131 procured by the corporation for the payment of any such bonds;

132           (b) By a pledge of any grant, subsidy or contribution  
133 from the United States or any agency or instrumentality thereof,  
134 or from the state or any agency, instrumentality or political  
135 subdivision thereof, or from any person, firm or corporation; or

136           (c) By the pledge of any securities, funds or reserves  
137 (or earnings thereon) available to the corporation.

138           (5) Bonds and notes issued by the corporation shall be  
139 authorized by a resolution or resolutions of the corporation  
140 adopted as provided for by this article; provided, that any such  
141 resolution authorizing the issuance of bonds or notes may delegate  
142 to an officer or officers of the corporation the power to issue  
143 such bonds or notes from time to time and to fix the details of  
144 any such issues of bonds or notes by an appropriate certification  
145 of such authorized officer.

146           (6) Except as specifically provided in this article, no  
147 notice, consent or approval by any governmental body or public  
148 officer shall be required as a prerequisite to the issuance, sale  
149 or delivery of any bonds or notes of the corporation pursuant to  
150 the provisions of this article. However, all bonds or notes  
151 issued pursuant to this article may be validated, except as  
152 otherwise provided in this section, in accordance with the  
153 provisions of Sections 31-13-1 through 31-13-11, Mississippi Code  
154 of 1972, in the same manner as provided therein for bonds issued  
155 by a municipality. Any such validation proceedings shall be held  
156 in the First Judicial District of Hinds County, Mississippi.  
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158 published in the City of Jackson, Mississippi, and of general  
159 circulation throughout the state.

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161 entity in the state authorized to issue bonds or notes for the



162 purposes of financing low and moderate income rental or  
163 residential housing as set forth in this article. In addition,  
164 the corporation shall have the power to issue mortgage credit  
165 certificates, as provided by Section 25 of the Internal Revenue  
166 Code of 1954, as amended, and to comply with all of the terms and  
167 conditions set forth in Section 25, as the same may be amended  
168 from time to time.

169         **SECTION 2.** This act shall take effect and be in force from  
170 and after July 1, 2003.

