

By: Senator(s) Minor, Blackmon, Chamberlin, Dearing, Dickerson, Frazier, Furniss, Hamilton, Harden, Harvey, Hyde-Smith, Jackson, Johnson (19th), Mettetal, Moffatt, Posey, Thames, Walden, Walls, Williamson

To: Finance

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2988

1 AN ACT TO AUTHORIZE THE ISSUANCE OF STATE GENERAL OBLIGATION
2 BONDS FOR THE PURPOSE OF MAKING CAPITAL IMPROVEMENTS FOR
3 INSTITUTIONS OF HIGHER LEARNING, STATE AGENCIES AND COMMUNITY AND
4 JUNIOR COLLEGES; TO AUTHORIZE PREPLANNING OF CERTAIN FACILITIES;
5 TO PROVIDE FOR THE ISSUANCE OF STATE GENERAL OBLIGATION BONDS FOR
6 THE AYERS SETTLEMENT CAPITAL IMPROVEMENTS FUND; AND FOR RELATED
7 PURPOSES.

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

9 **SECTION 1.** As used in this act, the following words shall
10 have the meanings ascribed herein unless the context clearly
11 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.** (1) (a) A special fund, to be designated as the
22 "2003 IHL and State Agencies Capital Improvements Fund," is
23 created within the State Treasury. The fund shall be maintained
24 by the State Treasurer as a separate and special fund, separate
25 and apart from the General Fund of the state. Unexpended amounts
26 remaining in the fund at the end of a fiscal year shall not lapse
27 into the State General Fund, and any interest earned or investment
28 earnings on 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, renovation and/or repair
 32 of existing facilities, furnishings and/or equipping facilities
 33 for public facilities for agencies or their successors as
 34 hereinafter described:

35	NAME	PROJECT	AMOUNT
36			ALLOCATED
37	INSTITUTIONS OF HIGHER LEARNING		\$ 67,940,000.00
38	Alcorn State University.....		\$ 6,000,000.00
39	Phase I construction of		
40	a new dining		
41	facility.....		\$ 5,000,000.00
42	Repair and renovation of campus		
43	buildings and facilities and repair,		
44	renovation, replacement and improvement		
45	of campus infrastructure...		\$ 1,000,000.00
46	Delta State University.....		\$ 6,980,000.00
47	Additions to the Chadwick		
48	Dickson Building.....		\$ 1,980,000.00
49	Repair and renovation of campus		
50	buildings and facilities and repair,		
51	renovation, replacement and improvement		
52	of campus infrastructure...		\$ 5,000,000.00
53	Jackson State University.....		\$ 6,400,000.00
54	Phase II of acquiring and installing any		
55	equipment necessary in		
56	establishing and maintaining		
57	a digital transmission		
58	system for TV23.....		\$ 1,000,000.00
59	Relocation of the		
60	baseball field.....		\$ 1,500,000.00
61	Enclosure for the Lynch		



62 Street Canal..... \$ 400,000.00

63 Acquisition of land..... \$ 500,000.00

64 Phase II of the Lynch

65 Street Corridor

66 Project..... \$ 1,500,000.00

67 Repair and renovation

68 of Dansby Hall..... \$ 1,500,000.00

69 Mississippi University for Women..... \$ 4,500,000.00

70 Repair and renovation of

71 Martin Hall..... \$ 4,500,000.00

72 Mississippi State University..... \$ 10,960,000.00

73 Phase I of repair and renovation

74 of Colvard Student

75 Union..... \$10,000,000.00

76 Expansion of the North

77 Mississippi Research

78 and Extension Center..... \$ 960,000.00

79 Mississippi State University/Division of Agriculture,

80 Forestry and Veterinary Medicine..... \$ 4,750,000.00

81 Phase I construction of

82 a new building for the

83 Department of

84 Agricultural and

85 Biological Engineering..... \$ 4,750,000.00

86 Mississippi Valley State University..... \$ 4,000,000.00

87 Repair and renovation of campus

88 buildings and facilities and

89 repair, renovation, replacement

90 and improvement of campus

91 infrastructure..... \$ 4,000,000.00

92 University of Mississippi..... \$ 9,500,000.00

93 Renovation of Farley Hall..... \$ 5,000,000.00

94 Final phase of renovation



95 of Bryant Hall..... \$ 2,500,000.00
 96 Final phase of relocation
 97 of the Physical Plant..... \$ 1,000,000.00
 98 Repair and renovation of campus
 99 buildings and facilities and
 100 repair, renovation, replacement
 101 and improvement of campus
 102 infrastructure..... \$ 1,000,000.00
 103 University Medical Center..... \$ 3,000,000.00
 104 Repair and renovation of campus
 105 buildings and facilities and
 106 repair, renovation, replacement
 107 and improvement of campus
 108 infrastructure..... \$ 3,000,000.00
 109 University of Southern Mississippi..... \$ 7,000,000.00
 110 Repair and renovation of campus
 111 buildings and facilities and
 112 repair, renovation, replacement
 113 and improvement of campus
 114 infrastructure..... \$ 3,000,000.00
 115 Renovation of the Green
 116 Multipurpose Facility..... \$ 2,000,000.00
 117 Completion of the polymer
 118 product processing
 119 laboratory..... \$ 2,000,000.00
 120 University of Southern Mississippi/
 121 Gulf Coast Campus..... \$ 1,400,000.00
 122 Phase I of completion of
 123 planning and construction of
 124 a nursing facility..... \$ 1,000,000.00
 125 Land acquisition..... \$ 400,000.00
 126 University of Southern Mississippi/
 127 Gulf Coast Research Laboratory..... \$ 750,000.00



128 Repair and renovation of campus
 129 buildings and facilities and
 130 repair, renovation, replacement
 131 and improvement of campus
 132 infrastructure..... \$ 750,000.00
 133 University of Southern Mississippi/
 134 Stennis Space Center..... \$ 1,000,000.00
 135 Expansion, furnishing
 136 and equipping of
 137 the High Performance
 138 Visualization Center..... \$ 1,000,000.00
 139 Education and Research Center..... \$ 700,000.00
 140 Re-roofing of the
 141 Tower Building..... \$ 280,000.00
 142 Resurfacing of the streets
 143 on the campus of the
 144 Center..... \$ 170,000.00
 145 Retrofitting of the
 146 lighting at the Center..... \$ 250,000.00
 147 Board of Trustees of State Institutions of
 148 Higher Learning..... \$ 1,000,000.00
 149 Preparation of master plans for
 150 each campus..... \$ 1,000,000.00
 151 **STATE AGENCIES**..... \$ 46,640,000.00
 152 Department of Mental Health..... \$ 7,640,000.00
 153 Completion of construction
 154 of mental health crisis
 155 intervention centers first
 156 authorized by Chapter 463,
 157 Laws of 1999..... \$ 2,410,000.00
 158 Construction of a
 159 maintenance/warehouse
 160 building at the Mississippi



161 State Hospital..... \$ 1,430,000.00
 162 Completion of furnishing and
 163 equipping of nursing
 164 home facilities at
 165 the East Mississippi
 166 State Hospital..... \$ 1,000,000.00
 167 Construction, furnishing and
 168 equipping of two (2)
 169 intermediate care facilities
 170 for the mentally retarded
 171 (community group homes).... \$ 2,800,000.00
 172 Department of Finance and Administration..... \$ 16,600,000.00
 173 Completion of construction, equipping
 174 and furnishing of a justice
 175 facility to accommodate the
 176 Supreme Court, Court of Appeals
 177 and State Law Library..... \$16,000,000.00
 178 Preplanning for the project described
 179 in subsection (5) of this
 180 section..... \$ 600,000.00
 181 Department of Wildlife, Fisheries and Parks..... \$ 650,000.00
 182 Construction, furnishing and
 183 equipping of two (2) duplex
 184 cabins at Trace State Park
 185 and utility connections,
 186 road extensions and
 187 parking areas for
 188 such cabins..... \$ 325,000.00
 189 Construction, furnishing and
 190 equipping of two (2) duplex
 191 cabins at Lake Lowndes State
 192 Park and utility connections,
 193 road extensions and parking



194 areas for such cabins..... \$ 325,000.00
 195 Mississippi Forestry Commission..... \$ 1,000,000.00
 196 Repair, renovation of equipment
 197 storage facilities and
 198 asbestos removal..... \$ 500,000.00
 199 Construction of facilities
 200 to produce containerized
 201 seedlings..... \$ 500,000.00
 202 Mississippi Library Commission..... \$ 3,500,000.00
 203 Furnishing and equipping
 204 of the new Mississippi
 205 Library Commission
 206 Building..... \$ 3,500,000.00
 207 Mississippi National Guard..... \$ 1,900,000.00
 208 Provide matching funds to the
 209 National Guard for construction
 210 of an armory in Kosciusko,
 211 Mississippi..... \$ 1,400,000.00
 212 Provide matching funds to the
 213 National Guard for armory
 214 maintenance and repair
 215 projects..... \$ 500,000.00
 216 Department of Archives and History..... \$ 4,820,000.00
 217 Repair and renovation of
 218 the Charlotte Capers
 219 Building..... \$ 4,820,000.00
 220 Department of Information and Technology Services. \$ 2,230,000.00
 221 Installation of communications
 222 infrastructure at the capitol
 223 complex, the Education
 224 and Research Center Campus
 225 and other state buildings and
 226 connections between



227 such locations..... \$ 2,230,000.00
 228 Mississippi Veterinary Diagnostic Laboratory..... \$ 6,000,000.00
 229 Phase II of construction of the
 230 Mississippi Veterinary Diagnostic
 231 Laboratory in Jackson..... \$ 6,000,000.00
 232 State Fire Academy..... \$ 2,300,000.00
 233 Construction, equipping and
 234 furnishing a new burn building
 235 with gas fire simulators
 236 and other related
 237 facilities..... \$ 2,300,000.00
 238 **TOTAL..... \$114,255,000.00**

239 (2) (a) Amounts deposited into such special fund shall be
 240 disbursed to pay the costs of projects described in subsection (1)
 241 of this section. If any monies in such special fund are not used
 242 within four (4) years after the date the proceeds of the bonds
 243 authorized under this act are deposited into the special fund,
 244 then the agency or institution of higher learning for which any
 245 unused monies are allocated under subsection (1) of this section
 246 shall provide an accounting of such unused monies to the
 247 commission. Promptly after the commission has certified, by
 248 resolution duly adopted, that the projects described in subsection
 249 (1) of this section shall have been completed, abandoned, or
 250 cannot be completed in a timely fashion, any amounts remaining in
 251 such special fund shall be applied to pay debt service on the
 252 bonds issued under this act, in accordance with the proceedings
 253 authorizing the issuance of such bonds and as directed by the
 254 commission.

255 (b) Monies in the special fund may be used to reimburse
 256 reasonable, actual and necessary costs incurred by the Department
 257 of Finance and Administration, acting through the Bureau of
 258 Building, Grounds and Real Property Management, in administering
 259 or providing assistance directly related to a project described in

260 subsection (1) of this section. Reimbursement may be made only
261 until such time as the project is completed. An accounting of
262 actual costs incurred for which reimbursement is sought shall be
263 maintained for each project by the Department of Finance and
264 Administration, Bureau of Building, Grounds and Real Property
265 Management. Reimbursement of reasonable, actual and necessary
266 costs for a project shall not exceed three percent (3%) of the
267 proceeds of bonds issued for such project. Monies authorized for
268 a particular project may not be used to reimburse administrative
269 costs for unrelated projects.

270 (3) The Department of Finance and Administration, acting
271 through the Bureau of Building, Grounds and Real Property
272 Management, is expressly authorized and empowered to receive and
273 expend any local or other source funds in connection with the
274 expenditure of funds provided for in this section. The
275 expenditure of monies deposited into the special fund shall be
276 under the direction of the Department of Finance and
277 Administration, and such funds shall be paid by the State
278 Treasurer upon warrants issued by such department, which warrants
279 shall be issued upon requisitions signed by the Executive Director
280 of the Department of Finance and Administration, or his designee.

281 (4) Any amounts allocated to an agency or institution of
282 higher learning that are in excess of that needed to complete the
283 projects at such agency or institution of higher learning that are
284 described in subsection (1) of this section may be used for
285 general repairs and renovations at the agency or institution of
286 higher learning to which such amount is allocated.

287 (5) The Department of Finance and Administration, acting
288 through the Bureau of Building, Grounds and Real Property
289 Management, is authorized to preplan a female receiving unit at
290 the Mississippi State Hospital. The project authorized in this
291 subsection shall be in addition to the projects authorized in
292 subsection (1) of this section.



293 **SECTION 3.** (1) (a) A special fund, to be designated as the
 294 "2003 Community and Junior Colleges Capital Improvements Fund" is
 295 created within the State Treasury. The fund shall be maintained
 296 by the State Treasurer as a separate and special fund, separate
 297 and apart from the General Fund of the state. Unexpended amounts
 298 remaining in the fund at the end of a fiscal year shall not lapse
 299 into the State General Fund, and any interest earned or investment
 300 earnings on amounts in the fund shall be deposited to the credit
 301 of the fund. Monies in the fund may not be used or expended for
 302 any purpose except as authorized under this act.

303 (b) Monies deposited into the fund shall be disbursed,
 304 in the discretion of the Department of Finance and Administration,
 305 to pay the costs of acquisition of real property, construction of
 306 new facilities and addition to or renovation of existing
 307 facilities for community and junior college campuses as
 308 recommended by the State Board for Community and Junior Colleges.
 309 The amount to be expended at each community and junior college is
 310 as follows:

311	Coahoma.....	\$ 675,264.00
312	Copiah-Lincoln.....	796,970.00
313	East Central.....	717,168.00
314	East Mississippi.....	827,782.00
315	Hinds.....	1,564,648.00
316	Holmes.....	861,367.00
317	Itawamba.....	906,352.00
318	Jones.....	1,085,985.00
319	Meridian.....	828,399.00
320	Mississippi Delta.....	872,460.00
321	Mississippi Gulf Coast.....	1,383,012.00
322	Northeast Mississippi.....	866,451.00
323	Northwest Mississippi.....	1,108,324.00
324	Pearl River.....	835,639.00
325	Southwest Mississippi.....	670,180.00



326 **GRAND TOTAL..... \$14,000,000.00**

327 (2) Amounts deposited into such special fund shall be
328 disbursed to pay the costs of projects described in subsection (1)
329 of this section. If any monies in such special fund are not used
330 within four (4) years after the date the proceeds of the bonds
331 authorized under this act are deposited into the special fund,
332 then the community college or junior college for which any such
333 monies are allocated under subsection (1) of this section shall
334 provide an accounting of such unused monies to the commission.
335 Promptly after the commission has certified, by resolution duly
336 adopted, that the projects described in subsection (1) of this
337 section shall have been completed, abandoned, or cannot be
338 completed in a timely fashion, any amounts remaining in such
339 special fund shall be applied to pay debt service on the bonds
340 issued under this act, in accordance with the proceedings
341 authorizing the issuance of such bonds and as directed by the
342 commission.

343 (3) The Department of Finance and Administration, acting
344 through the Bureau of Building, Grounds and Real Property
345 Management, is expressly authorized and empowered to receive and
346 expend any local or other source funds in connection with the
347 expenditure of funds provided for in this section. The
348 expenditure of monies deposited into the special fund shall be
349 under the direction of the Department of Finance and
350 Administration, and such funds shall be paid by the State
351 Treasurer upon warrants issued by such department, which warrants
352 shall be issued upon requisitions signed by the Executive Director
353 of the Department of Finance and Administration, or his designee.

354 **SECTION 4.** (1) (a) A special fund, to be designated as the
355 "2003 Ayers Settlement Agreement Capital Improvements Fund," is
356 created within the State Treasury. The fund shall be maintained
357 by the State Treasurer as a separate and special fund, separate
358 and apart from the General Fund of the state. Unexpended amounts

359 remaining in the fund at the end of a fiscal year shall not lapse
360 into the State General Fund, and any interest earned or investment
361 earnings on amounts in the fund shall be deposited to the credit
362 of the fund. Monies in the fund may not be used or expended for
363 any purpose except as authorized under this section.

364 (b) Monies deposited into the fund shall constitute
365 Ayers bond revenues to be disbursed by the Department of Finance
366 and Administration to pay the costs of capital improvements at
367 Alcorn State University, Jackson State University and Mississippi
368 Valley State University as recommended by the Board of Trustees of
369 State Institutions of Higher Learning in order to comply with the
370 Settlement Agreement in the case of Ayers vs. Musgrove.

371 (2) Amounts deposited into such special fund shall be
372 disbursed to pay the costs of projects described in subsection (1)
373 of this section.

374 (3) The Department of Finance and Administration, acting
375 through the Bureau of Building, Grounds and Real Property
376 Management, is expressly authorized and empowered to receive and
377 expend any local or other source funds in connection with the
378 expenditure of funds provided for in this section. The
379 expenditure of monies deposited into the special fund shall be
380 under the direction of the Department of Finance and
381 Administration, and such funds shall be paid by the State
382 Treasurer upon warrants issued by such department, which warrants
383 shall be issued upon requisitions signed by the Executive Director
384 of the Department of Finance and Administration, or his designee.

385 (4) It is the intent of the Legislature that not less than
386 ten percent (10%) of the amounts authorized to be expended in this
387 section shall be expended with small business concerns owned and
388 controlled by socially and economically disadvantaged individuals.
389 The term "socially and economically disadvantaged individuals"
390 shall have the meaning ascribed to such term under Section 8(d) of
391 the Small Business Act (15 USCS, Section 637(d)) and relevant



392 subcontracting regulations promulgated pursuant thereto; except
393 that women shall be presumed to be socially and economically
394 disadvantaged individuals for the purposes of this subsection.

395 **SECTION 5.** (1) (a) A special fund, to be designated as the
396 "2003 Mississippi EDNET Fund," is created within the State
397 Treasury. The fund shall be maintained by the State Treasurer as
398 a separate and special fund, separate and apart from the General
399 Fund of the state. Unexpended amounts remaining in the fund at
400 the end of a fiscal year shall not lapse into the State General
401 Fund, and any interest earned or investment earnings on amounts in
402 the fund shall be deposited to the credit of the fund. Monies in
403 the fund may not be used or expended for any purpose except as
404 authorized under this section.

405 (b) Monies deposited into the fund shall be disbursed
406 by the Department of Finance and Administration to the Mississippi
407 EDNET Institute, to pay the costs of engineering, procuring and
408 installing equipment and facilities consisting of digital
409 microwave interconnect and support equipment, digital video
410 encoding and decoding equipment, digital ITFS transmission
411 equipment, antennas and transmission lines and/or any equipment
412 useful in establishing or maintaining a digital or analog
413 transmission or origination system in order to complete the
414 existing but incomplete EDNET ITFS statewide network.

415 (2) Amounts deposited into such special fund shall be
416 disbursed to the Mississippi EDNET Institute to pay the costs of
417 projects described in subsection (1) of this section.

418 (3) The expenditure of monies deposited into the special
419 fund shall be under the direction of the Department of Finance and
420 Administration, and such funds shall be paid by the State
421 Treasurer to the Mississippi EDNET Institute upon warrants issued
422 by such department, which warrants shall be issued upon
423 requisitions signed by the Executive Director of the Department of
424 Finance and Administration, or his designee.



425 **SECTION 6.** (1) (a) A special fund, to be designated as the
426 "2003 Chalmers Institute Repair and Renovation Fund," is created
427 within the State Treasury. The fund shall be maintained by the
428 State Treasurer as a separate and special fund, separate and apart
429 from the General Fund of the state. Unexpended amounts remaining
430 in the fund at the end of a fiscal year shall not lapse into the
431 State General Fund, and any interest earned or investment earnings
432 on amounts in the fund shall be deposited to the credit of the
433 fund. Monies in the fund may not be used or expended for any
434 purpose except as authorized under this section.

435 (b) Monies deposited into the fund shall be disbursed
436 by the Department of Finance and Administration, to pay the costs
437 of repairs and renovations of the Chalmers Institute in Holly
438 Springs, Mississippi.

439 (2) Amounts deposited into such special fund shall be
440 disbursed to pay the costs of projects described in subsection (1)
441 of this section.

442 (3) The Department of Finance and Administration, acting
443 through the Bureau of Building, Grounds and Real Property
444 Management, is expressly authorized and empowered to receive and
445 expend any local or other source funds in connection with the
446 expenditure of funds provided for in this section. The
447 expenditure of monies deposited into the special fund shall be
448 under the direction of the Department of Finance and
449 Administration, and such funds shall be paid by the State
450 Treasurer upon warrants issued by such department, which warrants
451 shall be issued upon requisitions signed by the Executive Director
452 of the Department of Finance and Administration, or his designee.

453 **SECTION 7.** (1) (a) A special fund, to be designated as the
454 "2003 Hillcrest Cemetery Repair Fund," is created within the State
455 Treasury. The fund shall be maintained by the State Treasurer as
456 a separate and special fund, separate and apart from the General
457 Fund of the state. Unexpended amounts remaining in the fund at



458 the end of a fiscal year shall not lapse into the State General
459 Fund, and any interest earned or investment earnings on amounts in
460 the fund shall be deposited to the credit of the fund. Monies in
461 the fund may not be used or expended for any purpose except as
462 authorized under this section.

463 (b) Monies deposited into the fund shall be disbursed
464 by the Department of Finance and Administration to the City of
465 Holly Springs, Mississippi, to pay the costs of repairs to the
466 historical portion of the Hillcrest Cemetery.

467 (2) Amounts deposited into such special fund shall be
468 disbursed by the Department of Finance and Administration to pay
469 the costs of projects described in subsection (1) of this section.

470 (3) Such funds shall be paid by the State Treasurer to the
471 City of Corinth, Mississippi, upon warrants issued by the
472 Department of Finance and Administration, which warrants shall be
473 issued upon requisitions signed by the Executive Director of the
474 Department of Finance and Administration, or his designee.

475 **SECTION 8.** (1) The commission, at one time, or from time to
476 time, may declare by resolution the necessity for issuance of
477 general obligation bonds of the State of Mississippi to provide
478 funds for all costs incurred or to be incurred for the purposes
479 described in Sections 2, 3, 5, 6 and 7 of this act. Upon the
480 adoption of a resolution by the Department of Finance and
481 Administration, declaring the necessity for the issuance of any
482 part or all of the general obligation bonds authorized by this
483 section, the Department of Finance and Administration shall
484 deliver a certified copy of its resolution or resolutions to the
485 commission. Upon receipt of such resolution, the commission, in
486 its discretion, may act as the issuing agent, prescribe the form
487 of the bonds, advertise for and accept bids, issue and sell the
488 bonds so authorized to be sold and do any and all other things
489 necessary and advisable in connection with the issuance and sale
490 of such bonds. Except as otherwise provided in Section 9 of this



491 act, the total amount of bonds issued under this act shall not
492 exceed One Hundred Twenty-nine Million Seven Hundred Thousand
493 Dollars (\$129,700,000.00). No bonds shall be issued under this
494 section after July 1, 2006.

495 (2) The proceeds of the bonds issued pursuant to this act
496 shall be deposited into the following special funds in not more
497 than the following amounts:

498 (a) The 2003 IHL Capital and State Agencies
499 Improvements Fund created pursuant to Section 2 of this
500 act..... \$114,580,000.00.

501 (b) The 2003 Community and Junior College Capital
502 Improvements Fund created pursuant to Section 3 of this
503 act..... \$ 14,000,000.00.

504 (c) The 2003 Mississippi EDNET Fund created pursuant to
505 Section 5 of this act..... \$ 1,000,000.00.

506 (d) The 2003 Chalmers Institute Repair and Renovation
507 Fund created pursuant to Section 6 of this act... \$ 90,000.00.

508 (e) The 2003 Hillcrest Cemetery Fund created pursuant
509 to Section 7 of this act..... \$ 30,000.00.

510 (3) Any investment earnings on amounts deposited into the
511 special funds created in Sections 2, 3, 5, 6 and 7 of this act
512 shall be used to pay debt service on bonds issued under this act,
513 in accordance with the proceedings authorizing issuance of such
514 bonds.

515 **SECTION 9.** (1) The United States District Court for the
516 Northern District of Mississippi having approved the Settlement
517 Agreement in the case of Ayers v. Musgrove and on notification
518 that such agreement has become final and effective according to
519 its terms, including, but not limited to, the exhaustion of all
520 rights to appeal, the commission, at one time, or from time to
521 time, shall declare by resolution the necessity for issuance of
522 general obligation bonds of the State of Mississippi to provide
523 funds for all costs incurred or to be incurred for the purposes



524 describe in Section 4 of this act. Upon the adoption of a
525 resolution by the Department of Finance and Administration
526 declaring the necessity for the issuance of any part or all of the
527 general obligation bonds authorized by this section, the
528 Department of Finance and Administration shall deliver a certified
529 copy of its resolution or resolutions to the commission. Upon
530 receipt of such resolution, the commission, in its discretion, may
531 act as the issuing agent, prescribe the form of the bonds so
532 authorized to be sold and do any and all other things necessary
533 and advisable in connection with the issuance and sale of such
534 bonds. The total amount of bonds issued pursuant to this section
535 shall not exceed Fifteen Million Dollars (\$15,000,000.00).

536 (2) The proceeds of the bonds issued pursuant to this
537 section shall be deposited into the special fund created in
538 Section 4 of this act. Any investment earnings on amount
539 deposited into the special fund created in Section 4 of this act
540 shall be used to pay debt service on bonds issued under this act,
541 in accordance with the proceedings authorizing the issuance of
542 such bonds.

543 **SECTION 10.** The principal of and interest on the bonds
544 authorized under this act shall be payable in the manner provided
545 in this section. Such bonds shall bear such date or dates, be in
546 such denomination or denominations, bear interest at such rate or
547 rates (not to exceed the limits set forth in Section 75-17-101,
548 Mississippi Code of 1972), be payable at such place or places
549 within or without the State of Mississippi, shall mature
550 absolutely at such time or times not to exceed twenty-five (25)
551 years from date of issue, be redeemable before maturity at such
552 time or times and upon such terms, with or without premium, shall
553 bear such registration privileges, and shall be substantially in
554 such form, all as shall be determined by resolution of the
555 commission.



556 **SECTION 11.** The bonds authorized by this act shall be signed
557 by the chairman of the commission, or by his facsimile signature,
558 and the official seal of the commission shall be affixed thereto,
559 attested by the secretary of the commission. The interest
560 coupons, if any, to be attached to such bonds may be executed by
561 the facsimile signatures of such officers. Whenever any such
562 bonds shall have been signed by the officials designated to sign
563 the bonds who were in office at the time of such signing but who
564 may have ceased to be such officers before the sale and delivery
565 of such bonds, or who may not have been in office on the date such
566 bonds may bear, the signatures of such officers upon such bonds
567 and coupons shall nevertheless be valid and sufficient for all
568 purposes and have the same effect as if the person so officially
569 signing such bonds had remained in office until their delivery to
570 the purchaser, or had been in office on the date such bonds may
571 bear. However, notwithstanding anything herein to the contrary,
572 such bonds may be issued as provided in the Registered Bond Act of
573 the State of Mississippi.

574 **SECTION 12.** All bonds and interest coupons issued under the
575 provisions of this act have all the qualities and incidents of
576 negotiable instruments under the provisions of the Uniform
577 Commercial Code, and in exercising the powers granted by this act,
578 the commission shall not be required to and need not comply with
579 the provisions of the Uniform Commercial Code.

580 **SECTION 13.** The commission shall act as the issuing agent
581 for the bonds authorized under this act, prescribe the form of the
582 bonds, advertise for and accept bids, issue and sell the bonds so
583 authorized to be sold, pay all fees and costs incurred in such
584 issuance and sale, and do any and all other things necessary and
585 advisable in connection with the issuance and sale of such bonds.
586 The commission is authorized and empowered to pay the costs that
587 are incident to the sale, issuance and delivery of the bonds
588 authorized under this act from the proceeds derived from the sale



589 of such bonds. The commission shall sell such bonds on sealed
590 bids at public sale, and for such price as it may determine to be
591 for the best interest of the State of Mississippi, but no such
592 sale shall be made at a price less than par plus accrued interest
593 to the date of delivery of the bonds to the purchaser. All
594 interest accruing on such bonds so issued shall be payable
595 semiannually or annually; however, the first interest payment may
596 be for any period of not more than one (1) year.

597 Notice of the sale of any such bonds shall be published at
598 least one time, not less than ten (10) days before the date of
599 sale, and shall be so published in one or more newspapers
600 published or having a general circulation in the City of Jackson,
601 Mississippi, and in one or more other newspapers or financial
602 journals with a national circulation, to be selected by the
603 commission.

604 The commission, when issuing any bonds under the authority of
605 this act, may provide that bonds, at the option of the State of
606 Mississippi, may be called in for payment and redemption at the
607 call price named therein and accrued interest on such date or
608 dates named therein.

609 **SECTION 14.** The bonds issued under the provisions of this
610 act are general obligations of the State of Mississippi, and for
611 the payment thereof the full faith and credit of the State of
612 Mississippi is irrevocably pledged. If the funds appropriated by
613 the Legislature are insufficient to pay the principal of and the
614 interest on such bonds as they become due, then the deficiency
615 shall be paid by the State Treasurer from any funds in the State
616 Treasury not otherwise appropriated. All such bonds shall contain
617 recitals on their faces substantially covering the provisions of
618 this section.

619 **SECTION 15.** Upon the issuance and sale of bonds under the
620 provisions of this act, the commission shall transfer the proceeds
621 of any such sale or sales to the special funds created in Sections



622 2, 3, 4, 5, 6 and 7 of this act in the amounts provided for in
623 Sections 8(2) and 9 of this act. The proceeds of such bonds shall
624 be disbursed solely upon the order of the Department of Finance
625 and Administration under such restrictions, if any, as may be
626 contained in the resolution providing for the issuance of the
627 bonds.

628 **SECTION 16.** The bonds authorized under this act may be
629 issued without any other proceedings or the happening of any other
630 conditions or things other than those proceedings, conditions and
631 things which are specified or required by this act. Any
632 resolution providing for the issuance of bonds under the
633 provisions of this act shall become effective immediately upon its
634 adoption by the commission, and any such resolution may be adopted
635 at any regular or special meeting of the commission by a majority
636 of its members.

637 **SECTION 17.** The bonds authorized under the authority of this
638 act may be validated in the Chancery Court of the First Judicial
639 District of Hinds County, Mississippi, in the manner and with the
640 force and effect provided by Chapter 13, Title 31, Mississippi
641 Code of 1972, for the validation of county, municipal, school
642 district and other bonds. The notice to taxpayers required by
643 such statutes shall be published in a newspaper published or
644 having a general circulation in the City of Jackson, Mississippi.

645 **SECTION 18.** Any holder of bonds issued under the provisions
646 of this act or of any of the interest coupons pertaining thereto
647 may, either at law or in equity, by suit, action, mandamus or
648 other proceeding, protect and enforce any and all rights granted
649 under this act, or under such resolution, and may enforce and
650 compel performance of all duties required by this act to be
651 performed, in order to provide for the payment of bonds and
652 interest thereon.

653 **SECTION 19.** All bonds issued under the provisions of this
654 act shall be legal investments for trustees and other fiduciaries,



655 and for savings banks, trust companies and insurance companies
656 organized under the laws of the State of Mississippi, and such
657 bonds shall be legal securities which may be deposited with and
658 shall be received by all public officers and bodies of this state
659 and all municipalities and political subdivisions for the purpose
660 of securing the deposit of public funds.

661 **SECTION 20.** Bonds issued under the provisions of this act
662 and income therefrom shall be exempt from all taxation in the
663 State of Mississippi.

664 **SECTION 21.** The proceeds of the bonds issued under this act
665 shall be used solely for the purposes herein provided, including
666 the costs incident to the issuance and sale of such bonds.

667 **SECTION 22.** The State Treasurer is authorized, without
668 further process of law, to certify to the Department of Finance
669 and Administration the necessity for warrants, and the Department
670 of Finance and Administration is authorized and directed to issue
671 such warrants, in such amounts as may be necessary to pay when due
672 the principal of, premium, if any, and interest on, or the
673 accreted value of, all bonds issued under this act; and the State
674 Treasurer shall forward the necessary amount to the designated
675 place or places of payment of such bonds in ample time to
676 discharge such bonds, or the interest thereon, on the due dates
677 thereof.

678 **SECTION 23.** This act shall be deemed to be full and complete
679 authority for the exercise of the powers herein granted, but this
680 act shall not be deemed to repeal or to be in derogation of any
681 existing law of this state.

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

