

By: Representative Clarke

To: Ways and Means

HOUSE BILL NO. 1803

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 REPAIR, RENOVATION AND IMPROVEMENT OF MISSISSIPPI VETERANS
4 MEMORIAL STADIUM; TO ABOLISH THE MISSISSIPPI VETERANS MEMORIAL
5 STADIUM COMMISSION AND TRANSFER ITS DUTIES TO THE JACKSON STATE
6 UNIVERSITY STADIUM COMMISSION, WHICH SHALL BE ESTABLISHED BY
7 JACKSON STATE UNIVERSITY; TO PROVIDE THAT THE STADIUM SHALL BE
8 UNDER THE EXCLUSIVE JURISDICTION OF THE JACKSON STATE UNIVERSITY
9 STADIUM COMMISSION; TO AMEND SECTION 55-23-5, MISSISSIPPI CODE OF
10 1972, TO CONFORM TO THE PRECEDING PROVISIONS; AND FOR RELATED
11 PURPOSES.

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

13 **SECTION 1.** As used in this act, the following words shall
14 have the meanings ascribed in this section unless the context
15 clearly requires otherwise:

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

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

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

25 **SECTION 2.** (1) (a) A special fund, to be designated as the
26 "Veterans Memorial Stadium Repair and Renovation Fund" is created
27 within the State Treasury. The fund shall be maintained by the
28 State Treasurer as a separate and special fund, separate and apart
29 from the General Fund of the state. Unexpended amounts remaining
30 in the fund at the end of a fiscal year shall not lapse into the

31 State General Fund, and any interest earned or investment earnings
32 on amounts in the fund shall be deposited into such fund.

33 (b) Monies deposited into the fund shall be disbursed,
34 in the discretion of the Department of Finance and Administration,
35 to pay the costs of the repair, renovation and improvement of
36 Mississippi Veterans Memorial Stadium in Jackson, Mississippi.

37 (2) Amounts deposited into such special fund shall be
38 disbursed to pay the costs of the projects described in subsection
39 (1) of this section. Promptly after the commission has certified,
40 by resolution duly adopted, that the projects described in
41 subsection (1) of this section have been completed, abandoned, or
42 cannot be completed in a timely fashion, any amounts remaining in
43 such special fund shall be applied to pay debt service on the
44 bonds issued under this act, in accordance with the proceedings
45 authorizing the issuance of such bonds and as directed by the
46 commission.

47 (3) The Department of Finance and Administration, acting
48 through the Bureau of Building, Grounds and Real Property
49 Management, is expressly authorized and empowered to receive and
50 expend any local or other source funds in connection with the
51 expenditure of funds provided for in this section. The
52 expenditure of monies deposited into the special fund shall be
53 under the direction of the Department of Finance and
54 Administration, and such funds shall be paid by the State
55 Treasurer upon warrants issued by such department, which warrants
56 shall be issued upon requisitions signed by the Executive Director
57 of the Department of Finance and Administration or his designee.

58 **SECTION 3.** (1) The commission, at one time, or from time to
59 time, may declare by resolution the necessity for issuance of
60 general obligation bonds of the State of Mississippi to provide
61 funds for all costs incurred or to be incurred for the purposes
62 described in Section 2 of this act. Upon the adoption of a
63 resolution by the Department of Finance and Administration,

64 declaring the necessity for the issuance of any part or all of the
65 general obligation bonds authorized by this section, the
66 Department of Finance and Administration shall deliver a certified
67 copy of its resolution or resolutions to the commission. Upon
68 receipt of such resolution, the commission, in its discretion, may
69 act as the issuing agent, prescribe the form of the bonds,
70 advertise for and accept bids, issue and sell the bonds so
71 authorized to be sold and do any and all other things necessary
72 and advisable in connection with the issuance and sale of such
73 bonds. The total amount of bonds issued under this act shall not
74 exceed Twenty-five Million Dollars (\$25,000,000.00).

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

79 **SECTION 4.** The principal of and interest on the bonds
80 authorized under this act shall be payable in the manner provided
81 in this section. Such bonds shall bear such date or dates, be in
82 such denomination or denominations, bear interest at such rate or
83 rates (not to exceed the limits set forth in Section 75-17-101,
84 Mississippi Code of 1972), be payable at such place or places
85 within or without the State of Mississippi, shall mature
86 absolutely at such time or times not to exceed twenty-five (25)
87 years from date of issue, be redeemable before maturity at such
88 time or times and upon such terms, with or without premium, shall
89 bear such registration privileges, and shall be substantially in
90 such form, all as shall be determined by resolution of the
91 commission.

92 **SECTION 5.** The bonds authorized by this act shall be signed
93 by the chairman of the commission, or by his facsimile signature,
94 and the official seal of the commission shall be affixed thereto,
95 attested by the secretary of the commission. The interest
96 coupons, if any, to be attached to such bonds may be executed by

97 the facsimile signatures of such officers. Whenever any such
98 bonds shall have been signed by the officials designated to sign
99 the bonds who were in office at the time of such signing but who
100 may have ceased to be such officers before the sale and delivery
101 of such bonds, or who may not have been in office on the date such
102 bonds may bear, the signatures of such officers upon such bonds
103 and coupons shall nevertheless be valid and sufficient for all
104 purposes and have the same effect as if the person so officially
105 signing such bonds had remained in office until their delivery to
106 the purchaser, or had been in office on the date such bonds may
107 bear. However, notwithstanding anything herein to the contrary,
108 such bonds may be issued as provided in the Registered Bond Act of
109 the State of Mississippi.

110 **SECTION 6.** All bonds and interest coupons issued under the
111 provisions of this act have all the qualities and incidents of
112 negotiable instruments under the provisions of the Uniform
113 Commercial Code, and in exercising the powers granted by this act,
114 the commission shall not be required to and need not comply with
115 the provisions of the Uniform Commercial Code.

116 **SECTION 7.** The commission shall act as the issuing agent for
117 the bonds authorized under this act, prescribe the form of the
118 bonds, advertise for and accept bids, issue and sell the bonds so
119 authorized to be sold, pay all fees and costs incurred in such
120 issuance and sale, and do any and all other things necessary and
121 advisable in connection with the issuance and sale of such bonds.
122 The commission is authorized and empowered to pay the costs that
123 are incident to the sale, issuance and delivery of the bonds
124 authorized under this act from the proceeds derived from the sale
125 of such bonds. The commission shall sell such bonds on sealed
126 bids at public sale, and for such price as it may determine to be
127 for the best interest of the State of Mississippi, but no such
128 sale shall be made at a price less than par plus accrued interest
129 to the date of delivery of the bonds to the purchaser. All

130 interest accruing on such bonds so issued shall be payable
131 semiannually or annually; however, the first interest payment may
132 be for any period of not more than one (1) year.

133 Notice of the sale of any such bonds shall be published at
134 least one time, not less than ten (10) days before the date of
135 sale, and shall be so published in one or more newspapers
136 published or having a general circulation in the City of Jackson,
137 Mississippi, and in one or more other newspapers or financial
138 journals with a national circulation, to be selected by the
139 commission.

140 The commission, when issuing any bonds under the authority of
141 this act, may provide that bonds, at the option of the State of
142 Mississippi, may be called in for payment and redemption at the
143 call price named therein and accrued interest on such date or
144 dates named therein.

145 **SECTION 8.** The bonds issued under the provisions of this act
146 are general obligations of the State of Mississippi, and for the
147 payment thereof the full faith and credit of the State of
148 Mississippi is irrevocably pledged. If the funds appropriated by
149 the Legislature are insufficient to pay the principal of and the
150 interest on such bonds as they become due, then the deficiency
151 shall be paid by the State Treasurer from any funds in the State
152 Treasury not otherwise appropriated. All such bonds shall contain
153 recitals on their faces substantially covering the provisions of
154 this section.

155 **SECTION 9.** Upon the issuance and sale of bonds under the
156 provisions of this act, the commission shall transfer the proceeds
157 of any such sale or sales to the special fund created in Section 2
158 of this act. The proceeds of such bonds shall be disbursed solely
159 upon the order of the Department of Finance and Administration
160 under such restrictions, if any, as may be contained in the
161 resolution providing for the issuance of the bonds.

162 **SECTION 10.** The bonds authorized under this act may be
163 issued without any other proceedings or the happening of any other
164 conditions or things other than those proceedings, conditions and
165 things which are specified or required by this act. Any
166 resolution providing for the issuance of bonds under the
167 provisions of this act shall become effective immediately upon its
168 adoption by the commission, and any such resolution may be adopted
169 at any regular or special meeting of the commission by a majority
170 of its members.

171 **SECTION 11.** The bonds authorized under the authority of this
172 act may be validated in the Chancery Court of the First Judicial
173 District of Hinds County, Mississippi, in the manner and with the
174 force and effect provided by Chapter 13, Title 31, Mississippi
175 Code of 1972, for the validation of county, municipal, school
176 district and other bonds. The notice to taxpayers required by
177 such statutes shall be published in a newspaper published or
178 having a general circulation in the City of Jackson, Mississippi.

179 **SECTION 12.** Any holder of bonds issued under the provisions
180 of this act or of any of the interest coupons pertaining thereto
181 may, either at law or in equity, by suit, action, mandamus or
182 other proceeding, protect and enforce any and all rights granted
183 under this act, or under such resolution, and may enforce and
184 compel performance of all duties required by this act to be
185 performed, in order to provide for the payment of bonds and
186 interest thereon.

187 **SECTION 13.** All bonds issued under the provisions of this
188 act shall be legal investments for trustees and other fiduciaries,
189 and for savings banks, trust companies and insurance companies
190 organized under the laws of the State of Mississippi, and such
191 bonds shall be legal securities which may be deposited with and
192 shall be received by all public officers and bodies of this state
193 and all municipalities and political subdivisions for the purpose
194 of securing the deposit of public funds.

195 **SECTION 14.** Bonds issued under the provisions of this act
196 and income therefrom shall be exempt from all taxation in the
197 State of Mississippi.

198 **SECTION 15.** The proceeds of the bonds issued under this act
199 shall be used solely for the purposes herein provided, including
200 the costs incident to the issuance and sale of such bonds.

201 **SECTION 16.** The State Treasurer is authorized, without
202 further process of law, to certify to the Department of Finance
203 and Administration the necessity for warrants, and the Department
204 of Finance and Administration is authorized and directed to issue
205 such warrants, in such amounts as may be necessary to pay when due
206 the principal of, premium, if any, and interest on, or the
207 accreted value of, all bonds issued under this act; and the State
208 Treasurer shall forward the necessary amount to the designated
209 place or places of payment of such bonds in ample time to
210 discharge such bonds, or the interest thereon, on the due dates
211 thereof.

212 **SECTION 17.** This act shall be deemed to be full and complete
213 authority for the exercise of the powers herein granted, but this
214 act shall not be deemed to repeal or to be in derogation of any
215 existing law of this state.

216 **SECTION 18.** (1) The Mississippi Veterans Memorial Stadium
217 Commission is abolished on July 1, 2004, and all records, duties,
218 responsibilities, assets, contractual rights and obligations,
219 property rights and any unexpended balances of appropriations that
220 are vested on June 30, 2004, in the Mississippi Veterans Memorial
221 Stadium Commission, are vested on July 1, 2004, in the Jackson
222 State University Stadium Commission established under subsection
223 (2) of this section. From and after July 1, 2004, the Mississippi
224 Veterans Memorial Stadium shall be under the exclusive
225 jurisdiction of the Jackson State University Stadium Commission,
226 and the Jackson State University Stadium Commission shall assume
227 all liabilities and indebtedness of the stadium. The Jackson

228 State University Stadium Commission is authorized to enter into
229 any contractual agreement for the purpose of leasing the stadium
230 to provide revenue to help retire any indebtedness of the stadium.
231 However, the Legislature, in its discretion, may retire all
232 obligations on the stadium by making an appropriation for that
233 purpose from the State General Fund. In no event shall the
234 appropriation for the upkeep of the stadium be less than the
235 fiscal year 2004 appropriation made to the Mississippi Veterans
236 Memorial Stadium Commission for its operation.

237 (2) Jackson State University, with the advice of the Board
238 of Trustees of State Institutions of Higher Learning, shall
239 establish a commission to be known as the Jackson State University
240 Stadium Commission, which shall operate and maintain the
241 Mississippi Veterans Memorial Stadium. Whenever the term
242 "Mississippi Veterans Memorial Stadium Commission," "stadium
243 commission" or "commission," when referring to the Mississippi
244 Veterans Memorial Stadium Commission, is used in any statute,
245 rule, regulation or document, the term shall be construed to mean
246 the Jackson State University Stadium Commission established under
247 this subsection.

248 **SECTION 19.** Section 55-23-5, Mississippi Code of 1972, is
249 amended as follows:

250 55-23-5. * * * (1) From and after May 1, 1987, the stadium
251 shall be known as the "Mississippi Veterans Memorial Stadium."

252 * * *

253 (2) The commission shall contract with a certified public
254 accounting firm to conduct audits of concession and novelty sales
255 by vendors at the stadium, and shall, as far as is practicable,
256 provide that the cost of those audits shall be paid by the vendor
257 of those concessions or novelties, or both.

258 (3) The commission may appoint a director of the stadium,
259 who shall have at least a bachelor's degree from an accredited
260 university or college. The director shall have the responsibility

261 for insuring the marketing of tickets to events conducted in the
262 stadium, in addition to such other duties as the commission may
263 designate. Before entering upon the duties of his office, the
264 director shall give bond to the State of Mississippi in the sum of
265 Fifty Thousand Dollars (\$50,000.00), and the bond shall be
266 conditioned upon the faithful discharge and performance of his
267 official duty. The principal and surety on the bond shall be
268 liable under the bond to the state for double the amount of value
269 of any money or property that the state may lose, if any, by
270 reason of any wrongful or criminal act of the director. The bond,
271 when approved by the commission, shall be filed with the Secretary
272 of State, and the premium on the bond shall be paid from the
273 Mississippi Veterans Memorial Stadium Operating Fund.

274 **SECTION 20.** This act shall take effect and be in force from
275 and after its passage.