

By: Senator(s) Dearing

To: Finance

SENATE BILL NO. 2032

1 AN ACT TO AUTHORIZE THE DEPARTMENT OF AGRICULTURE AND  
 2 COMMERCE TO PROVIDE GRANTS TO COUNTIES AND MUNICIPALITIES TO  
 3 PROVIDE FUNDS FOR THE CONSTRUCTION, RENOVATION AND EXPANSION OF  
 4 LIVESTOCK FACILITIES; TO PROVIDE THAT ANY COUNTY OR MUNICIPALITY  
 5 THAT RECEIVES A GRANT SHALL BE REQUIRED TO MATCH THE AMOUNT OF THE  
 6 GRANT WITH AN EQUAL AMOUNT OF CASH; TO LIMIT THE MAXIMUM AMOUNT OF  
 7 SUCH GRANTS FOR ANY ONE LOCATION; TO LIMIT THE COUNTIES AND  
 8 MUNICIPALITIES THAT MAY APPLY FOR SUCH GRANTS; TO AUTHORIZE THE  
 9 ISSUANCE OF GENERAL OBLIGATION BONDS IN THE AMOUNT OF  
 10 \$5,000,000.00 TO PROVIDE A SOURCE OF FUNDS FOR SUCH GRANTS; AND  
 11 FOR RELATED PURPOSES.

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

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

32 facilities at any one (1) location shall not be more than Five  
33 Hundred Thousand Dollars (\$500,000.00). The construction,  
34 renovation or expansion of livestock facilities using grants from  
35 the Department of Agriculture and Commerce shall not be required  
36 to be performed by or under the supervision of the Bureau of  
37 Building, Grounds and Real Property Management of the Department  
38 of Finance and Administration.

39 (b) Except as otherwise provided in paragraph (c) of  
40 this subsection, counties and municipalities that received grants  
41 under the grant program authorized under Section 18, Chapter 530,  
42 Laws of 1995, shall not be eligible to receive grants pursuant to  
43 this act.

44 (c) If all the grant funds authorized under this act  
45 cannot be obligated to counties and municipalities that have not  
46 previously received grants under the grant program authorized  
47 under Section 18, Chapter 530, Laws of 1995, grants may be made to  
48 counties and municipalities that were issued grants under Section  
49 18, Chapter 530, Laws of 1995, that did not receive the maximum  
50 amount authorized in such section; provided, however, that the  
51 combined amount of the grants issued to any county or municipality  
52 under this section and Section 18, Chapter 530, Laws of 1995,  
53 shall not exceed Five Hundred Thousand Dollars (\$500,000.00).

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

62 **SECTION 2.** (1) The Department of Agriculture and Commerce,  
63 at one time or from time to time, may declare by resolution the  
64 necessity for issuance of general obligation bonds of the State of

65 Mississippi to provide funds for the grant program authorized in  
66 Section 1 of this act.

67 (2) Upon the adoption of a resolution by the Department of  
68 Agriculture and Commerce declaring the necessity for the issuance  
69 of any part or all of the general obligation bonds authorized by  
70 this section, the department shall deliver a certified copy of its  
71 resolution or resolutions to the State Bond Commission. Upon  
72 receipt of such resolution, the State Bond Commission, in its  
73 discretion, may act as the issuing agent, prescribe the form of  
74 the bonds, advertise for and accept bids, issue and sell the bonds  
75 so authorized to be sold, and do any and all other things  
76 necessary and advisable in connection with the issuance and sale  
77 of such bonds.

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

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

92 **SECTION 4.** The bonds authorized under this act shall be  
93 signed by the Chairman of the State Bond Commission, or by his  
94 facsimile signature, and the official seal of the State Bond  
95 Commission shall be affixed thereto, attested by the Secretary of  
96 the State Bond Commission. The interest coupons, if any, to be  
97 attached to such bonds may be executed by the facsimile signatures

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

111       **SECTION 5.** All bonds and interest coupons issued under the  
112 provisions of this act have all the qualities and incidents of  
113 negotiable instruments under the provisions of the Uniform  
114 Commercial Code, and in exercising the powers granted by this act,  
115 the State Bond Commission shall not be required to and need not  
116 comply with the provisions of the Uniform Commercial Code.

117       **SECTION 6.** The State Bond Commission shall act as the  
118 issuing agent for the bonds authorized under this act, prescribe  
119 the form of the bonds, advertise for and accept bids, issue and  
120 sell the bonds so authorized to be sold, pay all fees and costs  
121 incurred in such issuance and sale, and do all other things  
122 necessary and advisable in connection with the issuance and sale  
123 of the bonds. The State Bond Commission may pay the costs that  
124 are incident to the sale, issuance and delivery of the bonds  
125 authorized under this act from the proceeds derived from the sale  
126 of the bonds. The State Bond Commission shall sell such bonds on  
127 sealed bids at public sale, and for such price as it may determine  
128 to be for the best interest of the State of Mississippi, but no  
129 such sale may be made at a price less than par plus accrued  
130 interest to the date of delivery of the bonds to the purchaser.

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

134 Notice of the sale of any such bond shall be published at  
135 least one (1) time, not less than ten (10) days before the date of  
136 sale, and shall be so published in one or more newspapers  
137 published or having a general circulation in the City of Jackson,  
138 Mississippi, and in one or more other newspapers or financial  
139 journals with a national circulation, to be selected by the State  
140 Bond Commission.

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

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

156 **SECTION 8.** The State Treasurer is authorized to certify to  
157 the State Fiscal Officer the necessity for warrants, and the State  
158 Fiscal Officer is authorized and directed to issue such warrants  
159 in such amounts as may be necessary to pay when due the principal  
160 of, premium, if any, and interest on, or the accredited value of,  
161 all bonds issued under this act; and the State Treasurer shall  
162 forward the necessary amount to the designated place or places of

163 payment of such bonds in ample time to discharge such bonds, or  
164 the interest on the bonds, on their due dates.

165       **SECTION 9.** Upon the issuance and sale of bonds under this  
166 act, the State Bond Commission shall deposit the proceeds of any  
167 such sale or sales in a special fund created in the State Treasury  
168 to be known as the "2004 Livestock Facilities Grant Fund." The  
169 proceeds of such bonds shall be used solely for the purposes  
170 provided in this act, including the costs incident to the issuance  
171 and sale of such bonds. The costs incident to the issuance and  
172 sale of such bonds shall be disbursed by warrant upon requisition  
173 of the State Bond Commission, signed by the chairman of the  
174 commission. The remaining monies in the fund shall be expended  
175 solely under the direction of the Department of Finance and  
176 Administration under such restrictions, if any, as may be  
177 contained in the resolution providing for the issuance of the  
178 bonds, and such funds shall be paid by the State Treasurer upon  
179 warrants issued by the State Fiscal Officer.

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

189       **SECTION 11.** The bonds authorized under the authority of this  
190 act may be validated in the Chancery Court of the First Judicial  
191 District of Hinds County, Mississippi, in the manner and with the  
192 force and effect provided by Chapter 13, Title 31, Mississippi  
193 Code of 1972, for the validation of county, municipal, school  
194 district and other bonds. The notice to taxpayers required by

195 such statutes shall be published in a newspaper published or  
196 having a general circulation in the City of Jackson, Mississippi.

197       **SECTION 12.** Any holder of bonds issued under this act or of  
198 any of the interest coupons pertaining to the bonds may, either at  
199 law or in equity, by suit, action, mandamus or other proceeding,  
200 protect and enforce all rights granted under this act, or under  
201 such resolution, and may enforce and compel performance of all  
202 duties required by this act to be performed, in order to provide  
203 for the payment of bonds and interest on the bonds.

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

212       **SECTION 14.** Bonds issued under this act and income from the  
213 bonds shall be exempt from all taxation in the State of  
214 Mississippi.

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

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