

By: Senator(s) Robertson, King

To: Finance

SENATE BILL NO. 3082

1 AN ACT TO AUTHORIZE THE ISSUANCE OF \$50,000,000.00 IN STATE  
 2 GENERAL OBLIGATION BONDS TO PROVIDE FUNDS FOR THE DESIGN OF,  
 3 PURCHASE OF EQUIPMENT FOR, AND CONSTRUCTION OF A STATEWIDE  
 4 WIRELESS COMMUNICATION SYSTEM; TO PROVIDE THAT THE BOND PROCEEDS  
 5 SHALL BE DEPOSITED INTO THE INTEGRATED PUBLIC SAFETY  
 6 COMMUNICATIONS FUND; TO AUTHORIZE THE ISSUANCE OF \$10,000,000.00  
 7 IN STATE GENERAL OBLIGATION BONDS TO PROVIDE FUNDS FOR THE  
 8 CONSTRUCTION OF A COOPERATIVE DATA CENTER FOR THE MISSISSIPPI  
 9 DEPARTMENT OF INFORMATION TECHNOLOGY SERVICES; AND FOR RELATED  
 10 PURPOSES.

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

12 **SECTION 1.** As used in Sections 1 through 16 of this act, the  
 13 following words shall have the meanings ascribed herein unless the  
 14 context clearly requires otherwise:

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

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

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

24 (d) "This act" means Sections 1 through 16 of this act.

25 **SECTION 2.** (1) The commission, at one time, or from time to  
 26 time, may declare by resolution the necessity for issuance of  
 27 general obligation bonds of the State of Mississippi to provide  
 28 funds for the design of, purchase of equipment for, and  
 29 construction of a statewide wireless communications system that  
 30 will be interoperable to the extent practical with existing  
 31 communications systems and for related purposes. Upon the

32 adoption of a resolution by the Wireless Communications Commission  
33 created in Section 25-53-171 declaring the necessity for the  
34 issuance of any part or all of the general obligation bonds  
35 authorized by this section, the Wireless Communication Commission  
36 shall deliver a certified copy of its resolution or resolutions to  
37 the commission. Upon receipt of such resolution, the commission,  
38 in its discretion, may act as the issuing agent, prescribe the  
39 form of the bonds, advertise for and accept bids, issue and sell  
40 the bonds so authorized to be sold and do any and all other things  
41 necessary and advisable in connection with the issuance and sale  
42 of such bonds. The total amount of bonds issued under this act  
43 shall not exceed Fifty Million Dollars (\$50,000,000.00).

44 (2) The proceeds of bonds issued pursuant to this act shall  
45 be deposited into the Integrated Public Safety Communications Fund  
46 created pursuant to Section 25-53-171. Any investment earnings on  
47 bonds issued pursuant to this act shall be used to pay debt  
48 service on bonds issued under this act, in accordance with the  
49 proceedings authorizing issuance of such bonds.

50 **SECTION 3.** The principal of and interest on the bonds  
51 authorized under this act shall be payable in the manner provided  
52 in this section. Such bonds shall bear such date or dates, be in  
53 such denomination or denominations, bear interest at such rate or  
54 rates (not to exceed the limits set forth in Section 75-17-101,  
55 Mississippi Code of 1972), be payable at such place or places  
56 within or without the State of Mississippi, shall mature  
57 absolutely at such time or times not to exceed twenty-five (25)  
58 years from date of issue, be redeemable before maturity at such  
59 time or times and upon such terms, with or without premium, shall  
60 bear such registration privileges, and shall be substantially in  
61 such form, all as shall be determined by resolution of the  
62 commission.

63 **SECTION 4.** The bonds authorized by this act shall be signed  
64 by the chairman of the commission, or by his facsimile signature,

65 and the official seal of the commission shall be affixed thereto,  
66 attested by the secretary of the commission. The interest  
67 coupons, if any, to be attached to such bonds may be executed by  
68 the facsimile signatures of such officers. Whenever any such  
69 bonds shall have been signed by the officials designated to sign  
70 the bonds who were in office at the time of such signing but who  
71 may have ceased to be such officers before the sale and delivery  
72 of such bonds, or who may not have been in office on the date such  
73 bonds may bear, the signatures of such officers upon such bonds  
74 and coupons shall nevertheless be valid and sufficient for all  
75 purposes and have the same effect as if the person so officially  
76 signing such bonds had remained in office until their delivery to  
77 the purchaser, or had been in office on the date such bonds may  
78 bear. However, notwithstanding anything herein to the contrary,  
79 such bonds may be issued as provided in the Registered Bond Act of  
80 the State of Mississippi.

81       **SECTION 5.** All bonds and interest coupons issued under the  
82 provisions of this act have all the qualities and incidents of  
83 negotiable instruments under the provisions of the Uniform  
84 Commercial Code, and in exercising the powers granted by this act,  
85 the commission shall not be required to and need not comply with  
86 the provisions of the Uniform Commercial Code.

87       **SECTION 6.** The commission shall act as the issuing agent for  
88 the bonds authorized under this act, prescribe the form of the  
89 bonds, advertise for and accept bids, issue and sell the bonds so  
90 authorized to be sold, pay all fees and costs incurred in such  
91 issuance and sale, and do any and all other things necessary and  
92 advisable in connection with the issuance and sale of such bonds.  
93 The commission is authorized and empowered to pay the costs that  
94 are incident to the sale, issuance and delivery of the bonds  
95 authorized under this act from the proceeds derived from the sale  
96 of such bonds. The commission shall sell such bonds on sealed  
97 bids at public sale, and for such price as it may determine to be

98 for the best interest of the State of Mississippi, but no such  
99 sale shall be made at a price less than par plus accrued interest  
100 to the date of delivery of the bonds to the purchaser. All  
101 interest accruing on such bonds so issued shall be payable  
102 semiannually or annually; however, the first interest payment may  
103 be for any period of not more than one (1) year.

104 Notice of the sale of any such bonds shall be published at  
105 least one time, not less than ten (10) days before the date of  
106 sale, and shall be so published in one or more newspapers  
107 published or having a general circulation in the City of Jackson,  
108 Mississippi, and in one or more other newspapers or financial  
109 journals with a national circulation, to be selected by the  
110 commission.

111 The commission, when issuing any bonds under the authority of  
112 this act, may provide that bonds, at the option of the State of  
113 Mississippi, may be called in for payment and redemption at the  
114 call price named therein and accrued interest on such date or  
115 dates named therein.

116 **SECTION 7.** The bonds issued under the provisions of this act  
117 are general obligations of the State of Mississippi, and for the  
118 payment thereof the full faith and credit of the State of  
119 Mississippi is irrevocably pledged. If the funds appropriated by  
120 the Legislature are insufficient to pay the principal of and the  
121 interest on such bonds as they become due, then the deficiency  
122 shall be paid by the State Treasurer from any funds in the State  
123 Treasury not otherwise appropriated. All such bonds shall contain  
124 recitals on their faces substantially covering the provisions of  
125 this section.

126 **SECTION 8.** Upon the issuance and sale of bonds under the  
127 provisions of this act, the commission shall transfer the proceeds  
128 of any such sale or sales to the Integrated Public Safety  
129 Communications Fund created in Section 23-53-171. The proceeds of  
130 such bonds shall be disbursed as provided for in Section 23-53-171

131 under such restrictions, if any, as may be contained in the  
132 resolution providing for the issuance of the bonds.

133         **SECTION 9.** The bonds authorized under this act may be issued  
134 without any other proceedings or the happening of any other  
135 conditions or things other than those proceedings, conditions and  
136 things which are specified or required by this act. Any  
137 resolution providing for the issuance of bonds under the  
138 provisions of this act shall become effective immediately upon its  
139 adoption by the commission, and any such resolution may be adopted  
140 at any regular or special meeting of the commission by a majority  
141 of its members.

142         **SECTION 10.** The bonds authorized under the authority of this  
143 act may be validated in the Chancery Court of the First Judicial  
144 District of Hinds County, Mississippi, in the manner and with the  
145 force and effect provided by Chapter 13, Title 31, Mississippi  
146 Code of 1972, for the validation of county, municipal, school  
147 district and other bonds. The notice to taxpayers required by  
148 such statutes shall be published in a newspaper published or  
149 having a general circulation in the City of Jackson, Mississippi.

150         **SECTION 11.** Any holder of bonds issued under the provisions  
151 of this act or of any of the interest coupons pertaining thereto  
152 may, either at law or in equity, by suit, action, mandamus or  
153 other proceeding, protect and enforce any and all rights granted  
154 under this act, or under such resolution, and may enforce and  
155 compel performance of all duties required by this act to be  
156 performed, in order to provide for the payment of bonds and  
157 interest thereon.

158         **SECTION 12.** All bonds issued under the provisions of this  
159 act shall be legal investments for trustees and other fiduciaries,  
160 and for savings banks, trust companies and insurance companies  
161 organized under the laws of the State of Mississippi, and such  
162 bonds shall be legal securities which may be deposited with and  
163 shall be received by all public officers and bodies of this state

164 and all municipalities and political subdivisions for the purpose  
165 of securing the deposit of public funds.

166       **SECTION 13.** Bonds issued under the provisions of this act  
167 and income therefrom shall be exempt from all taxation in the  
168 State of Mississippi.

169       **SECTION 14.** The proceeds of the bonds issued under this act  
170 shall be used solely for the purposes therein provided, including  
171 the costs incident to the issuance and sale of such bonds.

172       **SECTION 15.** The State Treasurer is authorized, without  
173 further process of law, to certify to the Department of Finance  
174 and Administration the necessity for warrants, and the Department  
175 of Finance and Administration is authorized and directed to issue  
176 such warrants, in such amounts as may be necessary to pay when due  
177 the principal of, premium, if any, and interest on, or the  
178 accreted value of, all bonds issued under this act; and the State  
179 Treasurer shall forward the necessary amount to the designated  
180 place or places of payment of such bonds in ample time to  
181 discharge such bonds, or the interest thereon, on the due dates  
182 thereof.

183       **SECTION 16.** This act shall be deemed to be full and complete  
184 authority for the exercise of the powers therein granted, but this  
185 act shall not be deemed to repeal or to be in derogation of any  
186 existing law of this state.

187       **SECTION 17.** As used in Sections 17 through 33 of this act,  
188 the following words shall have the meanings ascribed in this  
189 section unless the context clearly requires otherwise:

190           (a) "Accreted value" of any bond means, as of any date  
191 of computation, an amount equal to the sum of (i) the stated  
192 initial value of the bond, plus (ii) the interest accrued on the  
193 bond from the issue date to the date of computation at the rate,  
194 compounded semiannually, that is necessary to produce the  
195 approximate yield to maturity shown for bonds of the same  
196 maturity.

197 (b) "Commission" means the State Bond Commission.

198 (c) "Department" means the Department of Finance and  
199 Administration.

200 (d) "State" means the State of Mississippi.

201 (e) "This act" means Sections 17 through 33 of this  
202 act.

203 **SECTION 18.** (1) (a) There is created in the State Treasury  
204 a special fund to be known as the "Mississippi Department of  
205 Information Technology Services Cooperative Data Center  
206 Construction Fund." The fund shall be maintained by the State  
207 Treasurer as a special fund, separate and apart from the State  
208 General Fund. Unexpended amounts remaining in the special fund at  
209 the end of a fiscal year shall not lapse into the State General  
210 Fund, and any interest earned or investment earnings on amounts in  
211 the special fund shall be deposited to the credit of the special  
212 fund. Monies in the special fund may not be used or expended for  
213 any purpose except as authorized under this act.

214 (b) Monies deposited into the special fund shall be  
215 disbursed, in the discretion of the Department of Finance and  
216 Administration, to pay the costs of construction, furnishing and  
217 equipping of a cooperative data center for the Mississippi  
218 Department of Information Technology Services (Project Number  
219 527-003).

220 (2) Amounts deposited into the special fund shall be  
221 disbursed to pay the costs of the project described in subsection  
222 (1) of this section. Promptly after the commission has certified,  
223 by resolution duly adopted, that the projects described in  
224 subsection (1) of this section shall have been completed,  
225 abandoned, or cannot be completed in a timely fashion, any amounts  
226 remaining in the special fund shall be applied to pay debt service  
227 on the bonds issued under this act, in accordance with the  
228 proceedings authorizing the issuance of the bonds and as directed  
229 by the commission.

230 (3) The department, acting through the Bureau of Building,  
231 Grounds and Real Property Management, is expressly authorized and  
232 empowered to receive and expend any local or other source funds in  
233 connection with the expenditure of funds provided for in this  
234 section.

235 (4) The expenditure of monies in the special fund shall be  
236 under the direction of the department, and those monies shall be  
237 paid by the State Treasurer upon warrants issued by the  
238 department, which warrants shall be issued upon requisitions  
239 signed by the executive director of the department or his  
240 designee.

241 **SECTION 19.** (1) The commission, at one time or from time to  
242 time, may declare by resolution the necessity for issuance of  
243 general obligation bonds of the State of Mississippi to provide  
244 funds for all costs incurred or to be incurred for the purposes  
245 described in Section 18 of this act. Upon the adoption of a  
246 resolution by the department declaring the necessity for the  
247 issuance of any part or all of the bonds authorized by this  
248 section, the department shall deliver a certified copy of its  
249 resolution or resolutions to the commission. Upon receipt of the  
250 resolution, the commission, in its discretion, may act as the  
251 issuing agent, prescribe the form of the bonds, advertise for and  
252 accept bids, issue and sell the bonds so authorized to be sold and  
253 do any and all other things necessary and advisable in connection  
254 with the issuance and sale of the bonds. The total amount of  
255 bonds issued under this act shall not exceed Ten Million Dollars  
256 (\$10,000,000.00).

257 (2) Any investment earnings on amounts deposited into the  
258 special fund created in Section 18 of this act shall be used to  
259 pay debt service on bonds issued under this act, in accordance  
260 with the proceedings authorizing issuance of the bonds.

261 **SECTION 20.** The principal of and interest on the bonds  
262 authorized under this act shall be payable in the manner provided



263 in this section. The bonds shall bear such date or dates, be in  
264 such denomination or denominations, bear interest at such rate or  
265 rates (not to exceed the limits set forth in Section 75-17-101,  
266 Mississippi Code of 1972), be payable at such place or places  
267 within or without the State of Mississippi, shall mature  
268 absolutely at such time or times not to exceed twenty-five (25)  
269 years from date of issue, be redeemable before maturity at such  
270 time or times and upon such terms, with or without premium, shall  
271 bear such registration privileges, and shall be substantially in  
272 such form, all as determined by resolution of the commission.

273 **SECTION 21.** The bonds authorized by this act shall be signed  
274 by the chairman of the commission, or by his facsimile signature,  
275 and the official seal of the commission shall be affixed thereto,  
276 attested by the secretary of the commission. The interest  
277 coupons, if any, to be attached to the bonds may be executed by  
278 the facsimile signatures of those officers. Whenever any such  
279 bonds have been signed by the officials designated to sign the  
280 bonds who were in office at the time of the signing but who may  
281 have ceased to be those officers before the sale and delivery of  
282 the bonds, or who may not have been in office on the date that the  
283 bonds may bear, the signatures of those officers upon the bonds  
284 and coupons shall nevertheless be valid and sufficient for all  
285 purposes and have the same effect as if the person so officially  
286 signing the bonds had remained in office until their delivery to  
287 the purchaser, or had been in office on the date the bonds may  
288 bear. However, notwithstanding anything in this act to the  
289 contrary, the bonds may be issued as provided in the Registered  
290 Bond Act of the State of Mississippi.

291 **SECTION 22.** All bonds and interest coupons issued under the  
292 provisions of this act have all the qualities and incidents of  
293 negotiable instruments under the provisions of the Uniform  
294 Commercial Code, and in exercising the powers granted by this act,

295 the commission shall not be required to and need not comply with  
296 the provisions of the Uniform Commercial Code.

297       **SECTION 23.** The commission shall act as the issuing agent  
298 for the bonds authorized under this act, prescribe the form of the  
299 bonds, advertise for and accept bids, issue and sell the bonds so  
300 authorized to be sold, pay all fees and costs incurred in the  
301 issuance and sale, and do any and all other things necessary and  
302 advisable in connection with the issuance and sale of the bonds.  
303 The commission is authorized and empowered to pay the costs that  
304 are incident to the sale, issuance and delivery of the bonds  
305 authorized under this act from the proceeds derived from the sale  
306 of the bonds. The commission shall sell the bonds on sealed bids  
307 at public sale, and for such price as it may determine to be for  
308 the best interest of the State of Mississippi, but no such sale  
309 shall be made at a price less than par plus accrued interest to  
310 the date of delivery of the bonds to the purchaser. All interest  
311 accruing on the bonds so issued shall be payable semiannually or  
312 annually; however, the first interest payment may be for any  
313 period of not more than one (1) year.

314       Notice of the sale of any such bonds shall be published at  
315 least one time, not less than ten (10) days before the date of  
316 sale, and shall be so published in one or more newspapers  
317 published or having a general circulation in the City of Jackson,  
318 Mississippi, and in one or more other newspapers or financial  
319 journals with a national circulation, to be selected by the  
320 commission.

321       The commission, when issuing any bonds under the authority of  
322 this act, may provide that bonds, at the option of the State of  
323 Mississippi, may be called in for payment and redemption at the  
324 call price named therein and accrued interest on such date or  
325 dates named therein.

326       **SECTION 24.** The bonds issued under the provisions of this  
327 act are general obligations of the State of Mississippi, and for

328 the payment thereof, the full faith and credit of the State of  
329 Mississippi is irrevocably pledged. If the funds appropriated by  
330 the Legislature for those purposes are insufficient to pay the  
331 principal of and the interest on the bonds as they become due,  
332 then the amount of the deficiency shall be paid by the State  
333 Treasurer from any funds in the State Treasury not otherwise  
334 appropriated. All those bonds shall contain recitals on their  
335 faces substantially covering the provisions of this section.

336 **SECTION 25.** Upon the issuance and sale of bonds under the  
337 provisions of this act, the commission shall transfer the proceeds  
338 of any such sale or sales to the special fund created in Section  
339 18 of this act. The proceeds of the bonds shall be disbursed  
340 solely upon the order of the department under such restrictions,  
341 if any, as may be contained in the resolution providing for the  
342 issuance of the bonds.

343 **SECTION 26.** The bonds authorized under this act may be  
344 issued without any other proceedings or the happening of any other  
345 conditions or things other than those proceedings, conditions and  
346 things that are specified or required by this act. Any resolution  
347 providing for the issuance of bonds under the provisions of this  
348 act shall become effective immediately upon its adoption by the  
349 commission, and any such resolution may be adopted at any regular  
350 or special meeting of the commission by a majority of its members.

351 **SECTION 27.** The bonds authorized under this act may be  
352 validated in the Chancery Court of the First Judicial District of  
353 Hinds County, Mississippi, in the manner and with the force and  
354 effect provided by Chapter 13, Title 31, Mississippi Code of 1972,  
355 for the validation of county, municipal, school district and other  
356 bonds. The notice to taxpayers required by those statutes shall  
357 be published in a newspaper published or having a general  
358 circulation in the City of Jackson, Mississippi.

359 **SECTION 28.** Any holder of bonds issued under the provisions  
360 of this act or of any of the interest coupons pertaining to those

361 bonds may, either at law or in equity, by suit, action, mandamus  
362 or other proceeding, protect and enforce any and all rights  
363 granted under this act, or under the resolution, and may enforce  
364 and compel performance of all duties required by this act to be  
365 performed, in order to provide for the payment of bonds and  
366 interest on the bonds.

367       **SECTION 29.** All bonds issued under the provisions of this  
368 act shall be legal investments for trustees and other fiduciaries,  
369 and for savings banks, trust companies and insurance companies  
370 organized under the laws of the State of Mississippi, and the  
371 bonds shall be legal securities that may be deposited with and  
372 shall be received by all public officers and bodies of this state  
373 and all municipalities and political subdivisions for the purpose  
374 of securing the deposit of public funds.

375       **SECTION 30.** Bonds issued under the provisions of this act  
376 and income from the bonds shall be exempt from all taxation in the  
377 State of Mississippi.

378       **SECTION 31.** The proceeds of the bonds issued under this act  
379 shall be used solely for the purposes herein provided, including  
380 the costs incident to the issuance and sale of such bonds.

381       **SECTION 32.** The State Treasurer is authorized, without  
382 further process of law, to certify to the Department of Finance  
383 and Administration the necessity for warrants, and the department  
384 is authorized and directed to issue those warrants, in such  
385 amounts as may be necessary to pay when due the principal of,  
386 premium, if any, and interest on, or the accreted value of, all  
387 bonds issued under this act; and the State Treasurer shall forward  
388 the necessary amount to the designated place or places of payment  
389 of those bonds in ample time to discharge the bonds, or the  
390 interest on the bonds, on the due dates thereof.

391       **SECTION 33.** This act shall be deemed to be full and complete  
392 authority for the exercise of the powers granted in this act, but

393 this act shall not be deemed to repeal or to be in derogation of  
394 any existing law of this state.

395         **SECTION 34.** This act shall take effect and be in force from  
396 and after its passage.