

By: Senator(s) Jackson (32nd)

To: Finance

SENATE BILL NO. 3091

1 AN ACT TO AUTHORIZE THE ISSUANCE OF GENERAL OBLIGATION BONDS
2 OF THE STATE OF MISSISSIPPI IN THE AMOUNT OF \$10,500,000.00 FOR
3 THE PURPOSE OF PROVIDING FUNDS TO THE DEPARTMENT OF INFORMATION
4 TECHNOLOGY SERVICES FOR A MAPPING AND FACILITY INVENTORY
5 ELECTRONIC SYSTEM; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** As used in this act, the following words shall
8 have the meanings ascribed herein unless the context clearly
9 requires otherwise:

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

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

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

19 **SECTION 2.** (1) (a) A special fund, to be designated as the
20 "Mississippi Department of Information Technology Services Mapping
21 and Facility Inventory Electronic System Fund," is created within
22 the State Treasury. The fund shall be maintained by the State
23 Treasurer as a separate and special fund, separate and apart from
24 the General Fund of the state. Unexpended amounts remaining in
25 the fund at the end of a fiscal year shall not lapse into the
26 State General Fund, and any interest earned or investment earnings
27 on amounts in the fund shall be deposited into such fund.

28 (b) Monies deposited into the fund shall be disbursed,
29 by the Department of Finance and Administration to the Mississippi
30 Department of Information Technology Services to pay the cost of
31 an information technology services mapping and facility inventory
32 electronic system as described in Section 3 of this act.

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

43 (3) The expenditure of monies deposited into the special fund
44 shall be under the direction of the Department of Finance and
45 Administration, and such funds shall be paid by the State
46 Treasurer upon warrants issued by the department upon request of
47 the Mississippi Department of Information Technology Services,
48 which warrants shall be issued upon requisitions signed by the
49 Executive Director of the Department of Finance and
50 Administration, or his designee.

51 **SECTION 3.** (1) The Mississippi Department of Information
52 Technology Services, acting through its executive director, is
53 authorized and empowered to construct a mapping, environmental,
54 roofing, mechanical, electrical and other major facility component
55 inventory system for all state-owned facilities. The project
56 shall commence after the effective date of this act and shall be
57 completed not later than December 31, 2009. The Mississippi
58 Department of Information Technology Services may expend funds
59 made available from the special fund created in Section 1 of this
60 act for the purpose of constructing the system. Funds in the

61 amount of Three Million Five Hundred Thousand Dollars
62 (\$3,500,000.00) per year shall be deposited into a special fund
63 account to be expended for the purpose of constructing the system.
64 The funds in the special fund account shall be disbursed at the
65 discretion of the Executive Director of the Mississippi Department
66 of Information Technology Services to implement the construction
67 of the system.

68 (2) It is the intent of the Legislature to authorize the
69 Mississippi Department of Information Technology Services to
70 establish the consolidation of vital infrastructure and facility
71 data into a centralized location to provide immediate secure
72 access to state-owned facilities by the Mississippi Emergency
73 Management Agency before, during and after natural disasters and
74 other catastrophes to aid in recovery. All agencies that have a
75 facility incorporated in the mapping and facility inventory
76 electronic system shall have secure access to only the facilities
77 for which the agency is responsible. The construction of the
78 system is intended to heighten efficiency in responding to, and
79 recovery from, natural disasters and other catastrophes. The
80 system is intended to improve agency equipment maintenance
81 programs and capital improvement programs.

82 **SECTION 4.** (1) The commission, at one time, or from time to
83 time, may declare by resolution the necessity for issuance of
84 general obligation bonds of the State of Mississippi to provide
85 funds for all costs incurred or to be incurred for the purposes
86 described in Section 2 of this act. Upon the adoption of a
87 resolution by the Department of Finance and Administration,
88 declaring the necessity for the issuance of any part or all of the
89 general obligation bonds authorized by this section, the
90 Department of Finance and Administration shall deliver a certified
91 copy of its resolution or resolutions to the commission. Upon
92 receipt of such resolution, the commission, in its discretion, may
93 act as the issuing agent, prescribe the form of the bonds,

94 advertise for and accept bids, issue and sell the bonds so
95 authorized to be sold and do any and all other things necessary
96 and advisable in connection with the issuance and sale of such
97 bonds. The total amount of bonds issued under this act shall not
98 exceed Ten Million Five Hundred Thousand Dollars (\$10,500,000.00).
99 No bonds shall be issued under this act after July 1, 2010.

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

104 **SECTION 5.** The principal of and interest on the bonds
105 authorized under this act shall be payable in the manner provided
106 in this section. Such bonds shall bear such date or dates, be in
107 such denomination or denominations, bear interest at such rate or
108 rates (not to exceed the limits set forth in Section 75-17-101,
109 Mississippi Code of 1972), be payable at such place or places
110 within or without the State of Mississippi, shall mature
111 absolutely at such time or times not to exceed twenty-five (25)
112 years from date of issue, be redeemable before maturity at such
113 time or times and upon such terms, with or without premium, shall
114 bear such registration privileges, and shall be substantially in
115 such form, all as shall be determined by resolution of the
116 commission.

117 **SECTION 6.** The bonds authorized by this act shall be signed
118 by the chairman of the commission, or by his facsimile signature,
119 and the official seal of the commission shall be affixed thereto,
120 attested by the secretary of the commission. The interest
121 coupons, if any, to be attached to such bonds may be executed by
122 the facsimile signatures of such officers. Whenever any such
123 bonds shall have been signed by the officials designated to sign
124 the bonds who were in office at the time of such signing but who
125 may have ceased to be such officers before the sale and delivery
126 of such bonds, or who may not have been in office on the date such

127 bonds may bear, the signatures of such officers upon such bonds
128 and coupons shall nevertheless be valid and sufficient for all
129 purposes and have the same effect as if the person so officially
130 signing such bonds had remained in office until their delivery to
131 the purchaser, or had been in office on the date such bonds may
132 bear. However, notwithstanding anything herein to the contrary,
133 such bonds may be issued as provided in the Registered Bond Act of
134 the State of Mississippi.

135 **SECTION 7.** All bonds and interest coupons issued under the
136 provisions of this act have all the qualities and incidents of
137 negotiable instruments under the provisions of the Uniform
138 Commercial Code, and in exercising the powers granted by this act,
139 the commission shall not be required to and need not comply with
140 the provisions of the Uniform Commercial Code.

141 **SECTION 8.** The commission shall act as the issuing agent for
142 the bonds authorized under this act, prescribe the form of the
143 bonds, advertise for and accept bids, issue and sell the bonds so
144 authorized to be sold, pay all fees and costs incurred in such
145 issuance and sale, and do any and all other things necessary and
146 advisable in connection with the issuance and sale of such bonds.
147 The commission is authorized and empowered to pay the costs that
148 are incident to the sale, issuance and delivery of the bonds
149 authorized under this act from the proceeds derived from the sale
150 of such bonds. The commission shall sell such bonds on sealed
151 bids at public sale, and for such price as it may determine to be
152 for the best interest of the State of Mississippi, but no such
153 sale shall be made at a price less than par plus accrued interest
154 to the date of delivery of the bonds to the purchaser. All
155 interest accruing on such bonds so issued shall be payable
156 semiannually or annually; however, the first interest payment may
157 be for any period of not more than one (1) year.

158 Notice of the sale of any such bonds shall be published at
159 least one (1) time, not less than ten (10) days before the date of

160 sale, and shall be so published in one or more newspapers
161 published or having a general circulation in the City of Jackson,
162 Mississippi, and in one or more other newspapers or financial
163 journals with a national circulation, to be selected by the
164 commission.

165 The commission, when issuing any bonds under the authority of
166 this act, may provide that bonds, at the option of the State of
167 Mississippi, may be called in for payment and redemption at the
168 call price named therein and accrued interest on such date or
169 dates named therein.

170 **SECTION 9.** The bonds issued under the provisions of this act
171 are general obligations of the State of Mississippi, and for the
172 payment thereof the full faith and credit of the State of
173 Mississippi is irrevocably pledged. If the funds appropriated by
174 the Legislature are insufficient to pay the principal of and the
175 interest on such bonds as they become due, then the deficiency
176 shall be paid by the State Treasurer from any funds in the State
177 Treasury not otherwise appropriated. All such bonds shall contain
178 recitals on their faces substantially covering the provisions of
179 this section.

180 **SECTION 10.** Upon the issuance and sale of bonds under the
181 provisions of this act, the commission shall transfer the proceeds
182 of any such sale or sales to the special fund created in Section 2
183 of this act. The proceeds of such bonds shall be disbursed solely
184 upon the order of the Department of Finance and Administration
185 under such restrictions, if any, as may be contained in the
186 resolution providing for the issuance of the bonds.

187 **SECTION 11.** The bonds authorized under this act may be
188 issued without any other proceedings or the happening of any other
189 conditions or things other than those proceedings, conditions and
190 things which are specified or required by this act. Any
191 resolution providing for the issuance of bonds under the
192 provisions of this act shall become effective immediately upon its

193 adoption by the commission, and any such resolution may be adopted
194 at any regular or special meeting of the commission by a majority
195 of its members.

196 **SECTION 12.** The bonds authorized under the authority of this
197 act may be validated in the Chancery Court of the First Judicial
198 District of Hinds County, Mississippi, in the manner and with the
199 force and effect provided by Chapter 13, Title 31, Mississippi
200 Code of 1972, for the validation of county, municipal, school
201 district and other bonds. The notice to taxpayers required by
202 such statutes shall be published in a newspaper published or
203 having a general circulation in the City of Jackson, Mississippi.

204 **SECTION 13.** Any holder of bonds issued under the provisions
205 of this act or of any of the interest coupons pertaining thereto
206 may, either at law or in equity, by suit, action, mandamus or
207 other proceeding, protect and enforce any and all rights granted
208 under this act, or under such resolution, and may enforce and
209 compel performance of all duties required by this act to be
210 performed, in order to provide for the payment of bonds and
211 interest thereon.

212 **SECTION 14.** All bonds issued under the provisions of this
213 act shall be legal investments for trustees and other fiduciaries,
214 and for savings banks, trust companies and insurance companies
215 organized under the laws of the State of Mississippi, and such
216 bonds shall be legal securities which may be deposited with and
217 shall be received by all public officers and bodies of this state
218 and all municipalities and political subdivisions for the purpose
219 of securing the deposit of public funds.

220 **SECTION 15.** Bonds issued under the provisions of this act
221 and income therefrom shall be exempt from all taxation in the
222 State of Mississippi.

223 **SECTION 16.** The proceeds of the bonds issued under this act
224 shall be used solely for the purposes herein provided, including
225 the costs incident to the issuance and sale of such bonds.

226 **SECTION 17.** The State Treasurer is authorized, without
227 further process of law, to certify to the Department of Finance
228 and Administration the necessity for warrants, and the Department
229 of Finance and Administration is authorized and directed to issue
230 such warrants, in such amounts as may be necessary to pay when due
231 the principal of, premium, if any, and interest on, or the
232 accreted value of, all bonds issued under this act; and the State
233 Treasurer shall forward the necessary amount to the designated
234 place or places of payment of such bonds in ample time to
235 discharge such bonds, or the interest thereon, on the due dates
236 thereof.

237 **SECTION 18.** This act shall be deemed to be full and complete
238 authority for the exercise of the powers herein granted, but this
239 act shall not be deemed to repeal or to be in derogation of any
240 existing law of this state.

241 **SECTION 19.** This act shall take effect and be in force from
242 and after its passage.