

By: Senator(s) Harden

To: Finance

SENATE BILL NO. 3074

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 CAPITAL IMPROVEMENTS ON THE CAMPUS OF JACKSON STATE  
4 UNIVERSITY; AND FOR RELATED PURPOSES.

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

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

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

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

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

18 SECTION 2. (1) (a) A special fund, to be designated as the  
19 "2007 Jackson State University Capital Improvement Fund," is  
20 created within the State Treasury. The fund shall be maintained  
21 by the State Treasurer as a separate and special fund, separate  
22 and apart from the General Fund of the state. Unexpended amounts  
23 remaining in the fund at the end of a fiscal year shall not lapse  
24 into the State General Fund, and any interest earned or investment  
25 earnings on amounts in the fund shall be deposited into such fund.

26 (b) Monies deposited into the fund shall be disbursed,  
27 in the discretion of the Department of Finance and Administration,

28 to pay the costs of the following projects on the campus of  
 29 Jackson State University:

30 Phase III of repair of campus  
 31 buildings and facilities necessary  
 32 for compliance with the Americans  
 33 With Disabilities Act..... \$ 6,000,000.00

34 Phase III of purchase and preparation  
 35 of parcels around JSU campuses for  
 36 community development and campus  
 37 expansion projects..... 4,000,000.00

38 Construction of a new facility  
 39 on the site of Moore Hall for  
 40 the College of Public Service..... 12,000,000.00

41 Construction of new facilities  
 42 on the site of Dansby and Johnson  
 43 Halls for classrooms and faculty  
 44 offices for the Division of  
 45 Undergraduate Studies/Honors College  
 46 and Performing Arts Hall and  
 47 studios for ceramics, photography  
 48 and painting..... 18,000,000.00

49 Repair and renovation of  
 50 the Administrative Tower..... 9,000,000.00

51 Construction of a vertical  
 52 campus parking facility to  
 53 improve campus parking..... 5,000,000.00

54 Purchase of security cameras,  
 55 electronic locks, sidewalk  
 56 and street lighting and  
 57 movement of guard booths to  
 58 enhance campus security..... 3,000,000.00

59 General repair and renovation  
 60 of campus facilities..... 2,000,000.00

61	Roof repair of campus facilities.....	1,800,000.00
62	Study on design/capacity changes	
63	needed in chilled water loop	
64	to ensure it can handle new	
65	capacity due to campus growth.....	<u>150,000.00</u>
66	TOTAL.....	\$60,950,000.00

67 (2) Amounts deposited into such special fund shall be  
68 disbursed to pay the costs of the project described in subsection  
69 (1) of this section. Promptly after the commission has certified,  
70 by resolution duly adopted, that the project described in  
71 subsection (1) of this section shall have been completed,  
72 abandoned, or cannot be completed in a timely fashion, any amounts  
73 remaining in such special fund shall be applied to pay debt  
74 service on the bonds issued under this act, in accordance with the  
75 proceedings authorizing the issuance of such bonds and as directed  
76 by the commission.

77 (3) The Department of Finance and Administration, acting  
78 through the Bureau of Building, Grounds and Real Property  
79 Management, is expressly authorized and empowered to receive and  
80 expend any local or other source funds in connection with the  
81 expenditure of funds provided for in this section. The  
82 expenditure of monies deposited into the special fund shall be  
83 under the direction of the Department of Finance and  
84 Administration, and such funds shall be paid by the State  
85 Treasurer upon warrants issued by such department, which warrants  
86 shall be issued upon requisitions signed by the Executive Director  
87 of the Department of Finance and Administration or his designee.

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

94 declaring the necessity for the issuance of any part or all of the  
95 general obligation bonds authorized by this section, the  
96 Department of Finance and Administration shall deliver a certified  
97 copy of its resolution or resolutions to the commission. Upon  
98 receipt of such resolution, the commission, in its discretion, may  
99 act as the issuing agent, prescribe the form of the bonds,  
100 advertise for and accept bids, issue and sell the bonds so  
101 authorized to be sold and do any and all other things necessary  
102 and advisable in connection with the issuance and sale of such  
103 bonds. The total amount of bonds issued under this act shall not  
104 exceed Sixty Million Nine Hundred Fifty Thousand Dollars  
105 (\$60,950,000.00).

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

110 **SECTION 4.** The principal of and interest on the bonds  
111 authorized under this act shall be payable in the manner provided  
112 in this section. Such bonds shall bear such date or dates, be in  
113 such denomination or denominations, bear interest at such rate or  
114 rates (not to exceed the limits set forth in Section 75-17-101,  
115 Mississippi Code of 1972), be payable at such place or places  
116 within or without the State of Mississippi, shall mature  
117 absolutely at such time or times not to exceed twenty-five (25)  
118 years from date of issue, be redeemable before maturity at such  
119 time or times and upon such terms, with or without premium, shall  
120 bear such registration privileges, and shall be substantially in  
121 such form, all as shall be determined by resolution of the  
122 commission.

123 **SECTION 5.** The bonds authorized by this act shall be signed  
124 by the chairman of the commission, or by his facsimile signature,  
125 and the official seal of the commission shall be affixed thereto,  
126 attested by the secretary of the commission. The interest

127 coupons, if any, to be attached to such bonds may be executed by  
128 the facsimile signatures of such officers. Whenever any such  
129 bonds shall have been signed by the officials designated to sign  
130 the bonds who were in office at the time of such signing but who  
131 may have ceased to be such officers before the sale and delivery  
132 of such bonds, or who may not have been in office on the date such  
133 bonds may bear, the signatures of such officers upon such bonds  
134 and coupons shall nevertheless be valid and sufficient for all  
135 purposes and have the same effect as if the person so officially  
136 signing such bonds had remained in office until their delivery to  
137 the purchaser, or had been in office on the date such bonds may  
138 bear. However, notwithstanding anything herein to the contrary,  
139 such bonds may be issued as provided in the Registered Bond Act of  
140 the State of Mississippi.

141       **SECTION 6.** All bonds and interest coupons issued under the  
142 provisions of this act have all the qualities and incidents of  
143 negotiable instruments under the provisions of the Uniform  
144 Commercial Code, and in exercising the powers granted by this act,  
145 the commission shall not be required to and need not comply with  
146 the provisions of the Uniform Commercial Code.

147       **SECTION 7.** The commission shall act as the issuing agent for  
148 the bonds authorized under this act, prescribe the form of the  
149 bonds, advertise for and accept bids, issue and sell the bonds so  
150 authorized to be sold, pay all fees and costs incurred in such  
151 issuance and sale, and do any and all other things necessary and  
152 advisable in connection with the issuance and sale of such bonds.  
153 The commission is authorized and empowered to pay the costs that  
154 are incident to the sale, issuance and delivery of the bonds  
155 authorized under this act from the proceeds derived from the sale  
156 of such bonds. The commission shall sell such bonds on sealed  
157 bids at public sale, and for such price as it may determine to be  
158 for the best interest of the State of Mississippi, but no such  
159 sale shall be made at a price less than par plus accrued interest

160 to the date of delivery of the bonds to the purchaser. All  
161 interest accruing on such bonds so issued shall be payable  
162 semiannually or annually; however, the first interest payment may  
163 be for any period of not more than one (1) year.

164 Notice of the sale of any such bonds shall be published at  
165 least one time, not less than ten (10) days before the date of  
166 sale, and shall be so published in one or more newspapers  
167 published or having a general circulation in the City of Jackson,  
168 Mississippi, and in one or more other newspapers or financial  
169 journals with a national circulation, to be selected by the  
170 commission.

171 The commission, when issuing any bonds under the authority of  
172 this act, may provide that bonds, at the option of the State of  
173 Mississippi, may be called in for payment and redemption at the  
174 call price named therein and accrued interest on such date or  
175 dates named therein.

176 **SECTION 8.** The bonds issued under the provisions of this act  
177 are general obligations of the State of Mississippi, and for the  
178 payment thereof the full faith and credit of the State of  
179 Mississippi is irrevocably pledged. If the funds appropriated by  
180 the Legislature are insufficient to pay the principal of and the  
181 interest on such bonds as they become due, then the deficiency  
182 shall be paid by the State Treasurer from any funds in the State  
183 Treasury not otherwise appropriated. All such bonds shall contain  
184 recitals on their faces substantially covering the provisions of  
185 this section.

186 **SECTION 9.** Upon the issuance and sale of bonds under the  
187 provisions of this act, the commission shall transfer the proceeds  
188 of any such sale or sales to the special fund created in Section 2  
189 of this act. The proceeds of such bonds shall be disbursed solely  
190 upon the order of the Department of Finance and Administration  
191 under such restrictions, if any, as may be contained in the  
192 resolution providing for the issuance of the bonds.

193           **SECTION 10.** The bonds authorized under this act may be  
194 issued without any other proceedings or the happening of any other  
195 conditions or things other than those proceedings, conditions and  
196 things which are specified or required by this act. Any  
197 resolution providing for the issuance of bonds under the  
198 provisions of this act shall become effective immediately upon its  
199 adoption by the commission, and any such resolution may be adopted  
200 at any regular or special meeting of the commission by a majority  
201 of its members.

202           **SECTION 11.** The bonds authorized under the authority of this  
203 act may be validated in the Chancery Court of the First Judicial  
204 District of Hinds County, Mississippi, in the manner and with the  
205 force and effect provided by Chapter 13, Title 31, Mississippi  
206 Code of 1972, for the validation of county, municipal, school  
207 district and other bonds. The notice to taxpayers required by  
208 such statutes shall be published in a newspaper published or  
209 having a general circulation in the City of Jackson, Mississippi.

210           **SECTION 12.** Any holder of bonds issued under the provisions  
211 of this act or of any of the interest coupons pertaining thereto  
212 may, either at law or in equity, by suit, action, mandamus or  
213 other proceeding, protect and enforce any and all rights granted  
214 under this act, or under such resolution, and may enforce and  
215 compel performance of all duties required by this act to be  
216 performed, in order to provide for the payment of bonds and  
217 interest thereon.

218           **SECTION 13.** All bonds issued under the provisions of this  
219 act shall be legal investments for trustees and other fiduciaries,  
220 and for savings banks, trust companies and insurance companies  
221 organized under the laws of the State of Mississippi, and such  
222 bonds shall be legal securities which may be deposited with and  
223 shall be received by all public officers and bodies of this state  
224 and all municipalities and political subdivisions for the purpose  
225 of securing the deposit of public funds.

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

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

232           **SECTION 16.** The State Treasurer is authorized, without  
233 further process of law, to certify to the Department of Finance  
234 and Administration the necessity for warrants, and the Department  
235 of Finance and Administration is authorized and directed to issue  
236 such warrants, in such amounts as may be necessary to pay when due  
237 the principal of, premium, if any, and interest on, or the  
238 accreted value of, all bonds issued under this act; and the State  
239 Treasurer shall forward the necessary amount to the designated  
240 place or places of payment of such bonds in ample time to  
241 discharge such bonds, or the interest thereon, on the due dates  
242 thereof.

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

247           **SECTION 18.** This act shall take effect and be in force from  
248 and after its passage.