

By: Senator(s) Robertson, Mettetal, Jackson
(32nd), Doxey

To: Finance

SENATE BILL NO. 3191
(As Sent to Governor)

1 AN ACT TO AUTHORIZE THE ISSUANCE OF GENERAL OBLIGATION BONDS
2 OF THE STATE OF MISSISSIPPI FOR THE PURPOSE OF CONSTRUCTING AN
3 INTERMEDIATE CARE FACILITY FOR THE MENTALLY RETARDED FOR THE
4 DEPARTMENT OF MENTAL HEALTH IN KEMPER COUNTY, MISSISSIPPI; TO
5 AUTHORIZE THE ISSUANCE OF STATE GENERAL OBLIGATION BONDS TO
6 PROVIDE FUNDS FOR THE DEPARTMENT OF WILDLIFE, FISHERIES AND PARKS;
7 AND FOR RELATED PURPOSES.

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

9 SECTION 1. (1) As used in this section, the following words
10 shall have the meanings ascribed herein unless the context clearly
11 requires otherwise:

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

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

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

21 (2) (a) (i) A special fund, to be designated the "2007
22 Kemper County Community Group Home Construction Fund," is created
23 within the State Treasury. The fund shall be maintained by the
24 State Treasurer as a separate and special fund, separate and apart
25 from the General Fund of the state. Unexpended amounts remaining
26 in the fund at the end of a fiscal year shall not lapse into the
27 State General Fund, and any interest earned or investment earnings
28 on amounts in the fund shall be deposited to the credit of the

29 fund. Monies in the fund may not be used or expended for any
30 purpose except as authorized under this section.

31 (ii) Monies deposited into the fund shall be
32 disbursed, in the discretion of the Department of Finance and
33 Administration, to pay the costs of constructing, furnishing and
34 equipping one (1) intermediate care facilities for the mentally
35 retarded (community group home) for the Department of Mental
36 Health. The facility shall be located in Kemper County,
37 Mississippi.

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

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

59 (d) The Department of Finance and Administration is
60 authorized to pay for constructing, furnishing and equipping one
61 (1) intermediate care facilities for the mentally retarded

62 (community group home) at the location provided for in paragraph
63 (a)(ii) of this subsection.

64 (3) (a) The commission, at one time, or from time to time,
65 may declare by resolution the necessity for issuance of general
66 obligation bonds of the State of Mississippi to provide funds for
67 all costs incurred or to be incurred for the purposes described in
68 subsection (2) of this section. Upon the adoption of a resolution
69 by the Department of Finance and Administration, declaring the
70 necessity for the issuance of any part or all of the general
71 obligation bonds authorized by this subsection, the Department of
72 Finance and Administration shall deliver a certified copy of its
73 resolution or resolutions to the commission. Upon receipt of such
74 resolution, the commission, in its discretion, may section as the
75 issuing agent, prescribe the form of the bonds, advertise for and
76 accept bids, issue and sell the bonds so authorized to be sold and
77 do any and all other things necessary and advisable in connection
78 with the issuance and sale of such bonds. The total amount of
79 bonds issued under this section shall not exceed Seven Hundred
80 Thousand Dollars (\$700,000.00).

81 (b) Any investment earnings on amounts deposited into
82 the special fund created in subsection (2) of this section shall
83 be used to pay debt service on bonds issued under this section, in
84 accordance with the proceedings authorizing issuance of such
85 bonds.

86 (4) The principal of and interest on the bonds authorized
87 under this section shall be payable in the manner provided in this
88 subsection. Such bonds shall bear such date or dates, be in such
89 denomination or denominations, bear interest at such rate or rates
90 (not to exceed the limits set forth in Section 75-17-101,
91 Mississippi Code of 1972), be payable at such place or places
92 within or without the State of Mississippi, shall mature
93 absolutely at such time or times not to exceed twenty-five (25)
94 years from date of issue, be redeemable before maturity at such

95 time or times and upon such terms, with or without premium, shall
96 bear such registration privileges, and shall be substantially in
97 such form, all as shall be determined by resolution of the
98 commission.

99 (5) The bonds authorized by this section shall be signed by
100 the chairman of the commission, or by his facsimile signature, and
101 the official seal of the commission shall be affixed thereto,
102 attested by the secretary of the commission. The interest
103 coupons, if any, to be attached to such bonds may be executed by
104 the facsimile signatures of such officers. Whenever any such
105 bonds shall have been signed by the officials designated to sign
106 the bonds who were in office at the time of such signing but who
107 may have ceased to be such officers before the sale and delivery
108 of such bonds, or who may not have been in office on the date such
109 bonds may bear, the signatures of such officers upon such bonds
110 and coupons shall nevertheless be valid and sufficient for all
111 purposes and have the same effect as if the person so officially
112 signing such bonds had remained in office until their delivery to
113 the purchaser, or had been in office on the date such bonds may
114 bear. However, notwithstanding anything herein to the contrary,
115 such bonds may be issued as provided in the Registered Bond Act of
116 the State of Mississippi.

117 (6) All bonds and interest coupons issued under the
118 provisions of this section have all the qualities and incidents of
119 negotiable instruments under the provisions of the Uniform
120 Commercial Code, and in exercising the powers granted by this
121 section, the commission shall not be required to and need not
122 comply with the provisions of the Uniform Commercial Code.

123 (7) The commission shall act as the issuing agent for the
124 bonds authorized under this section, prescribe the form of the
125 bonds, advertise for and accept bids, issue and sell the bonds so
126 authorized to be sold, pay all fees and costs incurred in such
127 issuance and sale, and do any and all other things necessary and

128 advisable in connection with the issuance and sale of such bonds.
129 The commission is authorized and empowered to pay the costs that
130 are incident to the sale, issuance and delivery of the bonds
131 authorized under this section from the proceeds derived from the
132 sale of such bonds. The commission shall sell such bonds on
133 sealed bids at public sale, and for such price as it may determine
134 to be for the best interest of the State of Mississippi, but no
135 such sale shall be made at a price less than par plus accrued
136 interest to the date of delivery of the bonds to the purchaser.
137 All interest accruing on such bonds so issued shall be payable
138 semiannually or annually; however, the first interest payment may
139 be for any period of not more than one (1) year.

140 Notice of the sale of any such bond shall be published at
141 least one time, not less than ten (10) days before the date of
142 sale, and shall be so published in one or more newspapers
143 published or having a general circulation in the City of Jackson,
144 Mississippi, and in one or more other newspapers or financial
145 journals with a national circulation, to be selected by the
146 commission.

147 The commission, when issuing any bonds under the authority of
148 this section, may provide that bonds, at the option of the State
149 of Mississippi, may be called in for payment and redemption at the
150 call price named therein and accrued interest on such date or
151 dates named therein.

152 (8) The bonds issued under the provisions of this section
153 are general obligations of the State of Mississippi, and for the
154 payment thereof the full faith and credit of the State of
155 Mississippi is irrevocably pledged. If the funds appropriated by
156 the Legislature are insufficient to pay the principal of and the
157 interest on such bonds as they become due, then the deficiency
158 shall be paid by the State Treasurer from any funds in the State
159 Treasury not otherwise appropriated. All such bonds shall contain

160 recitals on their faces substantially covering the provisions of
161 this subsection.

162 (9) Upon the issuance and sale of bonds under the provisions
163 of this section, the commission shall transfer the proceeds of any
164 such sale or sales to the special fund created in subsection (2)
165 of this section. The proceeds of such bonds shall be disbursed
166 solely upon the order of the Department of Finance and
167 Administration under such restrictions, if any, as may be
168 contained in the resolution providing for the issuance of the
169 bonds.

170 (10) The bonds authorized under this section may be issued
171 without any other proceedings or the happening of any other
172 conditions or things other than those proceedings, conditions and
173 things which are specified or required by this section. Any
174 resolution providing for the issuance of bonds under the
175 provisions of this section shall become effective immediately upon
176 its adoption by the commission, and any such resolution may be
177 adopted at any regular or special meeting of the commission by a
178 majority of its members.

179 (11) The bonds authorized under the authority of this
180 section may be validated in the Chancery Court of the First
181 Judicial District of Hinds County, Mississippi, in the manner and
182 with the force and effect provided by Chapter 13, Title 31,
183 Mississippi Code of 1972, for the validation of county, municipal,
184 school district and other bonds. The notice to taxpayers required
185 by such statutes shall be published in a newspaper published or
186 having a general circulation in the City of Jackson, Mississippi.

187 (12) Any holder of bonds issued under the provisions of this
188 section or of any of the interest coupons pertaining thereto may,
189 either at law or in equity, by suit, action, mandamus or other
190 proceeding, protect and enforce any and all rights granted under
191 this section, or under such resolution, and may enforce and compel
192 performance of all duties required by this section to be

193 performed, in order to provide for the payment of bonds and
194 interest thereon.

195 (13) All bonds issued under the provisions of this section
196 shall be legal investments for trustees and other fiduciaries, and
197 for savings banks, trust companies and insurance companies
198 organized under the laws of the State of Mississippi, and such
199 bonds shall be legal securities which may be deposited with and
200 shall be received by all public officers and bodies of this state
201 and all municipalities and political subdivisions for the purpose
202 of securing the deposit of public funds.

203 (14) Bonds issued under the provisions of this section and
204 income therefrom shall be exempt from all taxation in the State of
205 Mississippi.

206 (15) The proceeds of the bonds issued under this section
207 shall be used solely for the purposes herein provided, including
208 the costs incident to the issuance and sale of such bonds.

209 (16) The State Treasurer is authorized, without further
210 process of law, to certify to the Department of Finance and
211 Administration the necessity for warrants, and the Department of
212 Finance and Administration is authorized and directed to issue
213 such warrants, in such amounts as may be necessary to pay when due
214 the principal of, premium, if any, and interest on, or the
215 accreted value of, all bonds issued under this section; and the
216 State Treasurer shall forward the necessary amount to the
217 designated place or places of payment of such bonds in ample time
218 to discharge such bonds, or the interest thereon, on the due dates
219 thereof.

220 (17) This section shall be deemed to be full and complete
221 authority for the exercise of the powers herein granted, but this
222 section shall not be deemed to repeal or to be in derogation of
223 any existing law of this state.

224 **SECTION 2.** (1) As used in this section, the following words
225 shall have the meanings ascribed herein unless the context clearly
226 requires otherwise:

227 (a) "Accreted value" of any bond means, as of any date
228 of computation, an amount equal to the sum of (i) the stated
229 initial value of such bond, plus (ii) the interest accrued thereon
230 from the issue date to the date of computation at the rate,
231 compounded semiannually, that is necessary to produce the
232 approximate yield to maturity shown for bonds of the same
233 maturity.

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

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

236 (2) (a) (i) A special fund, to be designated as the "2007
237 Department of Wildlife, Fisheries and Parks Discretionary Fund,"
238 is created within the State Treasury. The fund shall be
239 maintained by the State Treasurer as a separate and special fund,
240 separate and apart from the General Fund of the state. Unexpended
241 amounts remaining in the fund at the end of a fiscal year shall
242 not lapse into the State General Fund, and any interest earned or
243 investment earnings on amounts in the fund shall be deposited to
244 the credit of the fund. Monies in the fund may not be used or
245 expended for any purpose except as authorized under this section.

246 (ii) Monies deposited into the fund shall be
247 disbursed by the Department of Finance and Administration, upon
248 recommendation of the Department of Wildlife, Fisheries and Parks,
249 to pay the costs of site improvements, general weatherization,
250 demolition and roofing, environmental, mechanical, electrical and
251 structural repairs required for facilities under the jurisdiction
252 of the Department of Wildlife, Fisheries and Parks and purchase of
253 necessary furniture and equipment.

254 (iii) Completion of previously authorized
255 projects.

256 (b) Amounts deposited into such special fund shall be
257 disbursed to pay the costs of projects described in paragraph (a)
258 of this subsection.

259 (c) The expenditure of monies deposited into the
260 special fund shall be under the direction of the Department of
261 Finance and Administration, upon recommendation of the Department
262 of Wildlife, Fisheries and Parks, and such funds shall be paid by
263 the State Treasurer upon warrants issued by such department, which
264 warrants shall be issued upon requisitions signed by the Executive
265 Director of the Department of Finance and Administration, or his
266 designee.

267 (3) (a) The commission, at one time, or from time to time,
268 may declare by resolution the necessity for issuance of general
269 obligation bonds of the State of Mississippi to provide funds for
270 all costs incurred or to be incurred for the purposes described in
271 subsection (2) of this section. Upon the adoption of a resolution
272 by the Department of Finance and Administration, declaring the
273 necessity for the issuance of any part or all of the general
274 obligation bonds authorized by this section, the Department of
275 Finance and Administration shall deliver a certified copy of its
276 resolution or resolutions to the commission. Upon receipt of such
277 resolution, the commission, in its discretion, may act as the
278 issuing agent, prescribe the form of the bonds, advertise for and
279 accept bids, issue and sell the bonds so authorized to be sold and
280 do any and all other things necessary and advisable in connection
281 with the issuance and sale of such bonds. The total amount of
282 bonds issued under this section shall not exceed One Million
283 Dollars (\$1,000,000.00). No bonds shall be issued under this
284 section after July 1, 2012.

285 (b) The proceeds of the bonds issued pursuant to this
286 act shall be deposited into the special fund created in subsection
287 (2) of this section. Any investment earnings on amounts deposited
288 into the special fund created in subsection (2) of this section

289 shall be used to pay debt service on bonds issued under this
290 section, in accordance with the proceedings authorizing issuance
291 of such bonds.

292 (4) The principal of and interest on the bonds authorized
293 under this section shall be payable in the manner provided in this
294 section. Such bonds shall bear such date or dates, be in such
295 denomination or denominations, bear interest at such rate or rates
296 (not to exceed the limits set forth in Section 75-17-101,
297 Mississippi Code of 1972), be payable at such place or places
298 within or without the State of Mississippi, shall mature
299 absolutely at such time or times not to exceed twenty-five (25)
300 years from date of issue, be redeemable before maturity at such
301 time or times and upon such terms, with or without premium, shall
302 bear such registration privileges, and shall be substantially in
303 such form, all as shall be determined by resolution of the
304 commission.

305 (5) The bonds authorized by this section shall be signed by
306 the chairman of the commission, or by his facsimile signature, and
307 the official seal of the commission shall be affixed thereto,
308 attested by the secretary of the commission. The interest
309 coupons, if any, to be attached to such bonds may be executed by
310 the facsimile signatures of such officers. Whenever any such
311 bonds shall have been signed by the officials designated to sign
312 the bonds who were in office at the time of such signing but who
313 may have ceased to be such officers before the sale and delivery
314 of such bonds, or who may not have been in office on the date such
315 bonds may bear, the signatures of such officers upon such bonds
316 and coupons shall nevertheless be valid and sufficient for all
317 purposes and have the same effect as if the person so officially
318 signing such bonds had remained in office until their delivery to
319 the purchaser, or had been in office on the date such bonds may
320 bear. However, notwithstanding anything herein to the contrary,

321 such bonds may be issued as provided in the Registered Bond Act of
322 the State of Mississippi.

323 (6) All bonds and interest coupons issued under the
324 provisions of this section have all the qualities and incidents of
325 negotiable instruments under the provisions of the Uniform
326 Commercial Code, and in exercising the powers granted by this
327 section, the commission shall not be required to and need not
328 comply with the provisions of the Uniform Commercial Code.

329 (7) The commission shall act as the issuing agent for the
330 bonds authorized under this section, prescribe the form of the
331 bonds, advertise for and accept bids, issue and sell the bonds so
332 authorized to be sold, pay all fees and costs incurred in such
333 issuance and sale, and do any and all other things necessary and
334 advisable in connection with the issuance and sale of such bonds.
335 The commission is authorized and empowered to pay the costs that
336 are incident to the sale, issuance and delivery of the bonds
337 authorized under this section from the proceeds derived from the
338 sale of such bonds. The commission shall sell such bonds on
339 sealed bids at public sale, and for such price as it may determine
340 to be for the best interest of the State of Mississippi, but no
341 such sale shall be made at a price less than par plus accrued
342 interest to the date of delivery of the bonds to the purchaser.
343 All interest accruing on such bonds so issued shall be payable
344 semiannually or annually; however, the first interest payment may
345 be for any period of not more than one (1) year.

346 Notice of the sale of any such bonds shall be published at
347 least one time, not less than ten (10) days before the date of
348 sale, and shall be so published in one or more newspapers
349 published or having a general circulation in the City of Jackson,
350 Mississippi, and in one or more other newspapers or financial
351 journals with a national circulation, to be selected by the
352 commission.

353 The commission, when issuing any bonds under the authority of
354 this section, may provide that bonds, at the option of the State
355 of Mississippi, may be called in for payment and redemption at the
356 call price named therein and accrued interest on such date or
357 dates named therein.

358 (8) The bonds issued under the provisions of this section
359 are general obligations of the State of Mississippi, and for the
360 payment thereof the full faith and credit of the State of
361 Mississippi is irrevocably pledged. If the funds appropriated by
362 the Legislature are insufficient to pay the principal of and the
363 interest on such bonds as they become due, then the deficiency
364 shall be paid by the State Treasurer from any funds in the State
365 Treasury not otherwise appropriated. All such bonds shall contain
366 recitals on their faces substantially covering the provisions of
367 this subsection.

368 (9) Upon the issuance and sale of bonds under the provisions
369 of this section, the commission shall transfer the proceeds of any
370 such sale or sales to the special fund created in subsection (2)
371 of this section. The proceeds of such bonds shall be disbursed
372 solely upon the order of the Department of Finance and
373 Administration under such restrictions, if any, as may be
374 contained in the resolution providing for the issuance of the
375 bonds.

376 (10) The bonds authorized under this section may be issued
377 without any other proceedings or the happening of any other
378 conditions or things other than those proceedings, conditions and
379 things which are specified or required by this section. Any
380 resolution providing for the issuance of bonds under the
381 provisions of this section shall become effective immediately upon
382 its adoption by the commission, and any such resolution may be
383 adopted at any regular or special meeting of the commission by a
384 majority of its members.

385 (11) The bonds authorized under the authority of this
386 section may be validated in the Chancery Court of the First
387 Judicial District of Hinds County, Mississippi, in the manner and
388 with the force and effect provided by Chapter 13, Title 31,
389 Mississippi Code of 1972, for the validation of county, municipal,
390 school district and other bonds. The notice to taxpayers required
391 by such statutes shall be published in a newspaper published or
392 having a general circulation in the City of Jackson, Mississippi.

393 (12) Any holder of bonds issued under the provisions of this
394 section or of any of the interest coupons pertaining thereto may,
395 either at law or in equity, by suit, action, mandamus or other
396 proceeding, protect and enforce any and all rights granted under
397 this section, or under such resolution, and may enforce and compel
398 performance of all duties required by this section to be
399 performed, in order to provide for the payment of bonds and
400 interest thereon.

401 (13) All bonds issued under the provisions of this section
402 shall be legal investments for trustees and other fiduciaries, and
403 for savings banks, trust companies and insurance companies
404 organized under the laws of the State of Mississippi, and such
405 bonds shall be legal securities which may be deposited with and
406 shall be received by all public officers and bodies of this state
407 and all municipalities and political subdivisions for the purpose
408 of securing the deposit of public funds.

409 (14) Bonds issued under the provisions of this section and
410 income therefrom shall be exempt from all taxation in the State of
411 Mississippi.

412 (15) The proceeds of the bonds issued under this section
413 shall be used solely for the purposes herein provided, including
414 the costs incident to the issuance and sale of such bonds.

415 (16) The State Treasurer is authorized, without further
416 process of law, to certify to the Department of Finance and
417 Administration the necessity for warrants, and the Department of

418 Finance and Administration is authorized and directed to issue
419 such warrants, in such amounts as may be necessary to pay when due
420 the principal of, premium, if any, and interest on, or the
421 accreted value of, all bonds issued under this section; and the
422 State Treasurer shall forward the necessary amount to the
423 designated place or places of payment of such bonds in ample time
424 to discharge such bonds, or the interest thereon, on the due dates
425 thereof.

426 (17) This section shall be deemed to be full and complete
427 authority for the exercise of the powers herein granted, but this
428 section shall not be deemed to repeal or to be in derogation of
429 any existing law of this state.

430 **SECTION 3.** This act shall take effect and be in force from
431 and after July 1, 2007.