

By: Representative Osborne

To: Ways and Means

HOUSE BILL NO. 1489

1 AN ACT TO AUTHORIZE THE ISSUANCE OF STATE GENERAL OBLIGATION
2 BONDS TO PROVIDE FUNDS FOR REPAIR AND RENOVATION OF BUILDINGS AND
3 FACILITIES AT MISSISSIPPI VALLEY STATE UNIVERSITY; AND FOR RELATED
4 PURPOSES.

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

6 **SECTION 1.** (1) As used in this section, the following words
7 shall 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 (2) (a) (i) A special fund, to be designated the "2022
19 Mississippi Valley State University Repair and Renovation Fund,"



20 is created within the State Treasury. The fund shall be
21 maintained by the State Treasurer as a separate and special fund,
22 separate and apart from the General Fund of the state. Unexpended
23 amounts remaining in the fund at the end of a fiscal year shall
24 not lapse into the State General Fund, and any interest earned or
25 investment earnings on amounts in the fund shall be deposited into
26 such fund.

27 (ii) Monies deposited into the fund shall be
28 disbursed, in the discretion of the Department of Finance and
29 Administration, for the following purposes at Mississippi Valley
30 State University:

31 1. Not more than Nine Million Eight Hundred
32 Five Thousand Dollars (\$9,805,000.00) of the monies in the special
33 fund shall be used to pay the costs of repair and renovation of
34 the Charles Lackey Recreation Center;

35 2. Not more than Eleven Million Nine Hundred
36 Ninety-two Thousand Dollars (\$11,992,000.00) of the monies in the
37 special fund shall be used to pay the costs of repair and
38 renovation of the Fielding L. Wright Math and Science Building;

39 3. Not more than Twelve Million Three Hundred
40 Twenty-four Thousand Dollars (\$12,324,000.00) of the monies in the
41 special fund shall be used to pay the costs of repair and
42 renovation of Leflore Residence Hall;

43 4. Not more than Eleven Million Six Hundred
44 Seventy Thousand Dollars (\$11,670,000.00) of the monies in the



45 special fund shall be used to pay the costs of repair and
46 renovation of Ratcliff Hall; and

47 5. Not more than Three Million Eight Hundred
48 Six Thousand Dollars (\$3,806,000.00) of the monies in the special
49 fund shall be used to pay the costs of repair and renovation of
50 College Hall I.

51 (b) Amounts deposited into such special fund shall be
52 disbursed to pay the costs of the projects described in paragraph
53 (a) of this subsection. Promptly after the commission has
54 certified, by resolution duly adopted, that the projects described
55 in paragraph (a) of this subsection shall have been completed,
56 abandoned, or cannot be completed in a timely fashion, any amounts
57 remaining in such special fund shall be applied to pay debt
58 service on the bonds issued under this section, in accordance with
59 the proceedings authorizing the issuance of such bonds and as
60 directed by the commission.

61 (3) (a) The commission, at one time, or from time to time,
62 may declare by resolution the necessity for issuance of general
63 obligation bonds of the State of Mississippi to provide funds for
64 all costs incurred or to be incurred for the purposes described in
65 subsection (2) of this section. Upon the adoption of a resolution
66 by the Department of Finance and Administration, declaring the
67 necessity for the issuance of any part or all of the general
68 obligation bonds authorized by this subsection, the department
69 shall deliver a certified copy of its resolution or resolutions to



70 the commission. Upon receipt of such resolution, the commission,
71 in its discretion, may act as the issuing agent, prescribe the
72 form of the bonds, determine the appropriate method for sale of
73 the bonds, advertise for and accept bids or negotiate the sale of
74 the bonds, issue and sell the bonds so authorized to be sold and
75 do any and all other things necessary and advisable in connection
76 with the issuance and sale of such bonds. The total amount of
77 bonds issued under this section shall not exceed Forty-nine
78 Million Five Hundred Ninety-seven Thousand Dollars
79 (\$49,597,000.00). No bonds shall be issued under this section
80 after July 1, 2026.

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 issuing agent for the bonds
124 authorized under this section, prescribe the form of the bonds,
125 determine the appropriate method for sale of the bonds, advertise
126 for and accept bids or negotiate the sale of the bonds, issue and
127 sell the bonds so authorized to be sold, pay all fees and costs
128 incurred in such issuance and sale, and do any and all other
129 things necessary and advisable in connection with the issuance and
130 sale of such bonds. The commission is authorized and empowered to
131 pay the costs that are incident to the sale, issuance and delivery
132 of the bonds authorized under this section from the proceeds
133 derived from the sale of such bonds. The commission may sell such
134 bonds on sealed bids at public sale or may negotiate the sale of
135 the bonds for such price as it may determine to be for the best
136 interest of the State of Mississippi. All interest accruing on
137 such bonds so issued shall be payable semiannually or annually.

138 If such bonds are sold by sealed bids at public sale, notice
139 of the sale shall be published at least one (1) time, not less
140 than ten (10) days before the date of sale, and shall be so
141 published in one or more newspapers published or having a general
142 circulation in the City of Jackson, Mississippi, selected by the
143 commission.



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

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

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

167 (10) The bonds authorized under this section may be issued
168 without any other proceedings or the happening of any other



169 conditions or things other than those proceedings, conditions and
170 things which are specified or required by this section. Any
171 resolution providing for the issuance of bonds under the
172 provisions of this section shall become effective immediately upon
173 its adoption by the commission, and any such resolution may be
174 adopted at any regular or special meeting of the commission by a
175 majority of its members.

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

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

192 (13) All bonds issued under the provisions of this section
193 shall be legal investments for trustees and other fiduciaries, and



194 for savings banks, trust companies and insurance companies
195 organized under the laws of the State of Mississippi, and such
196 bonds shall be legal securities which may be deposited with and
197 shall be received by all public officers and bodies of this state
198 and all municipalities and political subdivisions for the purpose
199 of securing the deposit of public funds.

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

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

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

217 (17) This section shall be deemed to be full and complete
218 authority for the exercise of the powers herein granted, but this



219 section shall not be deemed to repeal or to be in derogation of
220 any existing law of this state.

221 **SECTION 2.** This act shall take effect and be in force from
222 and after its passage.

