

By: Representative Aguirre

To: Ways and Means

HOUSE BILL NO. 1646

1 AN ACT TO AMEND SECTION 15, CHAPTER 492, LAWS OF 2020, AS
 2 AMENDED BY SECTION 5, CHAPTER 486, LAWS OF 2021, TO INCREASE BY
 3 \$5,000,000 THE AMOUNT OF GENERAL OBLIGATION BONDS THAT MAY BE
 4 ISSUED TO PROVIDE FUNDS TO ASSIST THE CHICKASAW INKANA FOUNDATION
 5 IN PAYING THE COSTS ASSOCIATED WITH THE CONSTRUCTION, FURNISHING
 6 AND EQUIPPING OF THE CHICKASAW HERITAGE CENTER IN TUPELO,
 7 MISSISSIPPI; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** Section 15, Chapter 492, Laws of 2020, as amended
 10 by Section 5, Chapter 480, Laws of 2021, is amended to read as
 11 follows:

12 Section 15. (1) As used in this section, the following
 13 words shall have the meanings ascribed herein unless the context
 14 clearly requires otherwise:

15 (a) "Accreted value" of any bond 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 (2) (a) (i) A special fund, to be designated the "2020
25 Chickasaw Heritage Center Fund," is created within the State
26 Treasury. The fund shall be maintained by the State Treasurer as
27 a separate and special fund, separate and apart from the General
28 Fund of the state. Unexpended amounts remaining in the fund at
29 the end of a fiscal year shall not lapse into the State General
30 Fund, and any interest earned or investment earnings on amounts in
31 the fund shall be deposited into such fund.

32 (ii) Monies deposited into the fund shall be
33 disbursed, in the discretion of the Department of Finance and
34 Administration, to assist the Chickasaw Inkana Foundation in
35 paying the costs associated with the construction, furnishing and
36 equipping of the Chickasaw Heritage Center in Tupelo, Mississippi.
37 It is the intention of the Legislature that all bond funds
38 dedicated for this project up to Sixteen Million Dollars
39 (\$16,000,000.00) be matched by the Chickasaw Inkana Foundation.
40 In addition, all funds authorized and disbursed by the state will
41 be spent equally with funds matched by the Chickasaw Inkana
42 Foundation.

43 (b) Amounts deposited into such special fund shall be
44 disbursed to pay the costs of the projects described in paragraph



45 (a) of this subsection. Promptly after the commission has
46 certified, by resolution duly adopted, that the projects described
47 in paragraph (a) of this subsection have been completed,
48 abandoned, or cannot be completed in a timely fashion, any amounts
49 remaining in such special fund shall be applied to pay debt
50 service on the bonds issued under this section, in accordance with
51 the proceedings authorizing the issuance of such bonds and as
52 directed by the commission.

53 (3) (a) The commission, at one time, or from time to time,
54 may declare by resolution the necessity for issuance of general
55 obligation bonds of the State of Mississippi to provide funds for
56 all costs incurred or to be incurred for the purposes described in
57 subsection (2) of this section. Upon the adoption of a resolution
58 by the Department of Finance and Administration, declaring the
59 necessity for the issuance of any part or all of the general
60 obligation bonds authorized by this subsection, the department
61 shall deliver a certified copy of its resolution or resolutions to
62 the commission. Upon receipt of such resolution, the commission,
63 in its discretion, may act as the issuing agent, prescribe the
64 form of the bonds, determine the appropriate method for sale of
65 the bonds, advertise for and accept bids or negotiate the sale of
66 the bonds, issue and sell the bonds so authorized to be sold, and
67 do any and all other things necessary and advisable in connection
68 with the issuance and sale of such bonds. The total amount of
69 bonds issued under this section shall not exceed * * * Eleven



70 Million Dollars (\$11,000,000.00). No bonds shall be issued under
71 this section after July 1, 2027.

72 (b) Any investment earnings on amounts deposited into
73 the special fund created in subsection (2) of this section shall
74 be used to pay debt service on bonds issued under this section, in
75 accordance with the proceedings authorizing issuance of such
76 bonds.

77 (c) No bonds may be issued under this section until the
78 Chickasaw Inkana Foundation has broken ground in construction of
79 the Chickasaw Heritage Center.

80 (4) The principal of and interest on the bonds authorized
81 under this section shall be payable in the manner provided in this
82 subsection. Such bonds shall bear such date or dates, be in such
83 denomination or denominations, bear interest at such rate or rates
84 (not to exceed the limits set forth in Section 75-17-101,
85 Mississippi Code of 1972), be payable at such place or places
86 within or without the State of Mississippi, shall mature
87 absolutely at such time or times not to exceed twenty-five (25)
88 years from date of issue, be redeemable before maturity at such
89 time or times and upon such terms, with or without premium, shall
90 bear such registration privileges, and shall be substantially in
91 such form, all as shall be determined by resolution of the
92 commission.

93 (5) The bonds authorized by this section shall be signed by
94 the chairman of the commission, or by his facsimile signature, and



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

111 (6) All bonds and interest coupons issued under the
112 provisions of this section have all the qualities and incidents of
113 negotiable instruments under the provisions of the Uniform
114 Commercial Code, and in exercising the powers granted by this
115 section, the commission shall not be required to and need not
116 comply with the provisions of the Uniform Commercial Code.

117 (7) The commission shall act as issuing agent for the bonds
118 authorized under this section, prescribe the form of the bonds,
119 determine the appropriate method for sale of the bonds, advertise



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

132 If such bonds are sold by sealed bids at public sale, notice
133 of the sale shall be published at least one time, not less than
134 ten (10) days before the date of sale, and shall be so published
135 in one or more newspapers published or having a general
136 circulation in the City of Jackson, Mississippi, selected by the
137 commission.

138 The commission, when issuing any bonds under the authority of
139 this section, may provide that bonds, at the option of the State
140 of Mississippi, may be called in for payment and redemption at the
141 call price named therein and accrued interest on such date or
142 dates named therein.

143 (8) The bonds issued under the provisions of this section
144 are general obligations of the State of Mississippi, and for the



145 payment thereof the full faith and credit of the State of
146 Mississippi is irrevocably pledged. If the funds appropriated by
147 the Legislature are insufficient to pay the principal of and the
148 interest on such bonds as they become due, then the deficiency
149 shall be paid by the State Treasurer from any funds in the State
150 Treasury not otherwise appropriated. All such bonds shall contain
151 recitals on their faces substantially covering the provisions of
152 this subsection.

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

161 (10) The bonds authorized under this section may be issued
162 without any other proceedings or the happening of any other
163 conditions or things other than those proceedings, conditions and
164 things which are specified or required by this section. Any
165 resolution providing for the issuance of bonds under the
166 provisions of this section shall become effective immediately upon
167 its adoption by the commission, and any such resolution may be
168 adopted at any regular or special meeting of the commission by a
169 majority of its members.



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

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

186 (13) All bonds issued under the provisions of this section
187 shall be legal investments for trustees and other fiduciaries, and
188 for savings banks, trust companies and insurance companies
189 organized under the laws of the State of Mississippi, and such
190 bonds shall be legal securities which may be deposited with and
191 shall be received by all public officers and bodies of this state
192 and all municipalities and political subdivisions for the purpose
193 of securing the deposit of public funds.



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

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

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

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

215 **SECTION 2.** This act shall take effect and be in force from
216 and after July 1, 2023.

