

By: Senator(s) Gollott, Woodfield, Cuevas, To: Finance  
Dearing, Lee, Hewes

## SENATE BILL NO. 3058

1 AN ACT TO AMEND CHAPTER 528, LAWS OF 1995, TO INCREASE THE  
2 AMOUNT OF BONDS AUTHORIZED FOR THE CONSTRUCTION AND EQUIPPING OF  
3 CERTAIN FACILITIES FOR MENTALLY HANDICAPPED JUVENILE OFFENDERS  
4 THAT ARE TO BE OPERATED BY THE MISSISSIPPI DEPARTMENT OF MENTAL  
5 HEALTH.

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

7 SECTION 1. Chapter 528, Laws of 1995, is amended to read as  
8 follows:

9 Section 1. (1) The purpose of this section is to provide  
10 modern and efficient rehabilitation facilities for mentally ill or  
11 mentally retarded juvenile offenders in Mississippi, who have been  
12 committed for treatment by a court of competent jurisdiction  
13 pursuant to Section 41-21-61 et seq., Mississippi Code of 1972.

14 (2) The Department of Finance and Administration, acting  
15 through the Bureau of Building, Grounds and Real Property  
16 Management, using funds from bonds, monies appropriated by the  
17 Legislature for such purposes, federal matching or other federal  
18 funds, federal grants or other available funds from whatever  
19 source, shall provide for by construction, lease, lease-purchase  
20 or otherwise and equip the following juvenile rehabilitation  
21 facilities under the jurisdiction and responsibility of the  
22 Mississippi Department of Mental Health: Construction and  
23 equipping of two (2) separate facilities each of which could serve  
24 up to fifty (50) adolescents, and each of which will be located at  
25 sites approved by the Department of Mental Health that would be  
26 specifically designed to serve adolescents who have come into  
27 contact with the judicial system after committing a crime and who

are mentally ill or mentally retarded to the extent that it is not acceptable to house them with non-handicapped inmates and who meet commitment criteria as defined by Section 41-21-61, Mississippi Code of 1972. One (1) 50-bed facility shall house mentally ill adolescent offenders. The other shall house mentally retarded adolescent offenders. These facilities shall be self-contained and offer a secure but therapeutic environment allowing persons to be habilitated apart from persons who are more vulnerable and who have disabilities that are more disabling. The number of persons admitted to these facilities shall not exceed the number of beds authorized under this act or the number of beds licensed or authorized by the licensure and certification agency, whichever is less.

The handicapped juvenile offender rehabilitation facility location shall be on property owned by the Department of Mental Health, or its successor, at one or more sites selected by the Department of Mental Health on land that is either donated to the state or purchased by the state specifically for the location of such facilities.

Section 2. (1) The Department of Finance and Administration, at one (1) time or from time to time, may declare by resolution the necessity for issuance of general obligation bonds of the State of Mississippi to provide funds for construction, repairing, remodeling, equipping, furnishing, adding to, improving and maintaining the juvenile rehabilitation facilities authorized under Section 1 of this act. Upon the adoption of a resolution by the Department of Finance and Administration, declaring the necessity for the issuance of any part or all of the general obligation bonds authorized by this section, the department shall deliver a certified copy of its resolution or resolutions to the State Bond Commission. Upon receipt of such resolution, the State Bond Commission, in its discretion, may act as the issuing agent, prescribe the form of the bonds, advertise for and accept bids, issue and sell the bonds so authorized to be sold, and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. The amount of bonds issued under this act shall

65 not exceed Eighteen Million Five Hundred Thousand Dollars  
66 (\$18,500,000.00) to provide funds for the purposes hereinabove set  
67 forth and to issue and sell bonds in the amount specified.

68 (2) A special fund, to be designated the "1995 State  
69 Juvenile Rehabilitation Facility Construction, Repair and  
70 Renovation Fund," is created within the State Treasury. The fund  
71 shall be maintained by the State Treasurer as a separate and  
72 special fund, separate and apart from the General Fund of the  
73 state, and investment earnings on amounts in the fund shall be  
74 deposited into such fund. The expenditure of monies deposited  
75 into the fund shall be under the direction of the Department of  
76 Finance and Administration, and such funds shall be paid by the  
77 State Treasurer upon warrants issued by the Department of Finance  
78 and Administration.

79 Section 3. The principal of and interest on the bonds  
80 authorized under Sections 2 through 15 of this act shall be  
81 payable in the manner provided in this section. Such bonds shall  
82 bear such date or dates, be in such denomination or denominations,  
83 bear interest at such rate or rates not exceeding the limits set  
84 forth in Section 75-17-101, Mississippi Code of 1972, be payable  
85 at such place or places within or without the State of  
86 Mississippi, shall mature absolutely at such time or times not to  
87 exceed twenty (20) years from date of issue, be redeemable before  
88 maturity at such time or times and upon such terms, with or  
89 without premium, shall bear such registration privileges, and  
90 shall be substantially in such form, all as determined by  
91 resolution of the State Bond Commission.

92 Section 4. The bonds authorized under Sections 2 through 15  
93 of this act shall be signed by the Chairman of the State Bond  
94 Commission, or by his facsimile signature, and the official seal  
95 of the State Bond Commission shall be affixed thereto, attested by  
96 the Secretary of the State Bond Commission. The interest coupons,  
97 if any, to be attached to such bonds may be executed by the

98 facsimile signatures of such officers. Whenever any such bonds  
99 shall 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 in this act to the  
109 contrary, such bonds may be issued as provided in the Registered  
110 Bond Act of the State of Mississippi.

111       Section 5. All bonds and interest coupons issued under the  
112 provisions of Sections 2 through 15 of this act have all the  
113 qualities and incidents of negotiable instruments under the  
114 provisions of the Mississippi Uniform Commercial Code, and in  
115 exercising the powers granted by Sections 2 through 15 of this  
116 act, the State Bond Commission shall not be required to and need  
117 not comply with the provisions of the Mississippi Uniform  
118 Commercial Code.

119       Section 6. The State Bond Commission shall act as the  
120 issuing agent for the bonds authorized under Sections 2 through 15  
121 of this act, prescribe the form of the bonds, advertise for and  
122 accept bids, issue and sell the bonds so authorized to be sold,  
123 pay all fees and costs incurred in such issuance and sale, and do  
124 all other things necessary and advisable in connection with the  
125 issuance and sale of the bonds. The State Bond Commission may pay  
126 the costs that are incident to the sale, issuance and delivery of  
127 the bonds authorized under Sections 2 through 15 of this act from  
128 the proceeds derived from the sale of the bonds. The State Bond  
129 Commission shall sell such bonds on sealed bids at public sale,  
130 and for such price as it may determine to be for the best interest

of the State of Mississippi, but no such sale may be made at a price less than par plus accrued interest to the date of delivery of the bonds to the purchaser. All interest accruing on such bonds so issued shall be payable semiannually or annually; however, the first interest payment may be for any period of not more than one (1) year.

Notice of the sale of any such bond shall be published at least one (1) time, not less than ten (10) days before the date of sale, and shall be so published in one or more newspapers published or having a general circulation in the City of Jackson, Mississippi, and in one or more other newspapers or financial journals with a national circulation, to be selected by the State Bond Commission.

The State Bond Commission, when issuing any bonds under the authority of Sections 2 through 15 of this act, may provide that the bonds, at the option of the State of Mississippi, may be called in for payment and redemption at the call price named therein and accrued interest on such date or dates named therein.

Section 7. The bonds issued under the provisions of Sections 2 through 15 of this act are general obligations of the State of Mississippi, and for the payment thereof the full faith and credit of the State of Mississippi is irrevocably pledged. If the funds appropriated by the Legislature are insufficient to pay the principal of and the interest on such bonds as they become due, then the deficiency shall be paid by the State Treasurer from any funds in the State Treasury not otherwise appropriated. All such bonds shall contain recitals on their faces substantially covering the provisions of this section.

Section 8. The State Treasurer is authorized to certify to the State Fiscal Officer the necessity for warrants, and the State Fiscal Officer is authorized and directed to issue such warrants, in such amounts as may be necessary to pay when due the principal of, premium, if any, and interest on, or the accredited value of,

all bonds issued under Sections 2 through 15 of this act; and the State Treasurer shall forward the necessary amount to the designated place or places of payment of such bonds in ample time to discharge such bonds, or the interest on the bonds, on their due dates.

Section 9. Upon the issuance and sale of bonds under Sections 2 through 15 of this act, the State Bond Commission shall deposit the proceeds of any such sale or sales in the 1995 State Juvenile Rehabilitation Facility Construction Fund. The proceeds of such bonds shall be used solely for the purposes provided in Sections 2 through 15 of this act, including the costs incident to the issuance and sale of such bonds. The costs incident to the issuance and sale of such bonds shall be disbursed by warrant upon requisition of the State Bond Commission, signed by the chairman of the commission. The remaining monies in the fund shall be expended solely under the direction of the Department of Finance and Administration under such restrictions, if any, as may be contained in the resolution providing for the issuance of the bonds, and such funds shall be paid by the State Treasurer upon warrants issued by the State Fiscal Officer.

Section 10. The bonds authorized under Sections 2 through 15 of this act may be issued without any other proceedings or the happening of any other conditions or things other than those proceedings, conditions and things that are specified or required by Sections 2 through 15 of this act. Any resolution providing for the issuance of bonds under Sections 2 through 15 of this act shall become effective immediately upon its adoption by the State Bond Commission, and any such resolution may be adopted at any regular or special meeting of the State Bond Commission by a majority of its members.

Section 11. The bonds authorized under the authority of Sections 2 through 15 of this act may be validated in the Chancery Court of the First Judicial District of Hinds County, Mississippi,

197 in the manner and with the force and effect provided by Chapter  
198 13, Title 31, Mississippi Code of 1972, for the validation of  
199 county, municipal, school district and other bonds. The notice to  
200 taxpayers required by such statutes shall be published in a  
201 newspaper published or having a general circulation in the City of  
202 Jackson, Mississippi.

203 Section 12. Any holder of bonds issued under Sections 2  
204 through 15 of this act or of any of the interest coupons  
205 pertaining to the bonds may, either at law or in equity, by suit,  
206 action, mandamus or other proceeding, protect and enforce all  
207 rights granted under Sections 2 through 15 of this act, or under  
208 such resolution, and may enforce and compel performance of all  
209 duties required by Sections 2 through 15 of this act to be  
210 performed, in order to provide for the payment of bonds and  
211 interest on the bonds.

212 Section 13. All bonds issued under Sections 2 through 15 of  
213 this act shall be legal investments for trustees and other  
214 fiduciaries, and for savings banks, trust companies and insurance  
215 companies organized under the laws of the State of Mississippi,  
216 and such bonds shall be legal securities that may be deposited  
217 with and shall be received by all public officers and bodies of  
218 this state and all municipalities and political subdivisions for  
219 the purpose of securing the deposit of public funds.

220 Section 14. Bonds issued under Sections 2 through 15 of this  
221 act and income from the bonds shall be exempt from all taxation in  
222 the State of Mississippi.

223 Section 15. Sections 2 through 15 of this act shall be  
224 deemed to be full and complete authority for the exercise of the  
225 powers granted, but Sections 2 through 15 of this act shall not be  
226 deemed to repeal or to be in derogation of any existing law of  
227 this state.

228 Section 16. Any regional mental health or mental retardation  
229 commission established according to the provisions of Section

230 41-19-31 et seq., Mississippi Code of 1972, shall not construct or  
231 operate any facility in an area in violation of any local zoning  
232 ordinances or regulations.

233 Section 17. This act shall take effect and be in force from  
234 and after its passage.

235 SECTION 2. This act shall take effect and be in force from  
236 and after its passage.