

By: Senator(s) Posey, Woodfield, Dearing,
Dickerson, Smith

To: Finance

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 3208

1 AN ACT TO AUTHORIZE THE ISSUANCE OF GENERAL OBLIGATION BONDS
2 OF THE STATE OF MISSISSIPPI FOR THE PURPOSE OF CAPITAL
3 IMPROVEMENTS FOR THE DEPARTMENT OF WILDLIFE, FISHERIES AND PARKS;
4 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 "1999 Department of Wildlife, Fisheries and Parks Improvements
20 Fund" 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 and
23 investment earnings on amounts in the fund shall be deposited into
24 such fund.

25 (b) Monies deposited into the fund shall be disbursed,
26 in the discretion of the Department of Finance and Administration,
27 to pay the costs of capital improvements, renovation and/or repair
28 of existing facilities, furnishing and/or equipping facilities and

29 purchasing real property for public facilities for the Department
30 of Wildlife, Fisheries and Parks for the following projects:

31 (i) Critical dam repairs to lakes
32 in the following parks:

| | | | |
|----|----------------------|----|-------------------|
| 33 | Artesia..... | \$ | 500,000.00 |
| 34 | Neshoba..... | | 450,000.00 |
| 35 | Tom Bailey..... | | 275,000.00 |
| 36 | Roosevelt..... | | 150,000.00 |
| 37 | Trace..... | | 800,000.00 |
| 38 | Legion..... | | 100,000.00 |
| 39 | Percy Quin..... | | 100,000.00 |
| 40 | Walthall County..... | | 700,000.00 |
| 41 | Tombigbee..... | | 100,000.00 |
| 42 | Perry County..... | | 100,000.00 |
| 43 | Archusa..... | | <u>100,000.00</u> |
| 44 | TOTAL..... | \$ | 3,375,000.00 |

45 (ii) Repairs, renovation and
46 construction at the following state fish hatcheries:

| | | | |
|----|---------------|----|---------------------|
| 47 | Turcotte..... | \$ | 200,000.00 |
| 48 | Meridian..... | | 250,000.00 |
| 49 | Lyman..... | | 1,000,000.00 |
| 50 | Aberdeen..... | | <u>1,000,000.00</u> |
| 51 | TOTAL..... | \$ | 2,450,000.00 |

52 (iii) Construction of new
53 headquarters building, and renovation and repair of
54 existing headquarters buildings at the following
55 wildlife management areas:

| | | | |
|----|-------------------|----|-------------------|
| 56 | Tuscumbia..... | \$ | 200,000.00 |
| 57 | Yockanookany..... | | 200,000.00 |
| 58 | Choctaw..... | | 200,000.00 |
| 59 | Chickasaw..... | | 200,000.00 |
| 60 | Calhoun..... | | 200,000.00 |
| 61 | Grenada..... | | 200,000.00 |
| 62 | Chickasawhay..... | | 200,000.00 |
| 63 | Sunflower..... | | <u>150,000.00</u> |
| 64 | TOTAL..... | \$ | 1,550,000.00 |

65 (iv) Construction of new, and
66 renovation and repair of equipment sheds at the

67 following WMA's:

68 Black Prairie, Trim Cane, Malmaison, Caney Creek,

69 Tallahala, Bienville, Chickasawhay, Sandy Creek,

70 Caston Creek, Little Biloxi, Old River, Upper

71 and Lower Pascagoula, Wolf River..... \$ 150,000.00

72 (v) Construction of new facilities

73 and storage sheds, and renovation and repair of

74 existing facilities and storage sheds at the

75 following state lakes:

76 Lamar Bruce, Simpson County, Bogue Homa,

77 Kemper County, Jeff Davis, Bill Waller,

78 Mary Crawford, Oktibbeha County, Tippah

79 County, Monroe County..... \$ 875,000.00

80 **GRAND TOTAL..... \$8,400,000.00**

81 (2) Amounts deposited into such special fund shall be

82 disbursed to pay the costs of projects described in subsection (1)

83 of this section. Promptly after the commission has certified, by

84 resolution duly adopted, that the projects described in subsection

85 (1) shall have been completed, abandoned, or cannot be completed

86 in a timely fashion, any amounts remaining in such special fund

87 shall be applied to pay debt service on the bonds issued under

88 this act, in accordance with the proceedings authorizing the

89 issuance of such bonds and as directed by the commission.

90 (3) The Department of Finance and Administration, acting

91 through the Bureau of Building, Grounds and Real Property

92 Management, is expressly authorized and empowered to receive and

93 expend any local or other source funds in connection with the

94 expenditure of funds provided for in this section. The

95 expenditure of monies deposited into the special fund shall be

96 under the direction of the Department of Finance and

97 Administration, and such funds shall be paid by the State

98 Treasurer upon warrants issued by such department, which warrants

99 shall be issued upon requisitions signed by the Executive Director

100 of the Department of Finance and Administration or his designee.

(4) The Department of Finance and Administration is authorized to pay for the purchase of real estate, construction, repair, renovation, furnishing and equipping of facilities.

SECTION 3. (1) The commission, at one 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 all costs incurred or to be incurred for the purposes described in Section 2 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 of Finance and Administration shall deliver a certified copy of its resolution or resolutions to the commission. Upon receipt of such resolution, the 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 total amount of bonds issued under this act shall not exceed Eight Million Four Hundred Thousand Dollars (\$8,400,000.00).

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

SECTION 4. The principal of and interest on the bonds authorized under Section 3 of this act shall be payable in the manner provided in this section. Such bonds shall bear such date or dates, be in such denomination or denominations, bear interest at such rate or rates (not to exceed the limits set forth in Section 75-17-101, Mississippi Code of 1972), be payable at such place or places within or without the State of Mississippi, shall mature absolutely at such time or times not to exceed twenty-five (25) years from date of issue, be redeemable before maturity at

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

SECTION 5. The bonds authorized by Section 3 of this act shall be signed by the chairman of the commission, or by his facsimile signature, and the official seal of the commission shall be affixed thereto, attested by the secretary of the commission. The interest coupons, if any, to be attached to such bonds may be executed by the facsimile signatures of such officers. Whenever any such bonds shall have been signed by the officials designated to sign the bonds who were in office at the time of such signing but who may have ceased to be such officers before the sale and delivery of such bonds, or who may not have been in office on the date such bonds may bear, the signatures of such officers upon such bonds and coupons shall nevertheless be valid and sufficient for all purposes and have the same effect as if the person so officially signing such bonds had remained in office until their delivery to the purchaser, or had been in office on the date such bonds may bear. However, notwithstanding anything herein to the contrary, such bonds may be issued as provided in the Registered Bond Act of the State of Mississippi.

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

SECTION 7. The commission shall act as the issuing agent for the bonds authorized under Section 3 of this act, prescribe the form of the bonds, advertise for and accept bids, issue and sell the bonds so authorized to be sold, pay all fees and costs incurred in such issuance and sale, and do any and all other things necessary and advisable in connection with the issuance and

169 sale of such bonds. The commission is authorized and empowered to
170 pay the costs that are incident to the sale, issuance and delivery
171 of the bonds authorized under this act from the proceeds derived
172 from the sale of such bonds. The commission shall sell such bonds
173 on sealed bids at public sale, and for such price as it may
174 determine to be for the best interest of the State of Mississippi,
175 but no such sale shall be made at a price less than par plus
176 accrued interest to the date of delivery of the bonds to the
177 purchaser. All interest accruing on such bonds so issued shall be
178 payable semiannually or annually; however, the first interest
179 payment may be for any period of not more than one (1) year.

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

187 The commission, when issuing any bonds under the authority of
188 this act, may provide that bonds, at the option of the State of
189 Mississippi, may be called in for payment and redemption at the
190 call price named therein and accrued interest on such date or
191 dates named therein.

192 SECTION 8. The bonds issued under the provisions of this act
193 are general obligations of the State of Mississippi, and for the
194 payment thereof the full faith and credit of the State of
195 Mississippi is irrevocably pledged. If the funds appropriated by
196 the Legislature are insufficient to pay the principal of and the
197 interest on such bonds as they become due, then the deficiency
198 shall be paid by the State Treasurer from any funds in the State
199 Treasury not otherwise appropriated. All such bonds shall contain
200 recitals on their faces substantially covering the provisions of
201 this section.

202 SECTION 9. Upon the issuance and sale of bonds under the

provisions of this act, the commission shall transfer the proceeds of any such sale or sales to the special fund created in Section 2 of this act. The proceeds of such bonds shall be disbursed solely upon the order 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.

SECTION 10. The bonds authorized under 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 which are specified or required by this act. Any resolution providing for the issuance of bonds under the provisions of this act shall become effective immediately upon its adoption by the commission, and any such resolution may be adopted at any regular or special meeting of the commission by a majority of its members.

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

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

SECTION 13. All bonds issued under the provisions of this act shall be legal investments for trustees and other fiduciaries, and for savings banks, trust companies and insurance companies

organized under the laws of the State of Mississippi, and such bonds shall be legal securities which may be deposited with and shall be received by all public officers and bodies of this state and all municipalities and political subdivisions for the purpose of securing the deposit of public funds.

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

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

SECTION 16. The State Treasurer is authorized, without further process of law, to certify to the Department of Finance and Administration the necessity for warrants, and the Department of Finance and Administration 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 accreted value of, all bonds issued under 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 thereon, on the due dates thereof.

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

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