

By: Senator(s) Cuevas, Gollott, Lee, Hewes, To: Finance
Woodfield, Moffatt, Rayborn, Robertson,
Smith, Johnson (19th), Harvey, Kirby,
Browning, Hamilton, Mettetal, Carlton,
Jackson, Furniss, Stogner, Harden, White
(5th), Huggins, Dickerson

SENATE BILL NO. 3213

1 AN ACT TO AUTHORIZE THE ISSUANCE OF GENERAL OBLIGATION BONDS
2 OF THE STATE OF MISSISSIPPI IN THE AMOUNT OF \$2,500,000.00 TO
3 PROVIDE FUNDS FOR CERTAIN PROJECTS BY THE HANCOCK COUNTY PORT AND
4 HARBOR COMMISSION AND A CERTAIN PROJECT AT THE STENNIS SPACE
5 CENTER; AND FOR RELATED PURPOSES.

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

7 SECTION 1. As used in this act, the following words shall
8 have the meanings ascribed herein unless the context clearly
9 requires otherwise:

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

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

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

19 SECTION 2. (1) A special fund, to be designated the "1999
20 Hancock County Port and Harbor Commission and Stennis Space Center
21 Improvement Fund," is created within the State Treasury. The fund
22 shall be maintained by the State Treasurer as a separate and
23 special fund, separate and apart from the General Fund of the
24 state, and investment earnings on amounts in the fund shall be
25 deposited into such fund. The expenditure of monies deposited
26 into the fund shall be under the direction of the Department of
27 Finance and Administration, and such funds shall be paid by the

State Treasurer upon warrants issued by the Department of Finance and Administration. Monies deposited into such fund shall be allocated and disbursed according to the provisions of this act.

(2) Monies deposited into the fund shall be expended for the purpose of assisting in improving and paving Texas Flat Road extending from Mississippi Highway 603 to the Stennis Space Center fee area in Hancock County, Mississippi, a distance of approximately nine (9) miles; provided, however, that if the funding of the improvements and paving of Texas Flat Road is obtained from other sources, the money in the fund may be utilized, in the discretion of the department, for the following projects:

(a) Construction of necessary utilities, roads, parking and wastewater treatment systems on the H-1 site located within the fee area of the Stennis Space Center and consisting of approximately seven hundred (700) acres provided title to such site and any improvements thereon have been donated to the Hancock County Port and Harbor Commission; or

(b) Modification of the Mississippi Army Ammunition Plant at the Stennis Space Center and the construction of a fifty thousand (50,000) square foot addition to such plant for the purpose of manufacturing rockets.

SECTION 3. (1) The Department of Finance and Administration, 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

65 issuance and sale of such bonds. The amount of bonds issued under
66 this act shall not exceed Two Million Five Hundred Thousand
67 Dollars (\$2,500,000.00).

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

72 (3) Upon the completion or abandonment of the projects
73 described in Section 2 of this act, as evidenced by a resolution
74 adopted by the Department of Finance and Administration certifying
75 that all such projects have been completed or abandoned, the
76 balance, if any, remaining in the special fund created in Section
77 2 of this act shall be promptly applied to pay debt service on
78 bonds issued under this act, in accordance with the proceedings
79 authorizing the issuance of such bonds.

80 SECTION 4. The principal of and interest on the bonds
81 authorized under this act shall be payable in the manner provided
82 in this section. Such bonds shall bear such date or dates, be in
83 such denomination or denominations, bear interest at such rate or
84 rates (not to exceed the limits set forth in Section 75-17-101),
85 be payable 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-five (25) years from date of issue, be redeemable
88 before 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 shall be determined by
91 resolution of the commission.

92 SECTION 5. The bonds authorized by this act shall be signed
93 by the chairman of the commission, or by his facsimile signature,
94 and the official seal of the commission shall be affixed thereto,
95 attested by the secretary of the commission. The interest
96 coupons, if any, to be attached to such bonds may be executed by
97 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 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 sale of such bonds.

The commission is authorized and empowered to pay the costs that are incident to the sale, issuance and delivery of the bonds authorized under this act from the proceeds derived from the sale of such bonds. The commission shall sell such bonds on sealed bids at public sale, and for such price as it may determine to be for the best interest of the State of Mississippi, but no such sale shall 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 bonds 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 commission.

The commission, when issuing any bonds under the authority of this act, may provide that 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 8. The bonds issued under the provisions 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 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

197 State of Mississippi.

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

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

212 SECTION 17. The provisions of this act shall be deemed to be
213 full and complete authority for the exercise of the powers therein
214 granted, but this act shall not be deemed to repeal or to be in
215 derogation of any existing law of this state.

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