

By: Representatives Smith (39th), Morris,
McCoy, Reynolds

To: Ways and Means

HOUSE BILL NO. 1641

1 AN ACT TO AUTHORIZE THE ISSUANCE OF STATE GENERAL OBLIGATION
2 BONDS FOR THE PURPOSE OF MAKING CAPITAL IMPROVEMENTS FOR
3 INSTITUTIONS OF HIGHER LEARNING AND COMMUNITY AND JUNIOR COLLEGES;
4 TO AUTHORIZE PREPLANNING FOR THE RENOVATION OF MARTIN HALL AT THE
5 MISSISSIPPI UNIVERSITY FOR WOMEN; 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) A special fund, to be designated as the
20 "2001 IHL Capital Improvements Fund," is created within the State
21 Treasury. The fund shall be maintained by the State Treasurer as
22 a separate and special fund, separate and apart from the General
23 Fund of the state. Unexpended amounts remaining in the fund at
24 the end of a fiscal year shall not lapse into the State General
25 Fund, and any interest earned or investment earnings on amounts in
26 the fund shall be deposited into such fund.

27 (b) Monies deposited into the fund shall be disbursed,
28 in the discretion of the Department of Finance and Administration,

29 to pay the costs of capital improvements, renovation and/or repair
 30 of existing facilities, furnishings and/or equipping facilities
 31 for public facilities for agencies or their successors as
 32 hereinafter described:

33	NAME	PROJECT	AMOUNT
34			ALLOCATED
35	Alcorn State University.....		\$ 1,500,000.00
36	Roof repair and waterproofing	for campus facilities and	
37	maintenance and repair of		
38	mechanical systems.....		\$ 1,000,000.00
39	Installation of communications	and data infrastructure in	
40	the Honors Dormitory.....		\$ 500,000.00
41	Delta State University.....		\$ 5,000,000.00
42	Phase II of construction of		
43	a classroom and administration		
44	building.....		\$ 5,000,000.00
45	Jackson State University.....		\$20,750,000.00
46	Completion of construction of		
47	transitional student housing..		\$ 7,500,000.00
48	Completion of construction of a		
49	school of business building...		\$13,000,000.00
50	Construction, furnishing		
51	and equipping of a home for the		
52	University President.....		\$ 250,000.00
53	Mississippi University for Women.....		\$ 1,000,000.00
54	Demolition, construction, repair		
55	and renovation of campus		
56	facilities.....		\$ 1,000,000.00
57	Mississippi State University.....		\$ 6,500,000.00
58	Phase III of renovation		
59	of the Hand Chemical Teaching		

62 Laboratory.....\$ 6,000,000.00

63 Preplanning of a simulation

64 and design center.....\$ 500,000.00

65 Mississippi State University/Division of

66 Agriculture, Forestry and

67 Veterinary Medicine.....\$ 1,450,000.00

68 Upgrades to heating and

69 cooling systems, repairs and

70 renovations to Bost Extension

71 Center.....\$ 250,000.00

72 Repair and renovation of

73 laboratories in Dorman Hall....\$ 950,000.00

74 Preplanning renovation of

75 Pace Seed Technology Building to

76 accommodate life sciences

77 program.....\$ 250,000.00

78 Mississippi Valley State University.....\$ 4,700,000.00

79 Roof repair and waterproofing

80 for campus facilities and maintenance

81 and repair of mechanical systems and

82 renovation of dormitories.....\$ 4,700,000.00

83 University of Mississippi.....\$ 6,000,000.00

84 Renovation of Guyton Hall and

85 general repair and renovation of

86 campus facilities.....\$ 6,000,000.00

87 University Medical Center.....\$ 3,300,000.00

88 Construction of a new

89 classroom facility.....\$ 3,300,000.00

90 University of Southern Mississippi.....\$ 5,000,000.00

91 Construction, furnishing and

92 equipping of Center for International

93 and Continuing Education.....\$ 4,000,000.00

94 Construction, furnishing and

95 equipping of an addition to the 3-D
 96 Art Building.....\$ 500,000.00
 97 Preplanning of College of Health
 98 and Human Sciences Building....\$ 500,000.00
 99 University of Southern Mississippi/
 100 Gulf Park Campus.....\$ 1,500,000.00
 101 Furnishing and equipping of
 102 Advanced Education Center and
 103 Library.....\$ 1,500,000.00
 104 University of Southern Mississippi/
 105 Gulf Coast Research Laboratory at Cedar Point....\$ 250,000.00
 106 Construction of infrastructure
 107 including roads, utilities and
 108 communications.....\$ 250,000.00
 109 University of Southern Mississippi/
 110 Stennis Space Center.....\$ 250,000.00
 111 Renovation of Building 1020 and
 112 construction of an addition to
 113 Building 1020.....\$ 250,000.00
 114 Education and Research Center.....\$ 500,000.00
 115 Repair and renovation of
 116 facilities.....\$ 500,000.00
 117 Authority for Educational Television.....\$ 1,700,000.00
 118 Purchasing and installing
 119 antennas, towers, tower upgrades,
 120 tower sites, transmission lines,
 121 transmitters and any equipment
 122 useful in establishing or maintaining
 123 a digital transmission system
 124 to meet federal requirements...\$ 1,700,000.00
 125 **TOTAL.....\$59,400,000.00**

126 (2) Amounts deposited into such special fund shall be
 127 disbursed to pay the costs of projects described in subsection (1)

128 of this section. If any monies in such special fund are not used
129 within four (4) years after the date the proceeds of the bonds
130 authorized under this act are deposited into the special fund,
131 then the agency or institution of higher learning for which any
132 unused monies are allocated under subsection (1) of this section
133 shall provide an accounting of such unused monies to the
134 commission. Promptly after the commission has certified, by
135 resolution duly adopted, that the projects described in subsection
136 (1) of this section shall have been completed, abandoned, or
137 cannot be completed in a timely fashion, any amounts remaining in
138 such special fund shall be applied to pay debt service on the
139 bonds issued under this act, in accordance with the proceedings
140 authorizing the issuance of such bonds and as directed by the
141 commission.

142 (3) The Department of Finance and Administration, acting
143 through the Bureau of Building, Grounds and Real Property
144 Management, is expressly authorized and empowered to receive and
145 expend any local or other source funds in connection with the
146 expenditure of funds provided for in this section. The
147 expenditure of monies deposited into the special fund shall be
148 under the direction of the Department of Finance and
149 Administration, and such funds shall be paid by the State
150 Treasurer upon warrants issued by such department, which warrants
151 shall be issued upon requisitions signed by the Executive Director
152 of the Department of Finance and Administration or his designee.

153 (4) Any amounts allocated to an agency or institution of
154 higher learning that are in excess of that needed to complete the
155 projects at such agency or institution of higher learning that are
156 described in subsection (1) of this section may be used for
157 general repairs and renovations at the agency or institution of
158 higher learning to which such amount is allocated.

159 (5) The Department of Finance and Administration, acting
160 through the Bureau of Building, Grounds and Real Property

161 Management, is authorized to preplan through construction
162 documents the renovation of Martin Hall at the Mississippi
163 University for Women to accommodate the School of Nursing.

164 The project authorized in this subsection shall be in
165 addition to the projects authorized in subsection (1) of this
166 section.

167 SECTION 3. (1) (a) A special fund, to be designated as the
168 "2001 IHL Additional Repair and Renovation Fund," is created
169 within the State Treasury. The fund shall be maintained by the
170 State Treasurer as a separate and special fund, separate and apart
171 from the General Fund of the state. Unexpended amounts remaining
172 in the fund at the end of a fiscal year shall not lapse into the
173 State General Fund, and any interest earned or investment earnings
174 on amounts in the fund shall be deposited into such fund.

175 (b) Monies deposited into the fund shall be disbursed,
176 in the discretion of the Department of Finance and Administration,
177 to pay the costs of critical repair and renovation needs of state
178 institutions of higher learning.

179 (2) Amounts deposited into such special fund shall be
180 disbursed to pay the costs of projects described in subsection (1)
181 of this section. If any monies in such special fund are not used
182 within four (4) years after the date the proceeds of the bonds
183 authorized under this act are deposited into the special fund,
184 then the Department of Finance and Administration shall provide an
185 accounting of such unused monies to the commission. Promptly
186 after the commission has certified, by resolution duly adopted,
187 that the projects described in subsection (1) of this section
188 shall have been completed, abandoned, or cannot be completed in a
189 timely fashion, any amounts remaining in such special fund shall
190 be applied to pay debt service on the bonds issued under this act,
191 in accordance with the proceedings authorizing the issuance of
192 such bonds and as directed by the commission.

193 (3) The Department of Finance and Administration, acting
194 through the Bureau of Building, Grounds and Real Property
195 Management, is expressly authorized and empowered to receive and
196 expend any local or other source funds in connection with the
197 expenditure of funds provided for in this section. The
198 expenditure of monies deposited into the special fund shall be
199 under the direction of the Department of Finance and
200 Administration, and such funds shall be paid by the State
201 Treasurer upon warrants issued by such department, which warrants
202 shall be issued upon requisitions signed by the Executive Director
203 of the Department of Finance and Administration or his designee.

204 SECTION 4. (1) (a) A special fund, to be designated as the
205 "2001 Community and Junior Colleges Capital Improvements Fund" is
206 created within the State Treasury. The fund shall be maintained
207 by the State Treasurer as a separate and special fund, separate
208 and apart from the General Fund of the state. Unexpended amounts
209 remaining in the fund at the end of a fiscal year shall not lapse
210 into the State General Fund, and any interest earned or investment
211 earnings on amounts in the fund shall be deposited to the credit
212 of the fund. Monies in the fund may not be used or expended for
213 any purpose except as authorized under this act.

214 (b) Monies deposited into the fund shall be disbursed,
215 in the discretion of the Department of Finance and Administration,
216 to pay the costs of acquisition of real property, construction of
217 new facilities and addition to or renovation of existing
218 facilities for community and junior college campuses as
219 recommended by the State Board for Community and Junior Colleges.
220 The amount to be expended at each community and junior college is
221 as follows:

222	Coahoma.....	\$ 380,226.00
223	Copiah-Lincoln.....	541,280.00
224	East Central.....	481,081.00
225	East Mississippi.....	413,884.00

226	Hinds.....	1,067,513.00
227	Holmes.....	536,575.00
228	Itawamba.....	566,615.00
229	Jones.....	755,417.00
230	Meridian.....	549,363.00
231	Mississippi Delta.....	562,151.00
232	Mississippi Gulf Coast.....	869,904.00
233	Northeast Mississippi.....	591,708.00
234	Northwest Mississippi.....	689,427.00
235	Pearl River.....	546,830.00
236	Southwest Mississippi.....	448,026.00
237	GRAND TOTAL.....	\$9,000,000.00

238 (2) Amounts deposited into such special fund shall be
239 disbursed to pay the costs of projects described in subsection (1)
240 of this section. If any monies in such special fund are not used
241 within four (4) years after the date the proceeds of the bonds
242 authorized under this act are deposited into the special fund,
243 then the community college or junior college for which any such
244 monies are allocated under subsection (1) of this section shall
245 provide an accounting of such unused monies to the commission.
246 Promptly after the commission has certified, by resolution duly
247 adopted, that the projects described in subsection (1) shall have
248 been completed, abandoned, or cannot be completed in a timely
249 fashion, any amounts remaining in such special fund shall be
250 applied to pay debt service on the bonds issued under this act, in
251 accordance with the proceedings authorizing the issuance of such
252 bonds and as directed by the commission.

253 (3) The Department of Finance and Administration, acting
254 through the Bureau of Building, Grounds and Real Property
255 Management, is expressly authorized and empowered to receive and
256 expend any local or other source funds in connection with the
257 expenditure of funds provided for in this section. The
258 expenditure of monies deposited into the special fund shall be

259 under the direction of the Department of Finance and
260 Administration, and such funds shall be paid by the State
261 Treasurer upon warrants issued by such department, which warrants
262 shall be issued upon requisitions signed by the Executive Director
263 of the Department of Finance and Administration or his designee.

264 SECTION 5. (1) The commission, at one time, or from time to
265 time, may declare by resolution the necessity for issuance of
266 general obligation bonds of the State of Mississippi to provide
267 funds for all costs incurred or to be incurred for the purposes
268 described in Sections 2, 3 and 4 of this act. Upon the adoption
269 of a resolution by the Department of Finance and Administration,
270 declaring the necessity for the issuance of any part or all of the
271 general obligation bonds authorized by this section, the
272 Department of Finance and Administration shall deliver a certified
273 copy of its resolution or resolutions to the commission. Upon
274 receipt of such resolution, the commission, in its discretion, may
275 act as the issuing agent, prescribe the form of the bonds,
276 advertise for and accept bids, issue and sell the bonds so
277 authorized to be sold and do any and all other things necessary
278 and advisable in connection with the issuance and sale of such
279 bonds. The total amount of bonds issued under this act shall not
280 exceed Seventy Million Four Hundred Thousand Dollars
281 (\$70,400,000.00). No bonds shall be issued under this act after
282 July 1, 2004.

283 (2) The proceeds of the bonds issued pursuant to this act
284 shall be deposited into the following special funds in not more
285 than the following amounts:

286 (a) The 2001 IHL Capital Improvements Fund created
287 pursuant to Section 2 of this act..... \$59,400,000.00.

288 (b) The 2001 IHL Additional Repair and Renovation Fund
289 created pursuant to Section 3 of this act..... \$ 2,000,000.00.

290 (c) The 2001 Community and Junior College Capital
291 Improvements Fund created pursuant to Section 4 of this

292 act..... \$ 9,000,000.00.

293 (3) Any investment earnings on amounts deposited into the
294 special funds created in Sections 2, 3 and 4 of this act shall be
295 used to pay debt service on bonds issued under this act, in
296 accordance with the proceedings authorizing issuance of such
297 bonds.

298 SECTION 6. The principal of and interest on the bonds
299 authorized under this act shall be payable in the manner provided
300 in this section. Such bonds shall bear such date or dates, be in
301 such denomination or denominations, bear interest at such rate or
302 rates (not to exceed the limits set forth in Section 75-17-101,
303 Mississippi Code of 1972), be payable at such place or places
304 within or without the State of Mississippi, shall mature
305 absolutely at such time or times not to exceed twenty-five (25)
306 years from date of issue, be redeemable before maturity at such
307 time or times and upon such terms, with or without premium, shall
308 bear such registration privileges, and shall be substantially in
309 such form, all as shall be determined by resolution of the
310 commission.

311 SECTION 7. The bonds authorized by this act shall be signed
312 by the chairman of the commission, or by his facsimile signature,
313 and the official seal of the commission shall be affixed thereto,
314 attested by the secretary of the commission. The interest
315 coupons, if any, to be attached to such bonds may be executed by
316 the facsimile signatures of such officers. Whenever any such
317 bonds shall have been signed by the officials designated to sign
318 the bonds who were in office at the time of such signing but who
319 may have ceased to be such officers before the sale and delivery
320 of such bonds, or who may not have been in office on the date such
321 bonds may bear, the signatures of such officers upon such bonds
322 and coupons shall nevertheless be valid and sufficient for all
323 purposes and have the same effect as if the person so officially
324 signing such bonds had remained in office until their delivery to

325 the purchaser, or had been in office on the date such bonds may
326 bear. However, notwithstanding anything herein to the contrary,
327 such bonds may be issued as provided in the Registered Bond Act of
328 the State of Mississippi.

329 SECTION 8. All bonds and interest coupons issued under the
330 provisions of this act have all the qualities and incidents of
331 negotiable instruments under the provisions of the Uniform
332 Commercial Code, and in exercising the powers granted by this act,
333 the commission shall not be required to and need not comply with
334 the provisions of the Uniform Commercial Code.

335 SECTION 9. The commission shall act as the issuing agent for
336 the bonds authorized under this act, prescribe the form of the
337 bonds, advertise for and accept bids, issue and sell the bonds so
338 authorized to be sold, pay all fees and costs incurred in such
339 issuance and sale, and do any and all other things necessary and
340 advisable in connection with the issuance and sale of such bonds.
341 The commission is authorized and empowered to pay the costs that
342 are incident to the sale, issuance and delivery of the bonds
343 authorized under this act from the proceeds derived from the sale
344 of such bonds. The commission shall sell such bonds on sealed
345 bids at public sale, and for such price as it may determine to be
346 for the best interest of the State of Mississippi, but no such
347 sale shall be made at a price less than par plus accrued interest
348 to the date of delivery of the bonds to the purchaser. All
349 interest accruing on such bonds so issued shall be payable
350 semiannually or annually; however, the first interest payment may
351 be for any period of not more than one (1) year.

352 Notice of the sale of any such bonds shall be published at
353 least one time, not less than ten (10) days before the date of
354 sale, and shall be so published in one or more newspapers
355 published or having a general circulation in the City of Jackson,
356 Mississippi, and in one or more other newspapers or financial

357 journals with a national circulation, to be selected by the
358 commission.

359 The commission, when issuing any bonds under the authority of
360 this act, may provide that bonds, at the option of the State of
361 Mississippi, may be called in for payment and redemption at the
362 call price named therein and accrued interest on such date or
363 dates named therein.

364 SECTION 10. The bonds issued under the provisions of this
365 act are general obligations of the State of Mississippi, and for
366 the payment thereof the full faith and credit of the State of
367 Mississippi is irrevocably pledged. If the funds appropriated by
368 the Legislature are insufficient to pay the principal of and the
369 interest on such bonds as they become due, then the deficiency
370 shall be paid by the State Treasurer from any funds in the State
371 Treasury not otherwise appropriated. All such bonds shall contain
372 recitals on their faces substantially covering the provisions of
373 this section.

374 SECTION 11. Upon the issuance and sale of bonds under the
375 provisions of this act, the commission shall transfer the proceeds
376 of any such sale or sales to the special funds created in Sections
377 2, 3 and 4 of this act in the amounts provided for in Section 5(2)
378 of this act. The proceeds of such bonds shall be disbursed solely
379 upon the order of the Department of Finance and Administration
380 under such restrictions, if any, as may be contained in the
381 resolution providing for the issuance of the bonds.

382 SECTION 12. The bonds authorized under this act may be
383 issued without any other proceedings or the happening of any other
384 conditions or things other than those proceedings, conditions and
385 things which are specified or required by this act. Any
386 resolution providing for the issuance of bonds under the
387 provisions of this act shall become effective immediately upon its
388 adoption by the commission, and any such resolution may be adopted

389 at any regular or special meeting of the commission by a majority
390 of its members.

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

399 SECTION 14. Any holder of bonds issued under the provisions
400 of this act or of any of the interest coupons pertaining thereto
401 may, either at law or in equity, by suit, action, mandamus or
402 other proceeding, protect and enforce any and all rights granted
403 under this act, or under such resolution, and may enforce and
404 compel performance of all duties required by this act to be
405 performed, in order to provide for the payment of bonds and
406 interest thereon.

407 SECTION 15. All bonds issued under the provisions of this
408 act shall be legal investments for trustees and other fiduciaries,
409 and for savings banks, trust companies and insurance companies
410 organized under the laws of the State of Mississippi, and such
411 bonds shall be legal securities which may be deposited with and
412 shall be received by all public officers and bodies of this state
413 and all municipalities and political subdivisions for the purpose
414 of securing the deposit of public funds.

415 SECTION 16. Bonds issued under the provisions of this act
416 and income therefrom shall be exempt from all taxation in the
417 State of Mississippi.

418 SECTION 17. The proceeds of the bonds issued under this act
419 shall be used solely for the purposes herein provided, including
420 the costs incident to the issuance and sale of such bonds.

421 SECTION 18. The State Treasurer is authorized, without
422 further process of law, to certify to the Department of Finance
423 and Administration the necessity for warrants, and the Department
424 of Finance and Administration is authorized and directed to issue
425 such warrants, in such amounts as may be necessary to pay when due
426 the principal of, premium, if any, and interest on, or the
427 accreted value of, all bonds issued under this act; and the State
428 Treasurer shall forward the necessary amount to the designated
429 place or places of payment of such bonds in ample time to
430 discharge such bonds, or the interest thereon, on the due dates
431 thereof.

432 SECTION 19. This act shall be deemed to be full and complete
433 authority for the exercise of the powers herein granted, but this
434 act shall not be deemed to repeal or to be in derogation of any
435 existing law of this state.

436 SECTION 20. This act shall take effect and be in force from
437 and after its passage.