

By: Senator(s) Tollison

To: Finance

SENATE BILL NO. 2994

1 AN ACT TO AMEND SECTIONS 18 THROUGH 32 OF CHAPTER 530, LAWS  
2 OF 1995, TO INCREASE THE AMOUNT OF STATE GENERAL OBLIGATION BONDS  
3 WHICH MAY BE ISSUED TO PROVIDE GRANTS TO COUNTIES AND  
4 MUNICIPALITIES TO FUND THE CONSTRUCTION, RENOVATION AND EXPANSION  
5 OF LIVESTOCK FACILITIES; AND FOR RELATED PURPOSES.

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

7 SECTION 1. Sections 18 through 32 of Chapter 530, Laws of  
8 1995, is amended as follows:

9 Section 18. (1) The Department of Agriculture and Commerce  
10 is hereby authorized and empowered to use the proceeds of the  
11 bonds authorized to be issued by Sections 18 through 32 of this  
12 act to provide grants to counties and municipalities to provide  
13 funds for the construction, renovation and expansion of livestock  
14 facilities. Counties and municipalities must demonstrate to the  
15 satisfaction of the Department of Agriculture and Commerce that  
16 they are able to operate and maintain the livestock facilities in  
17 order to receive a grant. Any county or municipality that  
18 receives a grant from the Department of Agriculture and Commerce  
19 shall be required to match the amount of the grant with an equal  
20 amount of cash, which shall be used together with the grant for  
21 the construction, renovation or expansion of livestock facilities  
22 in the county or municipality; provided, however, that a portion  
23 of such matching funds not to exceed Twenty-five Thousand Dollars  
24 (\$25,000.00) may be provided in the form of in kind contributions  
25 satisfactory to the Department of Agriculture and Commerce. The  
26 amount of any grant that the Department of Agriculture and  
27 Commerce may provide for the construction, renovation or expansion  
28 of livestock facilities at any one (1) location shall not be more

29 than Five Hundred Thousand Dollars (\$500,000.00). The maximum  
30 aggregate amount of grants that may be awarded by the Department  
31 of Agriculture and Commerce in any one (1) congressional district  
32 shall be Three Million Dollars (\$3,000,000.00); provided, however,  
33 that if all the funds that are allocated to a congressional  
34 district have not been obligated for grants for locations in such  
35 congressional district by July 1, 2002, such funds may be utilized  
36 for grants for locations in other congressional districts. The  
37 construction, renovation or expansion of livestock facilities  
38 using grants from the Department of Agriculture and Commerce shall  
39 not be required to be performed by or under the supervision of the  
40 Bureau of Building, Grounds and Real Property Management of the  
41 Department of Finance and Administration.

42 (2) The Department of Agriculture and Commerce shall adopt  
43 necessary rules and regulations to govern the administration of  
44 the program described in subsection (1) of this section,  
45 including, but not limited to, rules and regulations governing  
46 applications for grants and rules and regulations providing for  
47 the equitable distribution of grant funds. The Department of  
48 Agriculture and Commerce shall comply with the provisions of the  
49 Mississippi Administrative Procedures Law.

50 Section 19. (1) The Department of Agriculture and Commerce,  
51 at one time or from time to time, may declare by resolution the  
52 necessity for issuance of general obligation bonds of the State of  
53 Mississippi to provide funds for the grant program authorized in  
54 Section 18 of this act.

55 (2) Upon the adoption of a resolution by the Department of  
56 Agriculture and Commerce declaring the necessity for the issuance  
57 of any part or all of the general obligation bonds authorized by  
58 this section, the department shall deliver a certified copy of its  
59 resolution or resolutions to the State Bond Commission. Upon  
60 receipt of such resolution, the State Bond Commission, in its  
61 discretion, may act as the issuing agent, prescribe the form of

62 the bonds, advertise for and accept bids, issue and sell the bonds  
63 so authorized to be sold, and do any and all other things  
64 necessary and advisable in connection with the issuance and sale  
65 of such bonds.

66 (3) The amount of bonds issued under Sections 18 through 32  
67 of this act shall not exceed Fifteen Million Dollars  
68 (\$15,000,000.00).

69 Section 20. The principal of and interest on the bonds  
70 authorized under Sections 18 through 32 of this act shall be  
71 payable in the manner provided in this section. Such bonds shall  
72 bear such date or dates, be in such denomination or denominations,  
73 bear interest at such rate or rates not exceeding the limits set  
74 forth in Section 75-17-101, be payable at such place or places  
75 within or without the State of Mississippi, shall mature  
76 absolutely at such time or times not to exceed twenty (20) years  
77 from date of issue, be redeemable before maturity at such time or  
78 times and upon such terms, with or without premium, shall bear  
79 such registration privileges, and shall be substantially in such  
80 form, all as determined by resolution of the State Bond  
81 Commission.

82 Section 21. The bonds authorized under Sections 18 through  
83 32 of this act shall be signed by the Chairman of the State Bond  
84 Commission, or by his facsimile signature, and the official seal  
85 of the State Bond Commission shall be affixed thereto, attested by  
86 the Secretary of the State Bond Commission. The interest coupons,  
87 if any, to be attached to such bonds may be executed by the  
88 facsimile signatures of such officers. Whenever any such bonds  
89 shall have been signed by the officials designated to sign the  
90 bonds who were in office at the time of such signing but who may  
91 have ceased to be such officers before the sale and delivery of  
92 such bonds, or who may not have been in office on the date such  
93 bonds may bear, the signatures of such officers upon such bonds  
94 and coupons shall nevertheless be valid and sufficient for all

95 purposes and have the same effect as if the person so officially  
96 signing such bonds had remained in office until their delivery to  
97 the purchaser, or had been in office on the date such bonds may  
98 bear. However, notwithstanding anything in Sections 18 through 32  
99 of this act to the contrary, such bonds may be issued as provided  
100 in the Registered Bond Act of the State of Mississippi.

101 Section 22. All bonds and interest coupons issued under the  
102 provisions of Sections 18 through 32 of this act have all the  
103 qualities and incidents of negotiable instruments under the  
104 provisions of the Uniform Commercial Code, and in exercising the  
105 powers granted by Sections 18 through 32 of this act, the State  
106 Bond Commission shall not be required to and need not comply with  
107 the provisions of the Uniform Commercial Code.

108 Section 23. The State Bond Commission shall act as the  
109 issuing agent for the bonds authorized under Sections 18 through  
110 32 of this act, prescribe the form of the bonds, advertise for and  
111 accept bids, issue and sell the bonds so authorized to be sold,  
112 pay all fees and costs incurred in such issuance and sale, and do  
113 all other things necessary and advisable in connection with the  
114 issuance and sale of the bonds. The State Bond Commission may pay  
115 the costs that are incident to the sale, issuance and delivery of  
116 the bonds authorized under Sections 18 through 32 of this act from  
117 the proceeds derived from the sale of the bonds. The State Bond  
118 Commission shall sell such bonds on sealed bids at public sale,  
119 and for such price as it may determine to be for the best interest  
120 of the State of Mississippi, but no such sale may be made at a  
121 price less than par plus accrued interest to the date of delivery  
122 of the bonds to the purchaser. All interest accruing on such  
123 bonds so issued shall be payable semiannually or annually;  
124 however, the first interest payment may be for any period of not  
125 more than one (1) year.

126 Notice of the sale of any such bond shall be published at  
127 least one (1) time, not less than ten (10) days before the date of

128 sale, and shall be so published in one or more newspapers  
129 published or having a general circulation in the City of Jackson,  
130 Mississippi, and in one or more other newspapers or financial  
131 journals with a national circulation, to be selected by the State  
132 Bond Commission.

133 The State Bond Commission, when issuing any bonds under the  
134 authority of Sections 18 through 32 of this act, may provide that  
135 the bonds, at the option of the State of Mississippi, may be  
136 called in for payment and redemption at the call price named  
137 therein and accrued interest on such date or dates named therein.

138 Section 24. The bonds issued under the provisions of  
139 Sections 18 through 32 of this act are general obligations of the  
140 State of Mississippi, and for the payment thereof the full faith  
141 and credit of the State of Mississippi are irrevocably pledged.  
142 If the funds appropriated by the Legislature are insufficient to  
143 pay the principal of and the interest on such bonds as they become  
144 due, then the deficiency shall be paid by the State Treasurer from  
145 any funds in the State Treasury not otherwise appropriated. All  
146 such bonds shall contain recitals on their faces substantially  
147 covering the provisions of this section.

148 Section 25. The State Treasurer is authorized to certify to  
149 the State Fiscal Officer the necessity for warrants, and the State  
150 Fiscal Officer is authorized and directed to issue such warrants  
151 in such amounts as may be necessary to pay when due the principal  
152 of, premium, if any, and interest on, or the accreted value of,  
153 all bonds issued under Sections 18 through 32 of this act; and the  
154 State Treasurer shall forward the necessary amount to the  
155 designated place or places of payment of such bonds in ample time  
156 to discharge such bonds, or the interest on the bonds, on their  
157 due dates.

158 Section 26. Upon the issuance and sale of bonds under  
159 Sections 18 through 32 of this act, the State Bond Commission  
160 shall deposit the proceeds of any such sale or sales in a special

161 fund created in the State Treasury to be known as the "Livestock  
162 Facilities Grant Fund." The proceeds of such bonds shall be used  
163 solely for the purposes provided in Sections 18 through 32 of this  
164 act, including the costs incident to the issuance and sale of such  
165 bonds. The costs incident to the issuance and sale of such bonds  
166 shall be disbursed by warrant upon requisition of the State Bond  
167 Commission, signed by the chairman of the commission. The  
168 remaining monies in the fund shall be expended solely under the  
169 direction of the Department of Finance and Administration under  
170 such restrictions, if any, as may be contained in the resolution  
171 providing for the issuance of the bonds, and such funds shall be  
172 paid by the State Treasurer upon warrants issued by the State  
173 Fiscal Officer.

174 Section 27. The bonds authorized under Sections 18 through  
175 32 of this act may be issued without any other proceedings or the  
176 happening of any other conditions or things other than those  
177 proceedings, conditions and things that are specified or required  
178 by this act. Any resolution providing for the issuance of bonds  
179 under Sections 18 through 32 of this act shall become effective  
180 immediately upon its adoption by the State Bond Commission, and  
181 any such resolution may be adopted at any regular or special  
182 meeting of the State Bond Commission by a majority of its members.

183 Section 28. The bonds authorized under the authority of  
184 Sections 18 through 32 of this act may be validated in the  
185 Chancery Court of the First Judicial District of Hinds County,  
186 Mississippi, in the manner and with the force and effect provided  
187 by Chapter 13, Title 31, Mississippi Code of 1972, for the  
188 validation of county, municipal, school district and other bonds.  
189 The notice to taxpayers required by such statutes shall be  
190 published in a newspaper published or having a general circulation  
191 in the City of Jackson, Mississippi.

192 Section 29. Any holder of bonds issued under Sections 18  
193 through 32 of this act or of any of the interest coupons

194 pertaining to the bonds may, either at law or in equity, by suit,  
195 action, mandamus or other proceeding, protect and enforce all  
196 rights granted under Sections 18 through 32 of this act, or under  
197 such resolution, and may enforce and compel performance of all  
198 duties required by Sections 18 through 32 of this act to be  
199 performed, in order to provide for the payment of bonds and  
200 interest on the bonds.

201       Section 30. All bonds issued under Sections 18 through 32 of  
202 this act shall be legal investments for trustees and other  
203 fiduciaries, and for savings banks, trust companies and insurance  
204 companies organized under the laws of the State of Mississippi,  
205 and such bonds shall be legal securities that may be deposited  
206 with and shall be received by all public officers and bodies of  
207 this state and all municipalities and political subdivisions for  
208 the purpose of securing the deposit of public funds.

209       Section 31. Bonds issued under Sections 18 through 32 of  
210 this act and income from the bonds shall be exempt from all  
211 taxation in the State of Mississippi.

212       Section 32. Sections 18 through 32 of this act shall be  
213 deemed to be full and complete authority for the exercise of the  
214 powers therein granted, but Sections 18 through 32 of this act  
215 shall not be deemed to repeal or to be in derogation of any  
216 existing law of this state.

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