

By: Representatives Mayo, Espy

To: Ways and Means

HOUSE BILL NO. 1759

1 AN ACT TO AUTHORIZE THE ISSUANCE OF GENERAL OBLIGATION BONDS
2 OF THE STATE OF MISSISSIPPI FOR THE PURPOSE OF PROVIDING FUNDS TO
3 THE MISSISSIPPI NATIONAL GUARD FOR USE AS MATCHING FUNDS FOR
4 CONSTRUCTION OF A READINESS CENTER IN THE CITY OF CLARKSDALE,
5 MISSISSIPPI; 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 meaning 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 "2004 National Guard Readiness Center Construction Fund," is
21 created within the State Treasury. The fund shall be maintained
22 by the State Treasurer as a separate and special fund, separate
23 and apart from the General Fund of the state. Unexpended amounts
24 remaining in the fund at the end of a fiscal year shall not lapse
25 into the State General Fund, and any interest earned or investment
26 earnings on amounts in 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 provide funds to the Mississippi National Guard for use as
30 matching funds for construction of a readiness center in the City
31 of Clarksdale, Mississippi.

32 (2) Amounts deposited into such special fund shall be
33 disbursed to pay the costs of projects described in subsection (1)
34 of this section. If any monies in such special fund are not used
35 within four (4) years after the date the proceeds of the bonds
36 authorized under this act are deposited into the special fund,
37 then the Department of Finance and Administration shall provide an
38 accounting of such unused monies to the commission. Promptly
39 after the commission has certified, by resolution duly adopted,
40 that the projects described in subsection (1) of this section
41 shall have been completed, abandoned, or cannot be completed in a
42 timely fashion, any amounts remaining in such special fund shall
43 be applied to pay debt service on the bonds issued under this act,
44 in accordance with the proceedings authorizing the issuance of
45 such bonds and as directed by the commission.

46 (3) The Mississippi Military Department is expressly
47 authorized and empowered to receive and expend any local or other
48 source funds in connection with the expenditure of funds provided
49 for in this section. The expenditure of monies deposited into the
50 special fund shall be under the direction of the Mississippi
51 Military Department, and such funds shall be paid by the State
52 Treasurer upon warrants issued by the Department of Finance and
53 Administration, which warrants shall be issued upon requisitions
54 signed by the Executive Director of the Department of Finance and
55 Administration or his designee.

56 **SECTION 3.** (1) The commission, at one time, or from time to
57 time, may declare by resolution the necessity for issuance of
58 general obligation bonds of the State of Mississippi to provide
59 funds for all costs incurred or to be incurred for the purposes
60 described in Section 2 of this act. Upon the adoption of a
61 resolution by the Mississippi Military Department, declaring the

62 necessity for the issuance of any part or all of the general
63 obligation bonds authorized by this section, the Mississippi
64 Military Department shall deliver a certified copy of its
65 resolution or resolutions to the commission. Upon receipt of such
66 resolution, the commission, in its discretion, may act as the
67 issuing agent, prescribe the form of the bonds, advertise for and
68 accept bids, issue and sell the bonds so authorized to be sold and
69 do any and all other things necessary and advisable in connection
70 with the issuance and sale of such bonds. The total amount of
71 bonds issued under this act shall not exceed One Million Five
72 Hundred Thousand Dollars (\$1,500,000.00).

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

77 **SECTION 4.** The principal of and interest on the bonds
78 authorized under this act shall be payable in the manner provided
79 in this section. Such bonds shall bear such date or dates, be in
80 such denomination or denominations, bear interest at such rate or
81 rates (not to exceed the limits set forth in Section 75-17-101,
82 Mississippi Code of 1972), be payable at such place or places
83 within or without the State of Mississippi, shall mature
84 absolutely at such time or times not to exceed twenty-five (25)
85 years from date of issue, be redeemable before maturity at such
86 time or times and upon such terms, with or without premium, shall
87 bear such registration privileges, and shall be substantially in
88 such form, all as shall be determined by resolution of the
89 commission.

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

95 the facsimile signatures of such officers. Whenever any such
96 bonds shall have been signed by the officials designated to sign
97 the bonds who were in office at the time of such signing but who
98 may have ceased to be such officers before the sale and delivery
99 of such bonds, or who may not have been in office on the date such
100 bonds may bear, the signatures of such officers upon such bonds
101 and coupons shall nevertheless be valid and sufficient for all
102 purposes and have the same effect as if the person so officially
103 signing such bonds had remained in office until their delivery to
104 the purchaser, or had been in office on the date such bonds may
105 bear. However, notwithstanding anything herein to the contrary,
106 such bonds may be issued as provided in the Registered Bond Act of
107 the State of Mississippi.

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

114 **SECTION 7.** The commission shall act as the issuing agent for
115 the bonds authorized under this act, prescribe the form of the
116 bonds, advertise for and accept bids, issue and sell the bonds so
117 authorized to be sold, pay all fees and costs incurred in such
118 issuance and sale, and do any and all other things necessary and
119 advisable in connection with the issuance and sale of such bonds.
120 The commission is authorized and empowered to pay the costs that
121 are incident to the sale, issuance and delivery of the bonds
122 authorized under this act from the proceeds derived from the sale
123 of such bonds. The commission shall sell such bonds on sealed
124 bids at public sale, and for such price as it may determine to be
125 for the best interest of the State of Mississippi, but no such
126 sale shall be made at a price less than par plus accrued interest
127 to the date of delivery of the bonds to the purchaser. All

128 interest accruing on such bonds so issued shall be payable
129 semiannually or annually; however, the first interest payment may
130 be for any period of not more than one (1) year.

131 Notice of the sale of any such bonds shall be published at
132 least one time, not less than ten (10) days before the date of
133 sale, and shall be so published in one or more newspapers
134 published or having a general circulation in the City of Jackson,
135 Mississippi, and in one or more other newspapers or financial
136 journals with a national circulation, to be selected by the
137 commission.

138 The commission, when issuing any bonds under the authority of
139 this act, may provide that bonds, at the option of the State of
140 Mississippi, may be called in for payment and redemption at the
141 call price named therein and accrued interest on such date or
142 dates named therein.

143 **SECTION 8.** The bonds issued under the provisions of this act
144 are general obligations of the State of Mississippi, and for the
145 payment thereof the full faith and credit of the State of
146 Mississippi is irrevocably pledged. If the funds appropriated by
147 the Legislature are insufficient to pay the principal of and the
148 interest on such bonds as they become due, then the deficiency
149 shall be paid by the State Treasurer from any funds in the State
150 Treasury not otherwise appropriated. All such bonds shall contain
151 recitals on their faces substantially covering the provisions of
152 this section.

153 **SECTION 9.** Upon the issuance and sale of bonds under the
154 provisions of this act, the commission shall transfer the proceeds
155 of any such sale or sales to the special fund created in Section 2
156 of this act. The proceeds of such bonds shall be disbursed solely
157 upon the order of the Department of Finance and Administration
158 under such restrictions, if any, as may be contained in the
159 resolution providing for the issuance of the bonds.

160 **SECTION 10.** The bonds authorized under this act may be
161 issued without any other proceedings or the happening of any other
162 conditions or things other than those proceedings, conditions and
163 things which are specified or required by this act. Any
164 resolution providing for the issuance of bonds under the
165 provisions of this act shall become effective immediately upon its
166 adoption by the commission, and any such resolution may be adopted
167 at any regular or special meeting of the commission by a majority
168 of its members.

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

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

185 **SECTION 13.** All bonds issued under the provisions of this
186 act shall be legal investments for trustees and other fiduciaries,
187 and for savings banks, trust companies and insurance companies
188 organized under the laws of the State of Mississippi, and such
189 bonds shall be legal securities which may be deposited with and
190 shall be received by all public officers and bodies of this state
191 and all municipalities and political subdivisions for the purpose
192 of securing the deposit of public funds.

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

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

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

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

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