

By: Senator(s) Horhn

To: Finance

SENATE BILL NO. 2354

1 AN ACT TO AUTHORIZE THE ISSUANCE OF GENERAL OBLIGATION BONDS  
2 OF THE STATE OF MISSISSIPPI IN THE AMOUNT OF \$500,000.00 FOR THE  
3 PURPOSE OF PROVIDING FUNDS TO ASSIST IN THE CONSTRUCTION OF A PARK  
4 AT LAKE HICO IN JACKSON, MISSISSIPPI; 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 "Lake Hico Park Construction Fund," is created within the State  
20 Treasury. The fund shall be maintained by the State Treasurer as  
21 a separate and special fund, separate and apart from the General  
22 Fund of the state. Unexpended amounts remaining in the fund at  
23 the end of a fiscal year shall not lapse into the State General  
24 Fund, and any interest earned or investment earnings on amounts in  
25 the fund shall be deposited to the credit of the fund. Monies in  
26 the fund may not be used or expended for any purpose except as  
27 authorized under this act.

28           (b) Monies deposited into the fund shall be disbursed,  
29 in the discretion of the Department of Finance and Administration,  
30 to assist the City of Jackson, Mississippi in paying the costs of  
31 constructing a park at Lake Hico in Jackson, Mississippi, and for  
32 other projects and improvements designed to enhance public use of  
33 such lake.

34           (2) Amounts deposited into such special fund shall be  
35 disbursed to pay the costs of the project described in subsection  
36 (1) of this section. Promptly after the commission has certified,  
37 by resolution duly adopted, that the project described in  
38 subsection (1) shall have been completed, abandoned, or cannot be  
39 completed in a timely fashion, any amounts remaining in such  
40 special fund shall be applied to pay debt service on the bonds  
41 issued under this act, in accordance with the proceedings  
42 authorizing the issuance of such bonds and as directed by the  
43 commission.

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

55           (4) The Department of Finance and Administration is  
56 authorized to pay for constructing and equipping a park at Lake  
57 Hico in Jackson, Mississippi, and other projects or improvements  
58 designed to enhance the public use of Lake Hico.

59           **SECTION 3.** (1) The commission, at one time, or from time to  
60 time, may declare by resolution the necessity for issuance of

61 general obligation bonds of the State of Mississippi to provide  
62 funds for all costs incurred or to be incurred for the purposes  
63 described in Section 2 of this act. Upon the adoption of a  
64 resolution by the Department of Finance and Administration,  
65 declaring the necessity for the issuance of any part or all of the  
66 general obligation bonds authorized by this section, the  
67 Department of Finance and Administration shall deliver a certified  
68 copy of its resolution or resolutions to the commission. Upon  
69 receipt of such resolution, the commission, in its discretion, may  
70 act as the issuing agent, prescribe the form of the bonds,  
71 advertise for and accept bids, issue and sell the bonds so  
72 authorized to be sold and do any and all other things necessary  
73 and advisable in connection with the issuance and sale of such  
74 bonds. The total amount of bonds issued under this act shall not  
75 exceed Five Hundred Thousand Dollars (\$500,000.00).

76 (2) Any investment earnings on amounts deposited into the  
77 special fund created in Section 2 of this act shall be used to pay  
78 debt service on bonds issued under this act, in accordance with  
79 the proceedings authorizing 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 Mississippi Code of 1972), be payable at such place or places  
86 within or without the State of Mississippi, shall mature  
87 absolutely at such time or times not to exceed twenty-five (25)  
88 years from date of issue, be redeemable before maturity at such  
89 time or times and upon such terms, with or without premium, shall  
90 bear such registration privileges, and shall be substantially in  
91 such form, all as shall be determined by resolution of the  
92 commission.

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

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

117           **SECTION 7.** The commission shall act as the issuing agent for  
118 the bonds authorized under this act, prescribe the form of the  
119 bonds, advertise for and accept bids, issue and sell the bonds so  
120 authorized to be sold, pay all fees and costs incurred in such  
121 issuance and sale, and do any and all other things necessary and  
122 advisable in connection with the issuance and sale of such bonds.  
123 The commission is authorized and empowered to pay the costs that  
124 are incident to the sale, issuance and delivery of the bonds  
125 authorized under this act from the proceeds derived from the sale

126 of such bonds. The commission shall sell such bonds on sealed  
127 bids at public sale, and for such price as it may determine to be  
128 for the best interest of the State of Mississippi, but no such  
129 sale shall be made at a price less than par plus accrued interest  
130 to the date of delivery of the bonds to the purchaser. All  
131 interest accruing on such bonds so issued shall be payable  
132 semiannually or annually; however, the first interest payment may  
133 be for any period of not more than one (1) year.

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

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

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

155 **SECTION 9.** Upon the issuance and sale of bonds under the  
156 provisions of this act, the commission shall transfer the proceeds  
157 of any such sale or sales to the special fund created in Section 2  
158 of this act. The proceeds of such bonds shall be disbursed solely

159 upon the order of the Department of Finance and Administration  
160 under such restrictions, if any, as may be contained in the  
161 resolution providing for the issuance of the bonds.

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

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

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

187       **SECTION 13.** All bonds issued under the provisions of this  
188 act shall be legal investments for trustees and other fiduciaries,  
189 and for savings banks, trust companies and insurance companies  
190 organized under the laws of the State of Mississippi, and such  
191 bonds shall be legal securities which may be deposited with and

192 shall be received by all public officers and bodies of this state  
193 and all municipalities and political subdivisions for the purpose  
194 of securing the deposit of public funds.

195       **SECTION 14.** Bonds issued under the provisions of this act  
196 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 therein 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.** This act shall be deemed to be full and complete  
213 authority for the exercise of the powers therein granted, but this  
214 act shall not be deemed to repeal or to be in derogation of any  
215 existing law of this state.

216       **SECTION 18.** This act shall take effect and be in force from  
217 and after July 1, 2004.