

By: Representative Watson

To: Ways and Means

HOUSE BILL NO. 1685

1 AN ACT TO AUTHORIZE THE ISSUANCE OF GENERAL OBLIGATION BONDS
2 OF THE STATE OF MISSISSIPPI FOR THE PURPOSE OF PROVIDING FUNDS FOR
3 THE REPAIR, RENOVATION AND IMPROVEMENT OF MISSISSIPPI VETERANS
4 MEMORIAL STADIUM; TO ABOLISH THE MISSISSIPPI VETERANS MEMORIAL
5 STADIUM COMMISSION AND TRANSFER ITS DUTIES TO THE JACKSON STATE
6 UNIVERSITY STADIUM COMMISSION, WHICH SHALL BE ESTABLISHED BY
7 JACKSON STATE UNIVERSITY; TO PROVIDE THAT THE STADIUM SHALL BE
8 UNDER THE EXCLUSIVE JURISDICTION OF THE JACKSON STATE UNIVERSITY
9 STADIUM COMMISSION; TO AMEND SECTION 55-23-5, MISSISSIPPI CODE OF
10 1972, TO CONFORM TO THE PRECEDING PROVISIONS; AND FOR RELATED
11 PURPOSES.

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

13 **SECTION 1.** As used in Sections 1 through 17 of this act, the
14 following words shall have the meanings ascribed in this section
15 unless the context clearly requires otherwise:

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

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

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

25 **SECTION 2.** (1) (a) A special fund, to be designated as the
26 "Veterans Memorial Stadium Repair and Renovation Fund" is created
27 within the State Treasury. The fund shall be maintained by the
28 State Treasurer as a separate and special fund, separate and apart
29 from the General Fund of the state. Unexpended amounts remaining
30 in the fund at the end of a fiscal year shall not lapse into the

31 State General Fund, and any interest earned or investment earnings
32 on amounts in the fund shall be deposited into such fund.

33 (b) Monies deposited into the fund shall be disbursed,
34 in the discretion of the Department of Finance and Administration,
35 to pay the costs of the repair, renovation and improvement of
36 Mississippi Veterans Memorial Stadium in Jackson, Mississippi.

37 (2) Amounts deposited into such special fund shall be
38 disbursed to pay the costs of the projects described in subsection
39 (1) of this section. Promptly after the commission has certified,
40 by resolution duly adopted, that the projects described in
41 subsection (1) of this section have been completed, abandoned, or
42 cannot be completed in a timely fashion, any amounts remaining in
43 such special fund shall be applied to pay debt service on the
44 bonds issued under Sections 1 through 17 of this act, in
45 accordance with the proceedings authorizing the issuance of such
46 bonds and as directed by the commission.

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

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

64 declaring the necessity for the issuance of any part or all of the
65 general obligation bonds authorized by this section, the
66 Department of Finance and Administration shall deliver a certified
67 copy of its resolution or resolutions to the commission. Upon
68 receipt of such resolution, the commission, in its discretion, may
69 act as the issuing agent, prescribe the form of the bonds,
70 advertise for and accept bids, issue and sell the bonds so
71 authorized to be sold and do any and all other things necessary
72 and advisable in connection with the issuance and sale of such
73 bonds. The total amount of bonds issued under Sections 1 through
74 17 of this act shall not exceed Thirty Million Dollars
75 (\$30,000,000.00).

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 Sections 1 through 17 of this
79 act, in accordance with the proceedings authorizing issuance of
80 such bonds.

81 **SECTION 4.** The principal of and interest on the bonds
82 authorized under Sections 1 through 17 of this act shall be
83 payable in the manner provided in this section. Such bonds shall
84 bear such date or dates, be in such denomination or denominations,
85 bear interest at such rate or rates (not to exceed the limits set
86 forth in Section 75-17-101, Mississippi Code of 1972), be payable
87 at such place or places within or without the State of
88 Mississippi, shall mature absolutely at such time or times not to
89 exceed twenty-five (25) years from date of issue, be redeemable
90 before maturity at such time or times and upon such terms, with or
91 without premium, shall bear such registration privileges, and
92 shall be substantially in such form, all as shall be determined by
93 resolution of the commission.

94 **SECTION 5.** The bonds authorized by Sections 1 through 17 of
95 this act shall be signed by the chairman of the commission, or by
96 his facsimile signature, and the official seal of the commission

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

112 **SECTION 6.** All bonds and interest coupons issued under the
113 provisions of Sections 1 through 17 of this act have all the
114 qualities and incidents of negotiable instruments under the
115 provisions of the Uniform Commercial Code, and in exercising the
116 powers granted by Sections 1 through 17 of this act, the
117 commission shall not be required to and need not comply with the
118 provisions of the Uniform Commercial Code.

119 **SECTION 7.** The commission shall act as the issuing agent for
120 the bonds authorized under Sections 1 through 17 of this act,
121 prescribe the form of the bonds, advertise for and accept bids,
122 issue and sell the bonds so authorized to be sold, pay all fees
123 and costs incurred in such issuance and sale, and do any and all
124 other things necessary and advisable in connection with the
125 issuance and sale of such bonds. The commission is authorized and
126 empowered to pay the costs that are incident to the sale, issuance
127 and delivery of the bonds authorized under Sections 1 through 17
128 of this act from the proceeds derived from the sale of such bonds.
129 The commission shall sell such bonds on sealed bids at public

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

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

144 The commission, when issuing any bonds under the authority of
145 Sections 1 through 17 of this act, may provide that bonds, at the
146 option of the State of Mississippi, may be called in for payment
147 and redemption at the call price named therein and accrued
148 interest on such date or dates named therein.

149 **SECTION 8.** The bonds issued under the provisions of Sections
150 1 through 17 of this act are general obligations of the State of
151 Mississippi, and for the payment thereof the full faith and credit
152 of the State of Mississippi is irrevocably pledged. If the funds
153 appropriated by the Legislature are insufficient to pay the
154 principal of and the interest on such bonds as they become due,
155 then the deficiency shall be paid by the State Treasurer from any
156 funds in the State Treasury not otherwise appropriated. All such
157 bonds shall contain recitals on their faces substantially covering
158 the provisions of this section.

159 **SECTION 9.** Upon the issuance and sale of bonds under the
160 provisions of Sections 1 through 17 of this act, the commission
161 shall transfer the proceeds of any such sale or sales to the
162 special fund created in Section 2 of this act. The proceeds of

163 such bonds shall be disbursed solely upon the order of the
164 Department of Finance and Administration under such restrictions,
165 if any, as may be contained in the resolution providing for the
166 issuance of the bonds.

167 **SECTION 10.** The bonds authorized under Sections 1 through 17
168 of this act may be issued without any other proceedings or the
169 happening of any other conditions or things other than those
170 proceedings, conditions and things which are specified or required
171 by Sections 1 through 17 of this act. Any resolution providing
172 for the issuance of bonds under the provisions of Sections 1
173 through 17 of this act shall become effective immediately upon its
174 adoption by the commission, and any such resolution may be adopted
175 at any regular or special meeting of the commission by a majority
176 of its members.

177 **SECTION 11.** The bonds authorized under the authority of
178 Sections 1 through 17 of this act may be validated in the Chancery
179 Court of the First Judicial District of Hinds County, Mississippi,
180 in the manner and with the force and effect provided by Chapter
181 13, Title 31, Mississippi Code of 1972, for the validation of
182 county, municipal, school district and other bonds. The notice to
183 taxpayers required by such statutes shall be published in a
184 newspaper published or having a general circulation in the City of
185 Jackson, Mississippi.

186 **SECTION 12.** Any holder of bonds issued under the provisions
187 of Sections 1 through 17 of this act or of any of the interest
188 coupons pertaining thereto may, either at law or in equity, by
189 suit, action, mandamus or other proceeding, protect and enforce
190 any and all rights granted under Sections 1 through 17 of this
191 act, or under such resolution, and may enforce and compel
192 performance of all duties required by Sections 1 through 17 of
193 this act to be performed, in order to provide for the payment of
194 bonds and interest thereon.

195 **SECTION 13.** All bonds issued under the provisions of
196 Sections 1 through 17 of this act shall be legal investments for
197 trustees and other fiduciaries, and for savings banks, trust
198 companies and insurance companies organized under the laws of the
199 State of Mississippi, and such bonds shall be legal securities
200 which may be deposited with and shall be received by all public
201 officers and bodies of this state and all municipalities and
202 political subdivisions for the purpose of securing the deposit of
203 public funds.

204 **SECTION 14.** Bonds issued under the provisions of Sections 1
205 through 17 of this act and income therefrom shall be exempt from
206 all taxation in the State of Mississippi.

207 **SECTION 15.** The proceeds of the bonds issued under Sections
208 1 through 17 of this act shall be used solely for the purposes
209 herein provided, including the costs incident to the issuance and
210 sale of such bonds.

211 **SECTION 16.** The State Treasurer is authorized, without
212 further process of law, to certify to the Department of Finance
213 and Administration the necessity for warrants, and the Department
214 of Finance and Administration is authorized and directed to issue
215 such warrants, in such amounts as may be necessary to pay when due
216 the principal of, premium, if any, and interest on, or the
217 accreted value of, all bonds issued under Sections 1 through 17 of
218 this act; and the State Treasurer shall forward the necessary
219 amount to the designated place or places of payment of such bonds
220 in ample time to discharge such bonds, or the interest thereon, on
221 the due dates thereof.

222 **SECTION 17.** Sections 1 through 17 of this act shall be
223 deemed to be full and complete authority for the exercise of the
224 powers herein granted, but Sections 1 through 17 of this act shall
225 not be deemed to repeal or to be in derogation of any existing law
226 of this state.

227 **SECTION 18.** (1) The Mississippi Veterans Memorial Stadium
228 Commission is abolished on July 1, 2005, and all records, duties,
229 responsibilities, assets, contractual rights and obligations,
230 property rights and any unexpended balances of appropriations that
231 are vested on June 30, 2005, in the Mississippi Veterans Memorial
232 Stadium Commission, are vested on July 1, 2005, in the Jackson
233 State University Stadium Commission established under subsection
234 (2) of this section. From and after July 1, 2005, the Mississippi
235 Veterans Memorial Stadium shall be under the exclusive
236 jurisdiction of the Jackson State University Stadium Commission,
237 and the Jackson State University Stadium Commission shall assume
238 all liabilities and indebtedness of the stadium. The Jackson
239 State University Stadium Commission is authorized to enter into
240 any contractual agreement for the purpose of leasing the stadium
241 to provide revenue to help retire any indebtedness of the stadium.
242 However, the Legislature, in its discretion, may retire all
243 obligations on the stadium by making an appropriation for that
244 purpose from the State General Fund. In no event shall the
245 appropriation for the upkeep of the stadium be less than the
246 fiscal year 2005 appropriation made to the Mississippi Veterans
247 Memorial Stadium Commission for its operation.

248 (2) Jackson State University, with the advice of the Board
249 of Trustees of State Institutions of Higher Learning, shall
250 establish a commission to be known as the Jackson State University
251 Stadium Commission, which shall operate and maintain the
252 Mississippi Veterans Memorial Stadium. Whenever the term
253 "Mississippi Veterans Memorial Stadium Commission," "stadium
254 commission" or "commission," when referring to the Mississippi
255 Veterans Memorial Stadium Commission, is used in any statute,
256 rule, regulation or document, the term shall be construed to mean
257 the Jackson State University Stadium Commission established under
258 this subsection.

259 **SECTION 19.** Section 55-23-5, Mississippi Code of 1972, is
260 amended as follows:

261 55-23-5. * * *

262 (1) From and after May 1, 1987, the stadium shall be known
263 as the "Mississippi Veterans Memorial Stadium." * * *

264 * * *

265 (2) The commission shall contract with a certified public
266 accounting firm to conduct audits of concession and novelty sales
267 by vendors at the stadium, and shall, as far as is practicable,
268 provide that the cost of those audits shall be paid by the vendor
269 of those concessions or novelties, or both.

270 (3) The commission may appoint a director of the stadium,
271 who shall have at least a bachelor's degree from an accredited
272 university or college. The director shall have the responsibility
273 for insuring the marketing of tickets to events conducted in the
274 stadium, in addition to such other duties as the commission may
275 designate. Before entering upon the duties of his office, the
276 director shall give bond to the State of Mississippi in the sum of
277 Fifty Thousand Dollars (\$50,000.00), and the bond shall be
278 conditioned upon the faithful discharge and performance of his
279 official duty. The principal and surety on the bond shall be
280 liable under the bond to the state for double the amount of value
281 of any money or property that the state may lose, if any, by
282 reason of any wrongful or criminal act of the director. The bond,
283 when approved by the commission, shall be filed with the Secretary
284 of State, and the premium on the bond shall be paid from the
285 Mississippi Veterans Memorial Stadium Operating Fund.

286 **SECTION 20.** This act shall take effect and be in force from
287 and after its passage.