

By: Representatives Clarke, Buck, Calhoun,  
Clark, Evans, Flaggs, Fredericks, Hines,  
Holloway, Johnson, Middleton, Scott, Thomas,  
Whittington

To: Ways and Means

HOUSE BILL NO. 1517

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 CONSTRUCTION OF A STADIUM ON THE CAMPUS OF JACKSON STATE  
4 UNIVERSITY; 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 "Jackson State University Stadium Construction Fund" is created in  
20 the State Treasury. The fund shall be maintained by the State  
21 Treasurer as a special fund, separate and apart from the State  
22 General Fund. Unexpended amounts remaining in the fund at the end  
23 of a fiscal year shall not lapse into the State General Fund, and  
24 any interest earned or investment earnings on amounts in the fund  
25 shall be deposited into the fund.

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

28 to pay the costs of constructing a stadium on the campus of  
29 Jackson State.

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

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

51 **SECTION 3.** (1) The commission, at one time, or from time to  
52 time, may declare by resolution the necessity for issuance of  
53 general obligation bonds of the State of Mississippi to provide  
54 funds for all costs incurred or to be incurred for the purposes  
55 described in Section 2 of this act. Upon the adoption of a  
56 resolution by the Department of Finance and Administration,  
57 declaring the necessity for the issuance of any part or all of the  
58 general obligation bonds authorized by this section, the  
59 department shall deliver a certified copy of its resolution or  
60 resolutions to the commission. Upon receipt of the resolution,

61 the commission, in its discretion, may act as the issuing agent,  
62 prescribe the form of the bonds, advertise for and accept bids,  
63 issue and sell the bonds so authorized to be sold and do any and  
64 all other things necessary and advisable in connection with the  
65 issuance and sale of the bonds. The total amount of bonds issued  
66 under this act shall not exceed Seventy Million Dollars  
67 (\$70,000,000.00). The bonds authorized under this act shall be  
68 issued annually in the following increments: Twenty-three Million  
69 Three Hundred Thirty-four Thousand Dollars (\$23,334,000.00) for  
70 the 2007 state fiscal year, Twenty-three Million Three Hundred  
71 Thirty-four Thousand Dollars (\$23,334,000.00) for the 2008 state  
72 fiscal year, and Twenty-three Million Three Hundred Thirty-two  
73 Thousand Dollars (\$23,332,000.00) for the 2009 state fiscal year.

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

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

91 **SECTION 5.** The bonds authorized by this act shall be signed  
92 by the chairman of the commission, or by his facsimile signature,  
93 and the official seal of the commission shall be affixed thereto,

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

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

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

127 shall be made at a price less than par plus accrued interest to  
128 the date of delivery of the bonds to the purchaser. All interest  
129 accruing on the bonds so issued shall be payable semiannually or  
130 annually; however, the first interest payment may be for any  
131 period of not more than one (1) year.

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

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

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

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

159 under such restrictions, if any, as may be contained in the  
160 resolution providing for the issuance of the bonds.

161         **SECTION 10.** The bonds authorized under this act may be  
162 issued without any other proceedings or the happening of any other  
163 conditions or things other than those proceedings, conditions and  
164 things that are specified or required by this act. Any resolution  
165 providing for the issuance of bonds under the provisions of this  
166 act shall become effective immediately upon its adoption by the  
167 commission, and any such resolution may be adopted at any regular  
168 or special meeting of the commission by a majority 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 those 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 the 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 the  
189 bonds shall be legal securities that 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 the 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 those warrants, in such amounts as may be necessary to pay when  
204 due 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 the bonds in ample time to discharge  
208 the bonds, or the interest thereon, on the due dates thereof.

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

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