

By: Representatives Davis, Watson

To: Ways and Means

## HOUSE BILL NO. 1619

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 ADDITIONS TO AND THE EXPANSION OF THE ARMED  
4 FORCES MUSEUM BUILDING LOCATED AT CAMP SHELBY; AND FOR RELATED  
5 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 meanings 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 "2007 Armed Forces Museum Fund," is created within the State  
21 Treasury. The fund shall be maintained by the State Treasurer as  
22 a separate and special fund, separate and apart from the General  
23 Fund of the state. Unexpended amounts remaining in the fund at  
24 the end of a fiscal year shall not lapse into the State General  
25 Fund, and any interest earned or investment earnings on amounts in  
26 the fund shall be deposited to the credit of the fund. Monies in  
27 the fund may not be used or expended for any purpose except as  
28 authorized under this act.

29           (b) Monies deposited into the fund shall be disbursed,  
30 in the discretion of the Adjutant General, to pay the costs of the  
31 construction, equipping and furnishing of additions to and the  
32 expansion of the Armed Forces Museum Building at Camp Shelby.

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

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

52           (4) The Adjutant General is authorized to pay for the  
53 construction, equipping and furnishing of the projects described  
54 in subsection (1) of this section.

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

62 section, the Adjutant General shall deliver a certified copy of  
63 his declaration to the commission. Upon receipt of such  
64 declaration, the commission, in its discretion, may act as the  
65 issuing agent, prescribe the form of the bonds, advertise for and  
66 accept bids, issue and sell the bonds so authorized to be sold and  
67 do any and all other things necessary and advisable in connection  
68 with the issuance and sale of such bonds. The total amount of  
69 bonds issued under this act shall not exceed Two Million Dollars  
70 (\$2,000,000.00).

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

75 **SECTION 4.** The principal of and interest on the bonds  
76 authorized under Section 3 of this act shall be payable in the  
77 manner provided in this section. Such bonds shall bear such date  
78 or dates, be in such denomination or denominations, bear interest  
79 at such rate or rates (not to exceed the limits set forth in  
80 Section 75-17-101, Mississippi Code of 1972), be payable at such  
81 place or places within or without the State of Mississippi, shall  
82 mature absolutely at such time or times not to exceed twenty-five  
83 (25) years from date of issue, be redeemable before maturity at  
84 such time or times and upon such terms, with or without premium,  
85 shall bear such registration privileges, and shall be  
86 substantially in such form, all as shall be determined by  
87 resolution of the commission.

88 **SECTION 5.** The bonds authorized by Section 3 of this act  
89 shall be signed by the chairman of the commission, or by his  
90 facsimile signature, and the official seal of the commission shall  
91 be affixed thereto, attested by the secretary of the commission.  
92 The interest coupons, if any, to be attached to such bonds may be  
93 executed by the facsimile signatures of such officers. Whenever  
94 any such bonds shall have been signed by the officials designated

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

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

112       **SECTION 7.** The commission shall act as the issuing agent for  
113 the bonds authorized under Section 3 of this act, prescribe the  
114 form of the bonds, advertise for and accept bids, issue and sell  
115 the bonds so authorized to be sold, pay all fees and costs  
116 incurred in such issuance and sale, and do any and all other  
117 things necessary and advisable in connection with the issuance and  
118 sale of such bonds. The commission is authorized and empowered to  
119 pay the costs that are incident to the sale, issuance and delivery  
120 of the bonds authorized under this act from the proceeds derived  
121 from the sale of such bonds. The commission shall sell such bonds  
122 on sealed bids at public sale, and for such price as it may  
123 determine to be for the best interest of the State of Mississippi,  
124 but no such sale shall be made at a price less than par plus  
125 accrued interest to the date of delivery of the bonds to the  
126 purchaser. All interest accruing on such bonds so issued shall be

127 payable semiannually or annually; however, the first interest  
128 payment may be for any period of not more than one (1) year.

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

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

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

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

158 **SECTION 10.** The bonds authorized under this act may be  
159 issued without any other proceedings or the happening of any other

160 conditions or things other than those proceedings, conditions and  
161 things which are specified or required by this act. Any  
162 resolution providing for the issuance of bonds under the  
163 provisions of this act shall become effective immediately upon its  
164 adoption by the commission, and any such resolution may be adopted  
165 at any regular or special meeting of the commission by a majority  
166 of its members.

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

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

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

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

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

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

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

212           **SECTION 18.** This act shall take effect and be in force from  
213 and after July 1, 2007.