

By: Senator(s) Hall, Kirby, Ross, Smith

To: Finance

SENATE BILL NO. 3067  
(As Sent to Governor)

1 AN ACT TO AUTHORIZE THE ISSUANCE OF GENERAL OBLIGATION BONDS  
2 OF THE STATE OF MISSISSIPPI IN THE AMOUNT OF \$3,500,000.00 TO  
3 PROVIDE FUNDS TO CONSTRUCT A REVERSIBLE THIRD LANE ON SPILLWAY  
4 ROAD WHICH CROSSES THE ROSS BARNETT RESERVOIR DAM IN HINDS,  
5 MADISON AND RANKIN COUNTIES; 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 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. A special fund, to be designated the "1999  
20 Spillway Road Improvement 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, and investment earnings on amounts in the fund  
24 shall be deposited into such fund. The expenditure of monies  
25 deposited into the fund shall be under the direction of the  
26 Department of Finance and Administration, and such funds shall be  
27 paid by the State Treasurer upon warrants issued by the Department

28 of Finance and Administration. Monies deposited into such fund  
29 shall be disbursed to the Pearl River Valley Water Supply District  
30 to pay the cost of constructing a reversible third lane on  
31 Spillway Road which crosses the Ross Barnett Reservoir Dam in  
32 Hinds, Madison and Rankin Counties; to pay the cost of planning  
33 such project; to pay the cost of necessary signalling devices; and  
34 to pay any other necessary costs of such project.

35 SECTION 3. (1) Upon recommendation of the Board of  
36 Directors of the Pearl River Valley Water Supply District, the  
37 Department of Finance and Administration, at one time or from time  
38 to time, may declare by resolution the necessity for issuance of  
39 general obligation bonds of the State of Mississippi to provide  
40 funds for all costs incurred or to be incurred for the purposes  
41 described in Section 2 of this act. Upon the adoption of a  
42 resolution by the Department of Finance and Administration  
43 declaring the necessity for the issuance of any part or all of the  
44 general obligation bonds authorized by this section, the  
45 Department of Finance and Administration shall deliver a certified  
46 copy of its resolution or resolutions to the State Bond  
47 Commission. Upon receipt of such resolution the commission, in  
48 its discretion, may act as the issuing agent, prescribe the form  
49 of the bonds, advertise for and accept bids, issue and sell the  
50 bonds so authorized to be sold, and do any and all other things  
51 necessary and advisable in connection with the issuance and sale  
52 of such bonds. The amount of bonds issued under this act shall  
53 not exceed Three Million Five Hundred Thousand Dollars  
54 (\$3,500,000.00).

55 (2) Any investment earnings on amounts deposited into the  
56 1999 Spillway Road Improvement Fund created in Section 2 of this  
57 act shall be used to pay debt service on bonds issued under this  
58 act, in accordance with the proceedings authorizing issuance of  
59 such bonds.

60 (3) Upon the completion or abandonment of the projects  
61 described in Section 2 of this act, as evidenced by a resolution  
62 adopted by the Department of Finance and Administration certifying  
63 that all such projects have been completed or abandoned, the  
64 balance, if any, remaining in the 1999 Spillway Road Improvement

65 Fund shall be promptly applied to pay debt service on bonds issued  
66 under this act, in accordance with the proceedings authorizing the  
67 issuance of such bonds.

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

80 SECTION 5. The bonds authorized by this act shall be signed  
81 by the Chairman of the State Bond Commission, or by his facsimile  
82 signature, and the official seal of the commission shall be  
83 affixed thereto, attested by the secretary of the commission. The  
84 interest coupons, if any, to be attached to such bonds may be  
85 executed by the facsimile signatures of such officers. Whenever  
86 any such bonds shall have been signed by the officials designated  
87 to sign the bonds who were in office at the time of such signing  
88 but who may have ceased to be such officers before the sale and  
89 delivery of such bonds, or who may not have been in office on the  
90 date such bonds may bear, the signatures of such officers upon  
91 such bonds and coupons shall nevertheless be valid and sufficient  
92 for all purposes and have the same effect as if the person so  
93 officially signing such bonds had remained in office until their  
94 delivery to the purchaser, or had been in office on the date such  
95 bonds may bear. However, notwithstanding anything herein to the  
96 contrary, such bonds may be issued as provided in the Registered  
97 Bond Act of the State of Mississippi.

98 SECTION 6. All bonds and interest coupons issued under the  
99 provisions of this act have all the qualities and incidents of  
100 negotiable instruments under the provisions of the Mississippi  
101 Uniform Commercial Code, and in exercising the powers granted by  
102 this act, the commission shall not be required to and need not  
103 comply with the provisions of the Mississippi Uniform Commercial  
104 Code.

105 SECTION 7. The commission shall act as the issuing agent for  
106 the bonds authorized under this act, prescribe the form of the  
107 bonds, advertise for and accept bids, issue and sell the bonds so  
108 authorized to be sold, pay all fees and costs incurred in such  
109 issuance and sale, and do any and all other things necessary and  
110 advisable in connection with the issuance and sale of such bonds.

111 The commission is authorized and empowered to pay the costs that  
112 are incident to the sale, issuance and delivery of the bonds  
113 authorized under this act from the proceeds derived from the sale  
114 of such bonds. The commission shall sell such bonds on sealed  
115 bids at public sale, and for such price as it may determine to be  
116 for the best interest of the State of Mississippi, but no such  
117 sale shall be made at a price less than par plus accrued interest  
118 to the date of delivery of the bonds to the purchaser. All  
119 interest accruing on such bonds so issued shall be payable  
120 semiannually or annually; however, the first interest payment may  
121 be for any period of not more than one (1) year.

122 Notice of the sale of any such bonds shall be published at  
123 least one (1) time, not less than ten (10) days before the date of  
124 sale, and shall be so published in one or more newspapers  
125 published or having a general circulation in the City of Jackson,  
126 Mississippi, and in one or more other newspapers or financial  
127 journals with a national circulation, to be selected by the  
128 commission.

129 The commission, when issuing any bonds under the authority of  
130 this act, may provide that bonds, at the option of the State of

131 Mississippi, may be called in for payment and redemption at the  
132 call price named therein and accrued interest on such date or  
133 dates named therein.

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

144 SECTION 9. Upon the issuance and sale of bonds under the  
145 provisions of this act, the commission shall transfer the proceeds  
146 of any such sale or sales to the 1999 Spillway Road Improvement  
147 Fund created in Section 2 of this act. The proceeds of such bonds  
148 shall be disbursed solely upon the order of the Department of  
149 Finance and Administration under such restrictions, if any, as may  
150 be contained in the resolution providing for the issuance of the  
151 bonds.

152 SECTION 10. The bonds authorized under this act may be  
153 issued without any other proceedings or the happening of any other  
154 conditions or things other than those proceedings, conditions and  
155 things which are specified or required by this act. Any  
156 resolution providing for the issuance of bonds under the  
157 provisions of this act shall become effective immediately upon its  
158 adoption by the commission, and any such resolution may be adopted  
159 at any regular or special meeting of the commission by a majority  
160 of its members.

161 SECTION 11. The bonds authorized under the authority of this  
162 act may be validated in the Chancery Court of the First Judicial  
163 District of Hinds County, Mississippi, in the manner and with the

164 force and effect provided by Chapter 13, Title 31, Mississippi  
165 Code of 1972, for the validation of county, municipal, school  
166 district and other bonds. The notice to taxpayers required by  
167 such statutes shall be published in a newspaper published or  
168 having a general circulation in the City of Jackson, Mississippi.

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

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

185 SECTION 14. Bonds issued under the provisions of this act  
186 and income therefrom shall be exempt from all taxation in the  
187 State of Mississippi.

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

191 SECTION 16. The State Treasurer is authorized, without  
192 further process of law, to certify to the Department of Finance  
193 and Administration the necessity for warrants, and the Department  
194 of Finance and Administration is authorized and directed to issue  
195 such warrants, in such amounts as may be necessary to pay when due  
196 the principal of, premium, if any, and interest on, or the

197 accreted value of, all bonds issued under this act; and the State  
198 Treasurer shall forward the necessary amount to the designated  
199 place or places of payment of such bonds in ample time to  
200 discharge such bonds, or the interest thereon, on the due dates  
201 thereof.

202 SECTION 17. The provisions of this act shall be deemed to be  
203 full and complete authority for the exercise of the powers therein  
204 granted, but this act shall not be deemed to repeal or to be in  
205 derogation of any existing law of this state.

206 SECTION 18. This act shall take effect and be in force from  
207 and after its passage.