

By: Dearing

To: Finance

SENATE BILL NO. 2470  
(As Passed the Senate)

1 AN ACT TO AUTHORIZE THE ISSUANCE OF GENERAL OBLIGATION BONDS  
2 OF THE STATE OF MISSISSIPPI FOR THE PURPOSE OF TECHNICAL PLANNING,  
3 TESTING, DESIGN AND RIGHT-OF-WAY ACQUISITION NECESSARY TO COMPLETE  
4 THE TERMINUS OF THE NATCHEZ TRACE PARKWAY IN NATCHEZ, MISSISSIPPI;  
5 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. (1) (a) A special fund, to be designated as the  
20 "2000 Natchez Trace Parkway Terminus Fund" is created within the  
21 State Treasury. The fund shall be maintained by the State  
22 Treasurer as a separate and special fund, separate and apart from  
23 the General Fund of the state and investment earnings on amounts  
24 in the fund shall be deposited into such fund.

25 (b) Monies deposited into the fund shall be disbursed, in  
26 the discretion of the Department of Finance and Administration, to  
27 pay the costs of technical planning, testing, design and

28 right-of-way acquisition necessary to complete the terminus of the  
29 Natchez Trace Parkway in Natchez, Mississippi, at or near Liberty  
30 Road.

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

40 (3) The expenditure of monies deposited into the special  
41 fund shall be under the direction of the Mississippi  
42 Transportation Commission. Such funds shall be paid by the State  
43 Treasurer upon warrants issued by the Department of Finance and  
44 Administration, which warrants shall be issued upon requisitions  
45 signed by the Executive Director of the Mississippi Department of  
46 Transportation or his designee.

47 SECTION 3. (1) The commission, at one time, or from time to  
48 time, may declare by resolution the necessity for issuance of  
49 general obligation bonds of the State of Mississippi to provide  
50 funds for all costs incurred or to be incurred for the purposes  
51 described in Section 2 of this act. Upon the adoption of a  
52 resolution by the Mississippi Transportation Commission, declaring  
53 the necessity for the issuance of any part or all of the general  
54 obligation bonds authorized by this section, the Mississippi  
55 Transportation Commission shall deliver a certified copy of its  
56 resolution or resolutions to the commission. Upon receipt of such  
57 resolution, the commission, in its discretion, may act as the  
58 issuing agent, prescribe the form of the bonds, advertise for and  
59 accept bids, issue and sell the bonds so authorized to be sold and  
60 do any and all other things necessary and advisable in connection  
61 with the issuance and sale of such bonds. The total amount of  
62 bonds issued under this act shall not exceed Eight Million Five  
63 Hundred Thousand Dollars (\$8,500,000.00).

64 (2) Any investment earnings on amounts deposited into the

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

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

98 the State of Mississippi.

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

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

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

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

130 The commission, when issuing any bonds under the authority of

131 this act, may provide that bonds, at the option of the State of  
132 Mississippi, may be called in for payment and redemption at the  
133 call price named therein and accrued interest on such date or  
134 dates named therein.

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

145 SECTION 9. Upon the issuance and sale of bonds under the  
146 provisions of this act, the commission shall transfer the proceeds  
147 of any such sale or sales to the special fund created in Section 2  
148 of this act. The proceeds of such bonds shall be disbursed solely  
149 upon the order of the Mississippi Transportation Commission under  
150 such restrictions, if any, as may be contained in the resolution  
151 providing for the issuance of the 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. This act shall be deemed to be full and complete  
203 authority for the exercise of the powers herein granted, but this  
204 act shall not be deemed to repeal or to be in derogation of any  
205 existing law of this state.

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