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Johnson (19th)

To: Highways and
Transportation;
Finance

SENATE BILL NO. 2493

1 AN ACT TO AMEND CHAPTER 447, LAWS OF 1999, TO REVISE THE
2 DESCRIPTION OF THE PROJECT CONTAINED IN SUCH LAW IN ORDER TO
3 AUTHORIZE THE CONSTRUCTION OF TWO ADDITIONAL LANES FOR TRAFFIC
4 ACROSS THE ROSS BARNETT RESERVOIR DAM IN HINDS, MADISON AND RANKIN
5 COUNTIES ADJACENT TO SPILLWAY ROAD; TO INCREASE THE AMOUNT OF
6 STATE GENERAL OBLIGATION BONDS AUTHORIZED TO BE ISSUED IN SUCH LAW
7 FROM \$3,500,000.00 TO \$4,950,000.00; AND FOR RELATED PURPOSES.

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

9 SECTION 1. Chapter 447, Laws of 1999, is amended as follows:

10 Section 1. As used in this act, the following words shall
11 have the meanings ascribed herein unless the context clearly
12 requires otherwise:

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

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

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

22 Section 2. A special fund, to be designated the "1999
23 Spillway Road Improvement Fund," is created within the State

24 Treasury. The fund shall be maintained by the State Treasurer as
25 a separate and special fund, separate and apart from the General
26 Fund of the state, and investment earnings on amounts in the fund
27 shall be deposited into such fund. The expenditure of monies
28 deposited into the fund shall be under the direction of the
29 Department of Finance and Administration, and such funds shall be
30 paid by the State Treasurer upon warrants issued by the Department
31 of Finance and Administration. Monies deposited into such fund
32 shall be disbursed to the Pearl River Valley Water Supply District
33 to pay the cost of constructing two (2) additional lanes for
34 traffic across the Ross Barnett Reservoir Dam in Hinds, Madison
35 and Rankin Counties adjacent to Spillway Road; to pay the cost of
36 planning such project; to pay the cost of necessary signaling
37 devices; to pay the cost of lighting and to pay any other
38 necessary costs of such project.

39 Section 3. (1) Upon recommendation of the Board of
40 Directors of the Pearl River Valley Water Supply District, the
41 Department of Finance and Administration, at one time or from time
42 to time, may declare by resolution the necessity for issuance of
43 general obligation bonds of the State of Mississippi to provide
44 funds for all costs incurred or to be incurred for the purposes
45 described in Section 2 of this act. Upon the adoption of a
46 resolution by the Department of Finance and Administration
47 declaring the necessity for the issuance of any part or all of the
48 general obligation bonds authorized by this section, the
49 Department of Finance and Administration shall deliver a certified
50 copy of its resolution or resolutions to the State Bond
51 Commission. Upon receipt of such resolution the commission, in
52 its discretion, may act as the issuing agent, prescribe the form
53 of the bonds, advertise for and accept bids, issue and sell the
54 bonds so authorized to be sold, and do any and all other things

55 necessary and advisable in connection with the issuance and sale
56 of such bonds. The amount of bonds issued under this act shall
57 not exceed Four Million Nine Hundred Fifty Thousand Dollars
58 (\$4,950,000.00).

59 (2) Any investment earnings on amounts deposited into the
60 1999 Spillway Road Improvement Fund created in Section 2 of this
61 act shall be used to pay debt service on bonds issued under this
62 act, in accordance with the proceedings authorizing issuance of
63 such bonds.

64 (3) Upon the completion or abandonment of the projects
65 described in Section 2 of this act, as evidenced by a resolution
66 adopted by the Department of Finance and Administration certifying
67 that all such projects have been completed or abandoned, the
68 balance, if any, remaining in the 1999 Spillway Road Improvement
69 Fund shall be promptly applied to pay debt service on bonds issued
70 under this act, in accordance with the proceedings authorizing the
71 issuance of such bonds.

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

83 resolution of the commission.

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

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

109 Section 7. The commission shall act as the issuing agent for
110 the bonds authorized under this act, prescribe the form of the

111 bonds, advertise for and accept bids, issue and sell the bonds so
112 authorized to be sold, pay all fees and costs incurred in such
113 issuance and sale, and do any and all other things necessary and
114 advisable in connection with the issuance and sale of such bonds.

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

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

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

138 Section 8. The bonds issued under the provisions of this act

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

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

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

165 Section 11. The bonds authorized under the authority of this
166 act may be validated in the Chancery Court of the First Judicial

167 District of Hinds County, Mississippi, in the manner and with the
168 force and effect provided by Chapter 13, Title 31, Mississippi
169 Code of 1972, for the validation of county, municipal, school
170 district and other bonds. The notice to taxpayers required by
171 such statutes shall be published in a newspaper published or
172 having a general circulation in the City of Jackson, Mississippi.

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

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

189 Section 14. Bonds issued under the provisions of this act
190 and income therefrom shall be exempt from all taxation in the
191 State of Mississippi.

192 Section 15. The proceeds of the bonds issued under this act
193 shall be used solely for the purposes herein provided, including
194 the costs incident to the issuance and sale of such bonds.

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

206 Section 17. The provisions of this act shall be deemed to be
207 full and complete authority for the exercise of the powers therein
208 granted, but this act shall not be deemed to repeal or to be in
209 derogation of any existing law of this state.

210 SECTION 2. This act shall take effect and be in force from
211 and after its passage.