

By: Ross, Williamson, Kirby, Michel, Smith,  
Johnson (19th)

To: Highways and  
Transportation;  
Finance

SENATE BILL NO. 2493  
(As Sent to Governor)

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. If any monies in such special  
39 fund are not used within four (4) years after the date the  
40 proceeds of the bonds authorized under this act are deposited into  
41 the special fund, then the Department of Finance and  
42 Administration shall provide an accounting of such unused monies  
43 to the commission.

44 Section 3. (1) Upon recommendation of the Board of  
45 Directors of the Pearl River Valley Water Supply District, the  
46 Department of Finance and Administration, at one time or from time  
47 to time, may declare by resolution the necessity for issuance of  
48 general obligation bonds of the State of Mississippi to provide  
49 funds for all costs incurred or to be incurred for the purposes  
50 described in Section 2 of this act. Upon the adoption of a  
51 resolution by the Department of Finance and Administration  
52 declaring the necessity for the issuance of any part or all of the  
53 general obligation bonds authorized by this section, the  
54 Department of Finance and Administration shall deliver a certified  
55 copy of its resolution or resolutions to the State Bond  
56 Commission. Upon receipt of such resolution the commission, in  
57 its discretion, may act as the issuing agent, prescribe the form  
58 of the bonds, advertise for and accept bids, issue and sell the  
59 bonds so authorized to be sold, and do any and all other things  
60 necessary and advisable in connection with the issuance and sale  
61 of such bonds. The amount of bonds issued under this act shall  
62 not exceed Four Million Nine Hundred Fifty Thousand Dollars  
63 (\$4,950,000.00). No bonds shall be issued under this act after  
64 July 1, 2003.

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

66 1999 Spillway Road Improvement Fund created in Section 2 of this  
67 act shall be used to pay debt service on bonds issued under this  
68 act, in accordance with the proceedings authorizing issuance of  
69 such bonds.

70 (3) Upon the completion or abandonment of the projects  
71 described in Section 2 of this act, as evidenced by a resolution  
72 adopted by the Department of Finance and Administration certifying  
73 that all such projects have been completed or abandoned, the  
74 balance, if any, remaining in the 1999 Spillway Road Improvement  
75 Fund shall be promptly applied to pay debt service on bonds issued  
76 under this act, in accordance with the proceedings authorizing the  
77 issuance of such 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. Such 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 be payable at such place or places within or without the State of  
84 Mississippi, shall mature absolutely at such time or times not to  
85 exceed twenty-five (25) years from date of issue, be redeemable  
86 before maturity at such time or times and upon such terms, with or  
87 without premium, shall bear such registration privileges, and  
88 shall be substantially in such form, all as shall be determined by  
89 resolution of the commission.

90 Section 5. The bonds authorized by this act shall be signed  
91 by the Chairman of the State Bond Commission, or by his facsimile  
92 signature, and the official seal of the commission shall be  
93 affixed thereto, attested by the secretary of the commission. The  
94 interest coupons, if any, to be attached to such bonds may be  
95 executed by the facsimile signatures of such officers. Whenever  
96 any such bonds shall have been signed by the officials designated  
97 to sign the bonds who were in office at the time of such signing  
98 but who may have ceased to be such officers before the sale and

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

108 Section 6. All bonds and interest coupons issued under the  
109 provisions of this act have all the qualities and incidents of  
110 negotiable instruments under the provisions of the Mississippi  
111 Uniform Commercial Code, and in exercising the powers granted by  
112 this act, the commission shall not be required to and need not  
113 comply with the provisions of the Mississippi Uniform Commercial  
114 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 such  
119 issuance and sale, and do any and all other things necessary and  
120 advisable in connection with the issuance and sale of such 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 such bonds. The commission shall sell such bonds on sealed  
125 bids at public sale, and for such price as it may determine to be  
126 for the best interest of the State of Mississippi, but no such  
127 sale shall be made at a price less than par plus accrued interest  
128 to the date of delivery of the bonds to the purchaser. All  
129 interest accruing on such bonds so issued shall be payable  
130 semiannually or annually; however, the first interest payment may  
131 be for any period of not more than one (1) year.

132 Notice of the sale of any such bonds shall be published at  
133 least one (1) 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 such 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 such bonds shall contain  
152 recitals on their faces substantially covering the provisions of  
153 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 1999 Spillway Road Improvement  
157 Fund created in Section 2 of this act. The proceeds of such bonds  
158 shall be disbursed solely upon the order of the Department of  
159 Finance and Administration under such restrictions, if any, as may  
160 be contained in the resolution providing for the issuance of the  
161 bonds.

162 Section 10. The bonds authorized under this act may be  
163 issued without any other proceedings or the happening of any other  
164 conditions or things other than those proceedings, conditions and

165 things which are specified or required by this act. Any  
166 resolution providing for the issuance of bonds under the  
167 provisions of this act shall become effective immediately upon its  
168 adoption by the commission, and any such resolution may be adopted  
169 at any regular or special meeting of the commission by a majority  
170 of its members.

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

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

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

195 Section 14. Bonds issued under the provisions of this act  
196 and income therefrom shall be exempt from all taxation in the  
197 State of Mississippi.

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

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

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

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