

By: Representative Fleming

To: Ways and Means

HOUSE BILL NO. 228

1 AN ACT TO AUTHORIZE THE ISSUANCE OF GENERAL OBLIGATION BONDS  
2 OF THE STATE OF MISSISSIPPI FOR THE PURPOSE OF PROVIDING FUNDS TO  
3 ASSIST THE CITY OF JACKSON, MISSISSIPPI, IN MAKING IMPROVEMENTS TO  
4 A TRIBUTARY OF BIG CREEK IN THE CITY OF JACKSON, MISSISSIPPI; AND  
5 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 "Big Creek Tributary Improvements 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. Unexpended amounts remaining in  
24 the fund at the end of a fiscal year shall not lapse into the  
25 State General Fund, and any interest earned or investment earnings  
26 on amounts in the fund shall be deposited into such fund.

27 (b) Monies deposited into the fund shall be disbursed,  
28 in the discretion of the Department of Finance and Administration,



29 to assist the City of Jackson, Mississippi, in making improvements  
30 to a tributary of Big Creek within the corporate limits of the  
31 City of Jackson, Mississippi, within the area bound on the north  
32 by Will-O-Wood Boulevard, on the east by Old Post Road, on the  
33 south by Raymond Road and on the west by North Siwell Road.

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

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

55 **SECTION 3.** (1) The commission, at one time, or from time to  
56 time, may declare by resolution the necessity for issuance of  
57 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 adoption of a  
60 resolution by the Department of Finance and Administration,  
61 declaring the necessity for the issuance of any part or all of the



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

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

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

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



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

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

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



128 interest accruing on such bonds so issued shall be payable  
129 semiannually or annually; however, the first interest payment may  
130 be for any period of not more than one (1) year.

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

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

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

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



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

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

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

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



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

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

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

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

214           **SECTION 18.** This act shall take effect and be in force from  
215 and after its passage.

