HOUSE BILL NO. 1037

AN ACT TO AUTHORIZE THE ISSUANCE OF $20,000,000.00 IN STATE GENERAL OBLIGATION BONDS TO PROVIDE FUNDS FOR THE LOCAL SYSTEM BRIDGE REPLACEMENT AND REHABILITATION FUND; TO AMEND SECTION 65-37-13, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE LEGISLATURE SHALL NOT BE REQUIRED TO APPROPRIATE FUNDS DURING THE 2003 REGULAR SESSION FOR DEPOSIT INTO THE LOCAL SYSTEM BRIDGE REPLACEMENT AND REHABILITATION FUND; AND FOR RELATED PURPOSES.

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

SECTION 1. As used in Sections 1 through 16 of this act, the following words shall have the meanings ascribed herein unless the context clearly requires otherwise:

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

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

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

SECTION 2. (1) The Department of Finance and Administration, at one time, or from time to time, may declare by resolution the necessity for issuance of general obligation bonds of the State of Mississippi to provide funds for the Local System Bridge Replacement and Rehabilitation Fund created under Section 65-37-13. Upon the adoption of a resolution by the Department of Finance and Administration, declaring the necessity for the issuance of any part or all of the general obligation bonds authorized by this section, the Department of Finance and Administration may proceed to issue such bonds.
Administration shall deliver a certified copy of its resolution or resolutions to the commission. Upon receipt of such resolution, the commission, in its discretion, may act as the issuing agent, prescribe the form of the bonds, advertise for and accept bids, issue and sell the bonds so authorized to be sold and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. The total amount of bonds issued under Sections 1 through 16 of this act shall not exceed Twenty Million Dollars ($20,000,000.00).

(2) The proceeds of bonds issued pursuant to Sections 1 through 16 of this act shall be deposited into the Local System Bridge Replacement and Rehabilitation Fund created under Section 65-37-13. Any investment earnings on bonds issued pursuant to Sections 1 through 16 of this act shall be used to pay debt service on bonds issued under Sections 1 through 16 of this act, in accordance with the proceedings authorizing issuance of such bonds.

SECTION 3. The principal of and interest on the bonds authorized under Sections 1 through 16 of this act shall be payable in the manner provided in this section. Such bonds shall bear such date or dates, be in such denomination or denominations, bear interest at such rate or rates (not to exceed the limits set forth in Section 75-17-101, Mississippi Code of 1972), be payable at such place or places within or without the State of Mississippi, shall mature absolutely at such time or times not to exceed twenty-five (25) years from date of issue, be redeemable before maturity at such time or times and upon such terms, with or without premium, shall bear such registration privileges, and shall be substantially in such form, all as shall be determined by resolution of the commission.

SECTION 4. The bonds authorized by Sections 1 through 16 of this act shall be signed by the chairman of the commission, or by his facsimile signature, and the official seal of the commission.
shall be affixed thereto, attested by the secretary of the commission. The interest coupons, if any, to be attached to such bonds may be executed by the facsimile signatures of such officers. Whenever any such bonds shall have been signed by the officials designated to sign the bonds who were in office at the time of such signing but who may have ceased to be such officers before the sale and delivery of such bonds, or who may not have been in office on the date such bonds may bear, the signatures of such officers upon such bonds and coupons shall nevertheless be valid and sufficient for all purposes and have the same effect as if the person so officially signing such bonds had remained in office until their delivery to the purchaser, or had been in office on the date such bonds may bear. However, notwithstanding anything herein to the contrary, such bonds may be issued as provided in the Registered Bond Act of the State of Mississippi.

SECTION 5. All bonds and interest coupons issued under the provisions of Sections 1 through 16 of this act have all the qualities and incidents of negotiable instruments under the provisions of the Uniform Commercial Code, and in exercising the powers granted by Sections 1 through 16 of this act, the commission shall not be required to and need not comply with the provisions of the Uniform Commercial Code.

SECTION 6. The commission shall act as the issuing agent for the bonds authorized under Sections 1 through 16 of this act, prescribe the form of the bonds, advertise for and accept bids, issue and sell the bonds so authorized to be sold, pay all fees and costs incurred in such issuance and sale, and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. The commission is authorized and empowered to pay the costs that are incident to the sale, issuance and delivery of the bonds authorized under Sections 1 through 16 of this act from the proceeds derived from the sale of such bonds. The commission shall sell such bonds on sealed bids at public
sale, and for such price as it may determine to be for the best
interest of the State of Mississippi, but no such sale shall be
made at a price less than par plus accrued interest to the date of
delivery of the bonds to the purchaser. All interest accruing on
such bonds so issued shall be payable semiannually or annually;
however, the first interest payment may be for any period of not
more than one (1) year.

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

The commission, when issuing any bonds under the authority of
Sections 1 through 16 of this act, may provide that bonds, at the
option of the State of Mississippi, may be called in for payment
and redemption at the call price named therein and accrued
interest on such date or dates named therein.

SECTION 7. The bonds issued under the provisions of Sections
1 through 16 of this act are general obligations of the State of
Mississippi, and for the payment thereof the full faith and credit
of the State of Mississippi is irrevocably pledged. If the funds
appropriated by the Legislature are insufficient to pay the
principal of and the interest on such bonds as they become due,
then the deficiency shall be paid by the State Treasurer from any
funds in the State Treasury not otherwise appropriated. All such
bonds shall contain recitals on their faces substantially covering
the provisions of this section.

SECTION 8. Upon the issuance and sale of bonds under the
provisions of Sections 1 through 16 of this act, the commission
shall transfer the proceeds of any such sale or sales to the Local
System Bridge Replacement and Rehabilitation Fund created in
Section 65-37-13. The proceeds of such bonds shall be disbursed solely upon the order of the Department of Finance and Administration under such restrictions, if any, as may be contained in the resolution providing for the issuance of the bonds.

SECTION 9. The bonds authorized under Sections 1 through 16 of this act may be issued without any other proceedings or the happening of any other conditions or things other than those proceedings, conditions and things which are specified or required by Sections 1 through 16 of this act. Any resolution providing for the issuance of bonds under the provisions of Sections 1 through 16 of this act shall become effective immediately upon its adoption by the commission, and any such resolution may be adopted at any regular or special meeting of the commission by a majority of its members.

SECTION 10. The bonds authorized under the authority of Sections 1 through 16 of this act may be validated in the Chancery Court of the First Judicial District of Hinds County, Mississippi, in the manner and with the force and effect provided by Chapter 13, Title 31, Mississippi Code of 1972, for the validation of county, municipal, school district and other bonds. The notice to taxpayers required by such statutes shall be published in a newspaper published or having a general circulation in the City of Jackson, Mississippi.

SECTION 11. Any holder of bonds issued under the provisions of Sections 1 through 16 of this act or of any of the interest coupons pertaining thereto may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any and all rights granted under Sections 1 through 16 of this act, or under such resolution, and may enforce and compel performance of all duties required by Sections 1 through 16 of this act to be performed, in order to provide for the payment of bonds and interest thereon.
SECTION 12. All bonds issued under the provisions of Sections 1 through 16 of this act shall be legal investments for trustees and other fiduciaries, and for savings banks, trust companies and insurance companies organized under the laws of the State of Mississippi, and such bonds shall be legal securities which may be deposited with and shall be received by all public officers and bodies of this state and all municipalities and political subdivisions for the purpose of securing the deposit of public funds.

SECTION 13. Bonds issued under the provisions of Sections 1 through 16 of this act and income therefrom shall be exempt from all taxation in the State of Mississippi.

SECTION 14. The proceeds of the bonds issued under Sections 1 through 16 of this act shall be used solely for the purposes therein provided, including the costs incident to the issuance and sale of such bonds.

SECTION 15. The State Treasurer is authorized, without further process of law, to certify to the Department of Finance and Administration the necessity for warrants, and the Department of Finance and Administration is authorized and directed to issue such warrants, in such amounts as may be necessary to pay when due the principal of, premium, if any, and interest on, or the accreted value of, all bonds issued under Sections 1 through 16 of this act; and the State Treasurer shall forward the necessary amount to the designated place or places of payment of such bonds in ample time to discharge such bonds, or the interest thereon, on the due dates thereof.

SECTION 16. Sections 1 through 16 of this act shall be deemed to be full and complete authority for the exercise of the powers therein granted, but Sections 1 through 16 of this act shall not be deemed to repeal or to be in derogation of any existing law of this state.
SECTION 17. Section 65-37-13, Mississippi Code of 1972, is amended as follows:

(1) There is created in the State Treasury a special fund to be designated as the "Local System Bridge Replacement and Rehabilitation Fund." The fund shall consist of such monies as the Legislature appropriates pursuant to subsection (2) of this section and such other monies as the Legislature may designate for deposit in the fund. Monies in the fund may be expended upon legislative appropriation in accordance with the provisions of Sections 65-37-1 through 65-37-15.

(2) (a) During each regular legislative session held in calendar years 1995, 1996, 1997 and 1998, if the official General Fund revenue estimate for the succeeding fiscal year for which appropriations are being made reflects a growth in General Fund revenues of three percent (3%) or more for that succeeding fiscal year, then the Legislature shall appropriate Twenty-five Million Dollars ($25,000,000.00) from the State General Fund for deposit into the Local System Bridge Replacement and Rehabilitation Fund.

(b) During the regular legislative session held in calendar year 1999, if the official General Fund revenue estimate for the succeeding fiscal year for which appropriations are being made reflects a growth in General Fund revenues of two percent (2%) or more for the succeeding fiscal year, then the Legislature shall appropriate Ten Million Dollars ($10,000,000.00) from the State General Fund for deposit into the Local System Bridge Replacement and Rehabilitation Fund.

(c) Except as otherwise provided in this paragraph (c), during each regular legislative session held in calendar years 2001 through 2008, if the official General Fund revenue estimate for the succeeding fiscal year for which appropriations are being made reflects a growth in General Fund revenues of two percent (2%) or more for the succeeding fiscal year, then the Legislature shall appropriate Twenty Million Dollars ($20,000,000.00) from the
State General Fund for deposit into the Local System Bridge Replacement and Rehabilitation Fund. However, during the regular legislative session held in calendar year 2003, the Legislature shall not be required to appropriate funds for deposit into the Local System Bridge Replacement and Rehabilitation Fund.

(3) Such monies as are deposited in the fund under the provisions of this section may be expended upon requisition therefor by the State Aid Engineer in accordance with the provisions of Sections 65-37-1 through 65-37-15. The Office of State Aid Road Construction shall be entitled to reimbursement from monies in the fund, upon requisitions therefor by the State Aid Engineer, for the actual expenses incurred by the office in administering the provisions of the local system bridge replacement and rehabilitation program. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned on amounts in the fund shall be deposited to the credit of the fund.

(4) Monies in the Local System Bridge Replacement and Rehabilitation Fund shall be allocated and become available for distribution to counties in accordance with the formula prescribed in Section 65-37-4 beginning January 1, 1995, on a project-by-project basis. Monies in the Local System Bridge Replacement and Rehabilitation Fund may not be used or expended for any purpose except as authorized under Sections 65-37-1 through 65-37-15.

(5) Monies in the Local System Bridge Replacement and Rehabilitation Fund may be credited to a county in advance of the normal accrual to finance certain projects, subject to the approval of the State Aid Engineer and subject further to the following limitations:

(a) That the maximum amount of such monies that may be advanced to any county shall not exceed ninety percent (90%) of
the funds estimated to accrue to such county during the remainder of the term of office of the board of supervisors of such county;

(b) That no advance credit of funds will be made to any county when the unobligated balance in the Local System Bridge Replacement and Rehabilitation Fund is less than One Million Dollars ($1,000,000.00); and

(c) That such advance crediting of funds be effected by the State Aid Engineer at the time of the approval of the plans and specifications for the proposed projects.

It is the intent of this provision to utilize to the fullest practicable extent the balance of monies in the Local System Bridge Replacement and Rehabilitation Fund on hand at all times.

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