

**\*\*\*Adopted\*\*\*  
AMENDMENT No. 1 PROPOSED TO**

**House Bill NO. 1592**

**By Senator(s) Committee**

**Amend by striking all after the enacting clause and inserting  
in lieu thereof the following:**

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

13           (a) "Accreted value" of any bonds 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.** (1) The Commission on Environmental Quality, at  
23 one time, or from time to time, may declare by resolution the  
24 necessity for issuance of general obligation bonds of the State of  
25 Mississippi to provide funds for the Water Pollution Control  
26 Revolving Fund established in Section 49-17-85. Upon the adoption  
27 of a resolution by the Commission on Environmental Quality,  
28 declaring the necessity for the issuance of any part or all of the  
29 general obligation bonds authorized by this section, the

30 Commission on Environmental Quality shall deliver a certified copy  
31 of its resolution or resolutions to the commission. Upon receipt  
32 of such resolution, the commission, in its discretion, may act as  
33 the issuing agent, prescribe the form of the bonds, advertise for  
34 and accept bids, issue and sell the bonds so authorized to be sold  
35 and do any and all other things necessary and advisable in  
36 connection with the issuance and sale of such bonds. The total  
37 amount of bonds issued under Sections 1 through 16 of this act  
38 shall not exceed Four Million Two Hundred Thousand Dollars  
39 (\$4,200,000.00).

40 (2) The proceeds of bonds issued pursuant to Sections 1  
41 through 16 of this act shall be deposited into the Water Pollution  
42 Control Revolving Fund created pursuant to Section 49-17-85.

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

56 **SECTION 4.** The bonds authorized by Sections 1 through 16 of  
57 this act shall be signed by the chairman of the commission, or by  
58 his facsimile signature, and the official seal of the commission  
59 shall be affixed thereto, attested by the secretary of the  
60 commission. The interest coupons, if any, to be attached to such  
61 bonds may be executed by the facsimile signatures of such  
62 officers. Whenever any such bonds shall have been signed by the  
63 officials designated to sign the bonds who were in office at the  
64 time of such signing but who may have ceased to be such officers

65 before the sale and delivery of such bonds, or who may not have  
66 been in office on the date such bonds may bear, the signatures of  
67 such officers upon such bonds and coupons shall nevertheless be  
68 valid and sufficient for all purposes and have the same effect as  
69 if the person so officially signing such bonds had remained in  
70 office until their delivery to the purchaser, or had been in  
71 office on the date such bonds may bear. However, notwithstanding  
72 anything herein to the contrary, such bonds may be issued as  
73 provided in the Registered Bond Act of the State of Mississippi.

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

81 **SECTION 6.** The commission shall act as the issuing agent for  
82 the bonds authorized under Sections 1 through 16 of this act,  
83 prescribe the form of the bonds, advertise for and accept bids,  
84 issue and sell the bonds so authorized to be sold, pay all fees  
85 and costs incurred in such issuance and sale, and do any and all  
86 other things necessary and advisable in connection with the  
87 issuance and sale of such bonds. The commission is authorized and  
88 empowered to pay the costs that are incident to the sale, issuance  
89 and delivery of the bonds authorized under Sections 1 through 16  
90 of this act from the proceeds derived from the sale of such bonds.

91 The commission shall sell such bonds on sealed bids at public  
92 sale, and for such price as it may determine to be for the best  
93 interest of the State of Mississippi, but no such sale shall be  
94 made at a price less than par plus accrued interest to the date of  
95 delivery of the bonds to the purchaser. All interest accruing on  
96 such bonds so issued shall be payable semiannually or annually;  
97 however, the first interest payment may be for any period of not  
98 more than one (1) year.

99 Notice of the sale of any such bonds shall be published at

100 least one time, not less than ten (10) days before the date of  
101 sale, and shall be so published in one or more newspapers  
102 published or having a general circulation in the City of Jackson,  
103 Mississippi, and in one or more other newspapers or financial  
104 journals with a national circulation, to be selected by the  
105 commission.

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

111 **SECTION 7.** The bonds issued under the provisions of Sections  
112 1 through 16 of this act are general obligations of the State of  
113 Mississippi, and for the payment thereof the full faith and credit  
114 of the State of Mississippi is irrevocably pledged. If the funds  
115 appropriated by the Legislature are insufficient to pay the  
116 principal of and the interest on such bonds as they become due,  
117 then the deficiency shall be paid by the State Treasurer from any  
118 funds in the State Treasury not otherwise appropriated. All such  
119 bonds shall contain recitals on their faces substantially covering  
120 the provisions of this section.

121 **SECTION 8.** Upon the issuance and sale of bonds under the  
122 provisions of Sections 1 through 16 of this act, the commission  
123 shall transfer the proceeds of any such sale or sales to the Water  
124 Pollution Control Revolving Fund created in Section 49-17-85.  
125 After the transfer of the proceeds of any such sale or sales to  
126 the Water Pollution Control Revolving Fund, any investment  
127 earnings or interest earned on the proceeds of such bonds shall be  
128 deposited to the credit of the Water Pollution Control Revolving  
129 Fund and shall be used only for the purposes provided in Section  
130 49-17-85. The proceeds of such bonds shall be disbursed solely  
131 upon the order of the Commission on Environmental Quality under  
132 such restrictions, if any, as may be contained in the resolution  
133 providing for the issuance of the bonds.

134 **SECTION 9.** The bonds authorized under Sections 1 through 16

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

144       **SECTION 10.** The bonds authorized under the authority of  
145 Sections 1 through 16 of this act may be validated in the Chancery  
146 Court of the First Judicial District of Hinds County, Mississippi,  
147 in the manner and with the force and effect provided by Chapter  
148 13, Title 31, Mississippi Code of 1972, for the validation of  
149 county, municipal, school district and other bonds. The notice to  
150 taxpayers required by such statutes shall be published in a  
151 newspaper published or having a general circulation in the City of  
152 Jackson, Mississippi.

153       **SECTION 11.** Any holder of bonds issued under the provisions  
154 of Sections 1 through 16 of this act or of any of the interest  
155 coupons pertaining thereto may, either at law or in equity, by  
156 suit, action, mandamus or other proceeding, protect and enforce  
157 any and all rights granted under Sections 1 through 16 of this  
158 act, or under such resolution, and may enforce and compel  
159 performance of all duties required by Sections 1 through 16 of  
160 this act to be performed, in order to provide for the payment of  
161 bonds and interest thereon.

162       **SECTION 12.** All bonds issued under the provisions of  
163 Sections 1 through 16 of this act shall be legal investments for  
164 trustees and other fiduciaries, and for savings banks, trust  
165 companies and insurance companies organized under the laws of the  
166 State of Mississippi, and such bonds shall be legal securities  
167 which may be deposited with and shall be received by all public  
168 officers and bodies of this state and all municipalities and  
169 political subdivisions for the purpose of securing the deposit of

170 public funds.

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

174         **SECTION 14.** The proceeds of the bonds issued under Sections  
175 1 through 16 of this act shall be used solely for the purposes  
176 therein provided, including the costs incident to the issuance and  
177 sale of such bonds.

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

189         **SECTION 16.** Sections 1 through 16 of this act shall be  
190 deemed to be full and complete authority for the exercise of the  
191 powers therein granted, but Sections 1 through 16 of this act  
192 shall not be deemed to repeal or to be in derogation of any  
193 existing law of this state.

194         **SECTION 17.** Sections 6 through 20, Chapter 521, Laws of  
195 1995, are amended as follows:

196         Section 6. The board created in Section 41-3-16, at one  
197 time, or from time to time, may declare by resolution the  
198 necessity for issuance of general obligation bonds of the State of  
199 Mississippi to provide funds for all costs incurred or to be  
200 incurred by the board in constructing new water systems or  
201 repairing existing water systems described in Section 41-3-16.  
202 Upon the adoption of a resolution by the board, declaring the  
203 necessity for the issuance of any part or all of the general  
204 obligation bonds authorized by this section, the board shall

205 deliver a certified copy of its resolution or resolutions to the  
206 State Bond Commission. Upon receipt of such resolution, the State  
207 Bond Commission, in its discretion, may act as the issuing agent,  
208 prescribe the form of the bonds, advertise for and accept bids,  
209 issue and sell the tax exempt or taxable bonds so authorized to be  
210 sold, and do any and all other things necessary and advisable in  
211 connection with the issuance and sale of such bonds. The amount  
212 of bonds issued under Sections 6 through 20 of this act shall not  
213 exceed Fifteen Million One Hundred Thirty Thousand Dollars  
214 (\$15,130,000.00), the proceeds of which shall be deposited in the  
215 revolving fund and Five Million Dollars (\$5,000,000.00), the  
216 proceeds of which shall be deposited in the emergency fund.

217 Section 7. The principal of and interest on the bonds  
218 authorized under Section 6 of this act shall be payable in the  
219 manner provided in this section. Such bonds shall bear such date  
220 or dates, be in such denomination or denominations, bear interest  
221 at such rate or rates (not to exceed the limits set forth in  
222 Section 75-17-101), be payable at such place or places within or  
223 without the State of Mississippi, shall mature absolutely at such  
224 time or times not to exceed twenty-five (25) years from date of  
225 issue, be redeemable before maturity at such time or times and  
226 upon such terms, with or without premium, shall bear such  
227 registration privileges, and shall be substantially in such form,  
228 all as shall be determined by resolution of the State Bond  
229 Commission.

230 Section 8. The bonds authorized by Section 6 of this act  
231 shall be signed by the Chairman of the State Bond Commission, or  
232 by his facsimile signature, and the official seal of the State  
233 Bond Commission shall be affixed thereto, attested by the  
234 Secretary of the State Bond Commission. The interest coupons, if  
235 any, to be attached to such bonds may be executed by the facsimile  
236 signatures of such officers. Whenever any such bonds shall have  
237 been signed by the officials designated to sign the bonds who were  
238 in office at the time of such signing but who may have ceased to  
239 be such officers before the sale and delivery of such bonds, or

240 who may not have been in office on the date such bonds may bear,  
241 the signatures of such officers upon such bonds and coupons shall  
242 nevertheless be valid and sufficient for all purposes and have the  
243 same effect as if the person so officially signing such bonds had  
244 remained in office until their delivery to the purchaser, or had  
245 been in office on the date such bonds may bear. However,  
246 notwithstanding anything herein to the contrary, such bonds may be  
247 issued as provided in the Registered Bond Act of the State of  
248 Mississippi.

249 Section 9. All bonds and interest coupons issued under the  
250 provisions of Sections 6 through 20 of this act have all the  
251 qualities and incidents of negotiable instruments under the  
252 provisions of the Mississippi Uniform Commercial Code, and in  
253 exercising the powers granted by Sections 6 through 20 of this  
254 act, the State Bond Commission shall not be required to and need  
255 not comply with the provisions of the Mississippi Uniform  
256 Commercial Code.

257 Section 10. The State Bond Commission shall act as the  
258 issuing agent for the bonds authorized under Sections 6 through 20  
259 of this act, prescribe the form of the bonds, advertise for and  
260 accept bids, issue and sell the bonds so authorized to be sold,  
261 pay all fees and costs incurred in such issuance and sale, and do  
262 all other things necessary and advisable in connection with the  
263 issuance and sale of the bonds. The State Bond Commission may pay  
264 the costs that are incident to the sale, issuance and delivery of  
265 the bonds authorized under Sections 6 through 20 of this act from  
266 the proceeds derived from the sale of the bonds. The State Bond  
267 Commission shall sell such bonds on sealed bids at public sale,  
268 and for such price as it may determine to be for the best interest  
269 of the State of Mississippi, but no such sale may be made at a  
270 price less than par plus accrued interest to the date of delivery  
271 of the bonds to the purchaser. All interest accruing on such  
272 bonds so issued shall be payable semiannually or annually;  
273 however, the first interest payment may be for any period of not  
274 more than one (1) year.



275 Notice of the sale of any such bond shall be published at  
276 least one time, not less than ten (10) days before the date of  
277 sale, and shall be so published in one or more newspapers  
278 published or having a general circulation in the City of Jackson,  
279 Mississippi, and in one or more other newspapers or financial  
280 journals with a national circulation, to be selected by the State  
281 Bond Commission.

282 The State Bond Commission, when issuing any bonds under the  
283 authority of Sections 6 through 20 of this act, may provide that  
284 bonds, at the option of the State of Mississippi, may be called in  
285 for payment and redemption at the call price named therein and  
286 accrued interest on such date or dates named therein.

287 Section 11. The bonds issued under the provisions of  
288 Sections 6 through 20 of this act are general obligations of the  
289 State of Mississippi, and for the payment thereof the full faith  
290 and credit of the State of Mississippi is irrevocably pledged. If  
291 the funds appropriated by the Legislature are insufficient to pay  
292 the principal of and interest on such bonds as they become due,  
293 then the deficiency shall be paid by the State Treasurer from any  
294 funds in the State Treasury not otherwise appropriated. All such  
295 bonds shall contain recitals on their faces substantially covering  
296 the provisions of this section.

297 Section 12. The State Treasurer is authorized, without  
298 further process of law, to certify to the Department of Finance  
299 and Administration the necessity for warrants, and the Department  
300 of Finance and Administration is authorized and directed to issue  
301 such warrants, in such amounts as may be necessary to pay when due  
302 the principal of, premium, if any, and interest on, or the  
303 accreted value of, all bonds issued under this act; and the State  
304 Treasurer shall forward the necessary amount to the designated  
305 place or places of payment of such bonds in ample time to  
306 discharge such bonds, or the interest on the bonds, on their due  
307 dates.

308 Section 13. Upon the issuance and sale of bonds under the  
309 provisions of Sections 6 through 20 of this act, the State Bond

310 Commission shall transfer the proceeds of any sale or sales of  
311 bonds to the revolving fund and the emergency fund in the amounts  
312 specified in Section 6 of this act. The proceeds of such bonds  
313 shall be disbursed solely upon the order of the board created in  
314 Section 1 of this act under such restrictions, if any, as may be  
315 contained in the resolution providing for the issuance of the  
316 bonds.

317 Section 14. The bonds authorized under Sections 6 through 20  
318 of this act may be issued without any other proceedings or the  
319 happening of any other conditions or things other than those  
320 proceedings, conditions and things which are specified or required  
321 by Sections 6 through 20 of this act. Any resolution providing  
322 for the issuance of bonds under the provisions of Sections 6  
323 through 20 of this act shall become effective immediately upon its  
324 adoption by the State Bond Commission, and any such resolution may  
325 be adopted at any regular or special meeting of the State Bond  
326 Commission by a majority of its members.

327 Section 15. The bonds authorized under the authority of  
328 Sections 6 through 20 of this act may be validated in the Chancery  
329 Court of the First Judicial District of Hinds County, Mississippi,  
330 in the manner and with the force and effect provided by Chapter  
331 13, Title 31, Mississippi Code of 1972, for the validation of  
332 county, municipal, school district and other bonds. The notice to  
333 taxpayers required by such statutes shall be published in a  
334 newspaper published or having a general circulation in the City of  
335 Jackson, Mississippi.

336 Section 16. Any holder of bonds issued under the provisions  
337 of Sections 6 through 20 of this act or of any of the interest  
338 coupons pertaining thereto may, either at law or in equity, by  
339 suit, action, mandamus or other proceeding, protect and enforce  
340 all rights granted under Sections 6 through 20 of this act, or  
341 under such resolution, and may enforce and compel performance of  
342 all duties required by Sections 6 through 20 of this act to be  
343 performed, in order to provide for the payment of bonds and  
344 interest thereon.

345 Section 17. All bonds issued under the provisions of  
346 Sections 6 through 20 of this act shall be legal investments for  
347 trustees and other fiduciaries, and for savings banks, trust  
348 companies and insurance companies organized under the laws of the  
349 State of Mississippi, and such bonds shall be legal securities  
350 which may be deposited with and shall be received by all public  
351 officers and bodies of this state and all municipalities and  
352 political subdivisions for the purpose of securing the deposit of  
353 public funds.

354 Section 18. Bonds issued under the provisions of Sections 6  
355 through 20 of this act and income therefrom shall be exempt from  
356 all taxation in the State of Mississippi.

357 Section 19. The proceeds of the bonds issued under the  
358 provisions of Sections 6 through 20 of this act shall be used  
359 solely for the purposes herein provided, including the costs  
360 incident to the issuance and sale of such bonds.

361 Section 20. Sections 6 through 20 of this act shall be  
362 deemed to be full and complete authority for the exercise of the  
363 powers granted, but Sections 6 through 20 of this act shall not be  
364 deemed to repeal or to be in derogation of any existing law of  
365 this state.

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

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

1 AN ACT TO AUTHORIZE THE ISSUANCE OF \$4,200,000.00 IN STATE  
2 GENERAL OBLIGATION BONDS TO PROVIDE MATCHING FUNDS FOR FEDERAL  
3 FUNDS FOR THE WATER POLLUTION CONTROL REVOLVING FUND; TO AMEND  
4 SECTIONS 6 THROUGH 20, CHAPTER 521, LAWS OF 1995, TO INCREASE FROM  
5 \$15,000,000.00 TO \$15,130,000.00 THE AMOUNT OF STATE GENERAL  
6 OBLIGATION BONDS THAT MAY BE ISSUED FOR THE LOCAL GOVERNMENTS AND  
7 RURAL WATER SYSTEMS IMPROVEMENTS REVOLVING LOAN FUND; AND FOR  
8 RELATED PURPOSES.