

By: Representative Busby

To: Transportation

HOUSE BILL NO. 1004

1 AN ACT TO BRING FORWARD SECTIONS 65-43-1 THROUGH 65-43-39,
2 MISSISSIPPI CODE OF 1972, WHICH AUTHORIZE TOLL ROADS AND TOLL
3 BRIDGES, FOR PURPOSES OF POSSIBLE AMENDMENT; AND FOR RELATED
4 PURPOSES.

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

6 **SECTION 1.** Section 65-43-1, Mississippi Code of 1972, is
7 brought forward as follows:

8 65-43-1. The Mississippi Transportation Commission, county
9 boards of supervisors and/or the governing authorities of
10 municipalities (hereinafter referred to as governmental entities),
11 in their discretion, may construct, operate and maintain,
12 individually or jointly with other governmental entities, one or
13 more new toll roads or toll bridges in the state for motor vehicle
14 traffic, including toll booths and related facilities, at those
15 locations where an alternate untolled route exists. All such
16 highways, pavement, bridges, drainage-related structures and other
17 infrastructure comprising the projects shall be built and
18 maintained in accordance with not less than the minimum highway
19 design, construction and maintenance standards established by the



20 contracting governmental entity for such highways, infrastructure
21 and facilities.

22 **SECTION 2.** Section 65-43-2, Mississippi Code of 1972, is
23 brought forward as follows:

24 65-43-2. The Legislature finds and declares as a matter of
25 public policy that, for the benefit of the people of this state,
26 it is essential to foster, promote and provide public
27 infrastructure, including toll roads and bridges.

28 **SECTION 3.** Section 65-43-3, Mississippi Code of 1972, is
29 brought forward as follows:

30 65-43-3. (1) (a) In addition to and as an alternative to
31 any other authority granted by law, including, but not limited to,
32 Section 65-43-1, any governmental entities, as defined in Section
33 65-43-1, in their discretion, may contract, individually or
34 jointly with other governmental entities, with any persons,
35 corporations, partnerships or other businesses licensed to do
36 business in the State of Mississippi (hereinafter referred to as
37 "companies" or "company") for the purpose of designing, financing,
38 constructing, operating and maintaining one or more new toll roads
39 or toll bridges in the state for motor vehicle traffic, including
40 tollbooths and related facilities, at those locations where an
41 alternate untolled route exists. Such contracts may provide that
42 the governmental entities may grant certain rights (including, but
43 not limited to, the right to exclusively operate and maintain) in
44 land held by the governmental entities, whether in fee simple, as



45 an easement or other interest, to a company for design,
46 construction, operation and/or maintenance of roadways, highways
47 or bridges for motor vehicle traffic, tollbooths and related
48 facilities. All such highways, pavement, bridges,
49 drainage-related structures and other infrastructure comprising
50 the projects shall be built and maintained in accordance with not
51 less than the minimum highway design, construction and maintenance
52 standards established by the contracting governmental entity for
53 such highways, infrastructure and facilities. The contracting
54 governmental entity shall conduct periodic inspections of any such
55 project throughout the term of the contract to ensure compliance
56 by the company. Failure of a company to comply with minimum
57 standards established for the project by the contracting
58 governmental entity shall constitute a breach and shall subject
59 the company to liability on its bond or security or to rescission
60 of the contract in accordance with the terms and provisions of the
61 contract.

62 (b) A governmental entity may not enter into a contract
63 under this section with (i) any company designated as a foreign
64 terrorist organization pursuant to Presidential Executive Order
65 13224 or Section 302 of the federal Antiterrorism or Effective
66 Death Penalty Act of 1996, (ii) any company under the control of a
67 so-designated foreign terrorist organization, or (iii) any company
68 controlled by a foreign person if to do so would violate any order
69 of the Committee on Foreign Investment in the United States under



70 the Foreign Investment and National Security Act of 2007, H.R.
71 566, 110th Cong. (2007), Public Law 110-49, 121 Stat. 246. These
72 requirements also shall apply to any proposed transfer or
73 assignment of any contract entered into under this section.

74 (2) (a) Every contract entered into by a governmental
75 entity under this section (except for contracts entered into with
76 another governmental entity or following termination of a
77 predecessor contract entered into under this section), at a
78 minimum, must provide for the design and construction of a new
79 toll road or toll bridge project and may also provide for the
80 financing, acquisition, lease, maintenance, and/or operation of a
81 new toll road or toll bridge project.

82 (b) If a governmental entity enters into a contract
83 with a company as authorized by this section, such governmental
84 entity shall use a competitive procurement process that provides
85 the best value for the governmental entity. The governmental
86 entity may accept unsolicited proposals for a proposed new toll
87 road or solicit proposals in accordance with this section.

88 (c) A governmental entity shall publish a request for
89 competing proposals and qualifications in a newspaper having a
90 general circulation within such governmental entity or, if the
91 governmental entity is the Mississippi Transportation Commission,
92 shall publish the request in a newspaper having a general
93 circulation at the seat of government and, if the governmental
94 entity has a website, shall post the request on such website.



95 Such request shall include the criteria used to evaluate the
96 proposals, the relative weight given to the criteria and a
97 deadline by which proposals must be received. At a minimum, a
98 proposal submitted in response to such request must contain:

99 (i) Information regarding the proposed project
100 location, scope and limits;

101 (ii) Information regarding the company's
102 qualifications, experience, technical competence, and capability
103 to develop the project; and

104 (iii) A proposed financial plan for the proposed
105 project that includes, at a minimum, the projected project costs,
106 projected revenues and proposed sources of funds.

107 A governmental entity may interview a company submitting a
108 solicited or unsolicited proposal. In evaluating such proposals,
109 a governmental entity may solicit input from other sources
110 regarding such proposals.

111 (d) The governmental entity shall rank each proposal
112 based on the criteria described in the request for proposals and
113 select the company whose proposal offers the best value to the
114 governmental entity. The governmental entity may enter into
115 discussions with the company whose proposal offers the best value.
116 If at any point during the discussions it appears to the
117 governmental entity that the highest ranking proposal will not
118 provide the governmental entity with the overall best value, the



119 governmental entity may enter into discussions with the company
120 submitting the next highest ranking proposal.

121 (e) The governmental entity may withdraw a request for
122 competing proposals and qualifications at any time and for any
123 reason and may reject any one (1) or all proposals. In either
124 case, the governmental entity may then publish a new request for
125 competing proposals and qualifications. A governmental entity
126 shall not be required to pay any company for the costs of
127 preparing or submitting proposals.

128 (f) The governmental entity shall prescribe the general
129 form of a contract authorized by this section and may include any
130 matter the governmental entity considers advantageous to it. The
131 governmental entity and the company shall negotiate the specific
132 terms of the contract.

133 (g) Except as provided under this subsection (2), no
134 such contract entered into hereunder shall be subject to the
135 provisions of Section 65-1-8, Section 31-7-13 or any other public
136 bid or public procurement laws of this state.

137 (h) The Transportation Commission shall evaluate each
138 proposal based on the criteria established by the commission. The
139 Transportation Commission shall approve or disapprove a proposal
140 within ninety (90) days after receipt of the proposal. If the
141 Transportation Commission needs additional information, it may
142 delay approval for an additional sixty (60) days.



143 (i) Any right or interest arising under or as a result
144 of any contract entered into under this section by a governmental
145 entity with a company involving a franchise, license agreement,
146 concession agreement, operating agreement, construction agreement,
147 design agreement and/or any other similar contractual arrangement
148 in connection with the financing, design, construction,
149 acquisition, maintenance and/or operation of a toll road or toll
150 bridge project shall not constitute any right, title or interest
151 in land or other real property or real estate or in personal
152 property within the meaning of Article 1, Chapter 35, Title 27,
153 Mississippi Code of 1972, in the toll road or toll bridge project,
154 including tollbooths and related toll facilities (including, but
155 not limited to, land, pavement, drainage-related structures, and
156 other infrastructure and property related thereto) in which a
157 governmental entity is the title owner of such property and/or
158 holder of easements, rights-of-way and/or other interests for such
159 toll road or toll bridge project.

160 (3) Every contract entered into by a governmental entity
161 under this section shall require a company to enter into bond and
162 provide such security as the governmental entity determines may be
163 necessary or advisable to ensure timely completion and proper
164 execution and performance of the contract. The term of the
165 contract shall not exceed fifty (50) years and shall not be
166 extended or renewed. The governmental entities are authorized to
167 acquire such property or interests in property as may be



168 necessary, by gift, purchase or eminent domain, for construction
169 and maintenance of the highways or bridges built pursuant to
170 contracts entered into under this section. Upon expiration,
171 termination or rescission of the contract, any and all rights
172 and/or interests that the company may have in the land,
173 infrastructure, facilities or other improvements to the property
174 subject to contract shall terminate and automatically, by
175 operation of law, be returned or conveyed to and vested in the
176 State of Mississippi or the contracting governmental entity. Upon
177 termination, expiration or rescission of the contract, the
178 collection of tolls shall cease.

179 (4) The governmental entity having jurisdiction over the
180 toll highway or bridge may, after notice and public hearing,
181 establish, charge and collect motor vehicle operator tolls for use
182 of the highway or bridge and its facilities. Alternatively,
183 during the term of any contract entered into under this section,
184 the company may establish, charge and collect motor vehicle
185 operators tolls for use of the highway or bridge and its
186 facilities. The amount of such tolls, and any modification
187 thereto, shall be subject to approval by the contracting
188 governmental entity after notice and public hearing. All such
189 contracts entered into with the Mississippi Transportation
190 Commission may require a company to pay a percentage or other
191 specified portion of all tolls collected to the Mississippi
192 Department of Transportation. If bonds are issued pursuant to



193 Section 65-43-13, then all such tolls paid to the department shall
194 be deposited into the special bond sinking fund under Section
195 65-43-11, and may be expended only as authorized by the
196 Legislature. If bonds are not issued pursuant to Section
197 65-43-13, then all such tolls paid to the department shall be
198 deposited into the department's highway fund to be used by the
199 department for the construction and maintenance of highways.

200 (5) If a toll road is a designated evacuation route and a
201 declaration of a state of emergency is issued by the President of
202 the United States or by the Governor, the collection of tolls
203 shall cease until the termination of the state of emergency.

204 (6) All statutes of this state relating to vehicle and
205 traffic regulation and control shall be applicable to motor
206 vehicles operated upon highways and bridges constructed under this
207 section and shall be enforceable by the Mississippi Department of
208 Public Safety, the Mississippi Highway Safety Patrol or any other
209 law enforcement agency having jurisdiction over such highways and
210 bridges.

211 (7) The State of Mississippi, the Mississippi Transportation
212 Commission, the Mississippi Department of Transportation,
213 counties, municipalities or any other agency or political
214 subdivision, or any officer or employee thereof, shall not be
215 liable for any tortious act or omission arising out of the
216 construction, maintenance or operation of any highway or bridge
217 project under the provisions of this section where the act or



218 omission occurs during the term of any such contract entered into
219 by the Mississippi Transportation Commission or other governmental
220 entity and a company.

221 **SECTION 4.** Section 65-43-4, Mississippi Code of 1972, is
222 brought forward as follows:

223 65-43-4. On or before January 10 of each year the
224 Mississippi Transportation Commission shall submit a detailed
225 report to the Chairman of the Senate Highways and Transportation
226 Committee and the Chairman of the House Transportation Committee
227 describing and evaluating the financial and operational
228 performance by a company with which the commission has contracted
229 under Chapter 44, Laws of First Extraordinary Session of 2008, of
230 the company's duties and responsibilities regarding the
231 construction, operation and maintenance of a toll road or toll
232 bridge project.

233 **SECTION 5.** Section 65-43-5, Mississippi Code of 1972, is
234 brought forward as follows:

235 65-43-5. The powers conferred by Sections 65-43-1 and
236 65-43-3 shall be in addition to the powers conferred by any other
237 law, general, special or local. Sections 65-43-1 and 65-43-3
238 shall be construed as an additional and alternative method of
239 funding all or any portion of the purchasing, building, improving,
240 owning or operating of roadways, highways or bridges under the
241 jurisdiction of the Mississippi Transportation Commission, county
242 boards of supervisors or municipal governing authorities, any



243 provision of the laws of the state or any charter of any
244 municipality to the contrary notwithstanding.

245 **SECTION 6.** Section 65-43-6, Mississippi Code of 1972, is
246 brought forward as follows:

247 65-43-6. Any driver of a vehicle who fails or refuses to pay
248 a required toll on a toll road or toll bridge facility in the
249 state shall be guilty of a misdemeanor and, upon conviction, shall
250 be fined not more than Five Hundred Dollars (\$500.00), or
251 imprisoned not more than six (6) months, or both. In addition,
252 the court shall order a person convicted of violating this
253 section, to make restitution to the toll facility operator in an
254 amount equal to the dollar amount of the toll that such person was
255 required but failed or refused to pay. Any sheriff, municipal
256 police officer, State Highway Patrol officer, law enforcement
257 officer of the Department of Public Safety or certified law
258 enforcement officer of the Mississippi Department of
259 Transportation may issue a traffic ticket for such violation
260 within the limits of their respective jurisdictions in accordance
261 with Section 63-9-21.

262 **SECTION 7.** Section 65-43-7, Mississippi Code of 1972, is
263 brought forward as follows:

264 65-43-7. (1) For the purpose of providing funds to defray
265 the expenses of projects authorized pursuant to Sections 65-43-1
266 and 65-43-3, the board of supervisors of a county or the governing
267 authorities of a municipality shall have the right to borrow money



268 for the project, and to issue revenue bonds therefor in such
269 principal amounts as the board of supervisors or governing
270 authorities may determine to be necessary to provide sufficient
271 funds to defray the expenses of projects authorized pursuant to
272 Sections 65-43-1 and 65-43-3. The bonds shall be payable out of
273 any revenues derived from the project, including grants or
274 contributions from the federal government or other sources. Such
275 bonds may be sold at public or private sale at not less than par
276 and shall bear interest at a rate or rates not exceeding that
277 allowed in Section 75-17-103. Any such bonds so issued shall not
278 constitute a debt of the county, the municipality or any political
279 subdivision of the county or the city within the meaning of any
280 constitutional, statutory or charter restriction, limitation or
281 provision. It shall be plainly stated on the face of each bond in
282 substance that the bond has been issued pursuant to the authority
283 granted in this section and that the taxing power of the county or
284 municipality issuing the bond is not pledged to the payment of the
285 bond or the interest on it and that the bond and the interest on
286 it are payable solely from the revenues of the project for which
287 the bond is issued.

288 (2) All bonds issued under the authority of this section
289 shall bear such date or dates, shall be in such form or
290 denomination, shall bear such rate of interest, and shall mature
291 at such times as the county or municipality shall determine, but
292 no bonds issued under the authority of this section shall mature



293 more than thirty (30) years from the date of the issuance thereof
294 and none of the bonds shall be sold for less than par and accrued
295 interest. All bonds shall be sold in the manner now provided by
296 law for the sale of bonds without any restrictions, limitations,
297 requirements or conditions applicable to the borrowing of such
298 money and the issuance of such bonds which are not herein
299 contained. The denomination, form, place of payment and other
300 details of such bonds may be determined by resolution or order of
301 the board of supervisors of a county or the governing authorities
302 of a municipality, and shall be executed on behalf of the county
303 or municipality as is now provided by law.

304 (3) Before issuing any bonds under the provisions of this
305 section, the board of supervisors of the county or the governing
306 authorities of the municipality shall, by resolution spread upon
307 the minutes, declare its intention to issue such bonds for the
308 purposes authorized by this section and shall state in the
309 resolution the amount of bonds proposed to be issued and shall
310 likewise fix in the resolution the date upon which the board of
311 supervisors of the county or the governing authorities of the
312 municipality proposes to direct the issuance of the bonds. Notice
313 of such intention shall be published once a week for at least
314 three (3) consecutive weeks in a newspaper published or having a
315 general circulation in the county or the municipality, with the
316 first publication of the notice to be made not less than
317 twenty-one (21) days prior to the date fixed in the resolution for



318 the issuance of the bonds and the last publication to be made not
319 more than seven (7) days prior to such date. If, on or before the
320 date specified in the resolution, twenty percent (20%) or fifteen
321 hundred (1500), whichever is less, of the qualified electors of
322 the county or municipality shall file a written protest against
323 the issuance of the bonds, then an election upon the issuance of
324 the bonds shall be called, and held, as provided in this section.
325 If no such protest shall be filed, then the board of supervisors
326 of the county or the governing authorities of the municipality may
327 issue such bonds without an election on the question of the
328 issuance of the bonds at any time within a period of two (2) years
329 after the date specified in the resolution.

330 (4) If an election is called under the provisions of this
331 section on the question of the issuance of bonds, the election
332 shall be held, insofar as practicable, in the same manner as other
333 elections are held in the county or municipality. At the
334 election, all qualified electors of the county or municipality may
335 vote and the ballots used in the election shall have printed
336 thereon a brief statement of the amount and purposes of the
337 proposed bond issue and the words "FOR THE BOND ISSUE" and the
338 words "AGAINST THE BOND ISSUE," and the voters shall vote by
339 placing a cross (X) or check mark (✓) opposite their choice on the
340 proposition.

341 (5) When the results of any election provided for in this
342 section shall have been canvassed by the election commissioners of



343 the county or municipality and certified by them to the proper
344 authorities, it shall be the duty of the board of supervisors of
345 the county or the governing authorities of the municipality to
346 determine and adjudicate whether or not a majority of the
347 qualified electors who voted in the election voted in favor of the
348 issuance of the bonds and unless a majority of the qualified
349 electors who voted in the election voted in favor of the issuance
350 of the bonds, then the bonds shall not be issued. Should a
351 majority of the qualified electors who vote in the election vote
352 in favor of the bonds, the board of supervisors of the county or
353 the governing authorities of the municipality may issue the bonds,
354 either in whole or in part, within two (2) years from the date of
355 such election, or within two (2) years after final favorable
356 determination of any litigation affecting the issuance of such
357 bonds at such time or times, and in such amount or amounts, not
358 exceeding that specified in the notice of the election, as shall
359 be deemed proper.

360 (6) This section, without reference to any other statute,
361 shall be deemed to be full and complete authority for the issuance
362 of bonds and borrowing of money as authorized in this section by
363 counties or municipalities, and shall be construed as an
364 additional and alternate method therefor. The bonds authorized by
365 this section shall not constitute an indebtedness within the
366 meaning of any constitutional or statutory limitation or
367 restriction.



368 **SECTION 8.** Section 65-43-9, Mississippi Code of 1972, is
369 brought forward as follows:

370 65-43-9. (1) (a) A special fund, to be designated as the
371 "Toll Road Revenue Bond Fund," is created within the State
372 Treasury. The fund shall be maintained by the State Treasurer as
373 a separate and special fund, separate and apart from the General
374 Fund of the state. Unexpended amounts remaining in the fund at
375 the end of a fiscal year shall not lapse into the State General
376 Fund, and any interest earned or investment earnings on amounts in
377 the fund shall be deposited into such fund.

378 (b) Monies deposited into the fund shall be disbursed,
379 in the discretion of the Mississippi Transportation Commission, to
380 pay the costs incurred in defraying the expenses of projects
381 authorized pursuant to Sections 65-43-1 and 65-43-3.

382 (2) Amounts deposited into such special fund shall be
383 disbursed to pay the expenses described in subsection (1) of this
384 section. If any monies in the special fund are not used within
385 six (6) years after the date the proceeds of the bonds authorized
386 under this section and Sections 6 through 20 of Chapter 582, Laws
387 of 2007, are deposited into such fund, then the Mississippi
388 Transportation Commission shall provide an accounting of such
389 unused monies to the State Bond Commission. Promptly after the
390 State Bond Commission has certified, by resolution duly adopted,
391 that the projects for which the revenue bonds have been issued
392 shall have been completed, abandoned or cannot be completed in a



393 timely fashion, any amounts remaining in such special fund shall
394 be applied to pay debt service on the bonds issued under this
395 section and Sections 6 through 20 of Chapter 582, Laws of 2007, in
396 accordance with the proceedings authorizing the issuance of such
397 bonds and as directed by the State Bond Commission.

398 **SECTION 9.** Section 65-43-11, Mississippi Code of 1972, is
399 brought forward as follows:

400 65-43-11. For the purpose of providing for the payment of
401 the principal of and interest upon bonds issued under the
402 provisions of Sections 65-43-9 through 65-43-39, there is created
403 a special bond sinking fund in the State Treasury. The special
404 bond sinking fund shall consist of the monies required to be
405 deposited into the fund under Section 65-43-3 and such other
406 amounts as the Legislature may direct to be paid into the fund by
407 appropriation or other authorization by the Legislature.
408 Unexpended amounts remaining in the special bond sinking fund at
409 the end of a fiscal year shall not lapse into the State General
410 Fund, and any interest earned or investment earnings on amounts in
411 the special bond sinking fund shall be deposited into such sinking
412 fund.

413 **SECTION 10.** Section 65-43-13, Mississippi Code of 1972, is
414 brought forward as follows:

415 65-43-13. (1) The State Bond Commission, at one time or
416 from time to time, may declare by resolution the necessity for
417 issuance of revenue bonds of the State of Mississippi for the



418 purpose of providing funds to defray the expenses of projects
419 authorized pursuant to Sections 65-43-1 and 65-43-3. Upon the
420 adoption of a resolution by the Mississippi Transportation
421 Commission, declaring the necessity for the issuance of the
422 revenue bonds authorized by this section, the Mississippi
423 Transportation Commission shall deliver a certified copy of its
424 resolution or resolutions to the State Bond Commission. Upon
425 receipt of such resolution, the State Bond Commission, in its
426 discretion, may act as the issuing agent, prescribe the form of
427 the bonds, advertise for and accept bids, issue and sell, at
428 public or private sale, the bonds so authorized to be sold and do
429 any and all other things necessary and advisable in connection
430 with the issuance and sale of such bonds. Revenue bonds issued
431 under this section shall be in such principal amounts as the
432 Mississippi Transportation Commission may determine to be
433 necessary to provide sufficient funds to defray the expenses of
434 projects authorized pursuant to Sections 65-43-1 and 65-43-3.

435 (2) Any investment earnings on amounts deposited into the
436 special fund created in Section 65-43-9 shall be used to pay debt
437 service on bonds issued under Sections 65-43-9 through 65-43-39,
438 in accordance with the proceedings authorizing issuance of such
439 bonds.

440 **SECTION 11.** Section 65-43-15, Mississippi Code of 1972, is
441 brought forward as follows:



442 65-43-15. The principal of and interest on the bonds
443 authorized under Sections 65-43-9 through 65-43-39 shall be
444 payable in the manner provided in this section. Such bonds shall
445 bear such date or dates, be in such denomination or denominations,
446 bear interest at such rate or rates (not to exceed the limits set
447 forth in Section 75-17-103, Mississippi Code of 1972), be payable
448 at such place or places within or without the State of
449 Mississippi, shall mature absolutely at such time or times not to
450 exceed thirty (30) years from date of issue, be redeemable before
451 maturity at such time or times and upon such terms, with or
452 without premium, shall bear such registration privileges, and
453 shall be substantially in such form, all as shall be determined by
454 resolution of the State Bond Commission.

455 **SECTION 12.** Section 65-43-17, Mississippi Code of 1972, is
456 brought forward as follows:

457 65-43-17. The bonds authorized by Sections 65-43-9 through
458 65-43-39 shall be signed by the Chairman of the State Bond
459 Commission, or by his facsimile signature, and the official seal
460 of the State Bond Commission shall be affixed thereto, attested by
461 the secretary of the commission. The interest coupons, if any, to
462 be attached to such bonds may be executed by the facsimile
463 signatures of such officers. Whenever any such bonds shall have
464 been signed by the officials designated to sign the bonds who were
465 in office at the time of such signing but who may have ceased to
466 be such officers before the sale and delivery of such bonds, or



467 who may not have been in office on the date such bonds may bear,
468 the signatures of such officers upon such bonds and coupons shall
469 nevertheless be valid and sufficient for all purposes and have the
470 same effect as if the person so officially signing such bonds had
471 remained in office until their delivery to the purchaser, or had
472 been in office on the date such bonds may bear. However,
473 notwithstanding anything herein to the contrary, such bonds may be
474 issued as provided in the Registered Bond Act of the State of
475 Mississippi.

476 **SECTION 13.** Section 65-43-19, Mississippi Code of 1972, is
477 brought forward as follows:

478 65-43-19. All bonds and interest coupons issued under the
479 provisions of Sections 65-43-9 through 65-43-39 have all the
480 qualities and incidents of negotiable instruments under the
481 provisions of the Uniform Commercial Code, and in exercising the
482 powers granted by Sections 65-43-9 through 65-43-39, the State
483 Bond Commission shall not be required to and need not comply with
484 the provisions of the Uniform Commercial Code.

485 **SECTION 14.** Section 65-43-21, Mississippi Code of 1972, is
486 brought forward as follows:

487 65-43-21. The State Bond Commission shall act as the issuing
488 agent for the bonds authorized under Sections 65-43-9 through
489 65-43-39, prescribe the form of the bonds, advertise for and
490 accept bids, issue and sell, at public or private sale, the bonds
491 so authorized to be sold, pay all fees and costs incurred in such



492 issuance and sale, and do any and all other things necessary and
493 advisable in connection with the issuance and sale of such bonds.
494 The State Bond Commission is authorized and empowered to pay the
495 costs that are incident to the sale, issuance and delivery of the
496 bonds authorized under Sections 65-43-9 through 65-43-39 from the
497 proceeds derived from the sale of such bonds. The State Bond
498 Commission shall sell such bonds on sealed bids at public or
499 private sale, and for such price as it may determine to be for the
500 best interest of the State of Mississippi, but no such sale shall
501 be made at a price less than par plus accrued interest to the date
502 of delivery of the bonds to the purchaser. All interest accruing
503 on such bonds so issued shall be payable semiannually or annually;
504 however, the first interest payment may be for any period of not
505 more than one (1) year.

506 Notice of the sale of any such bonds shall be published at
507 least one time, not less than ten (10) days before the date of
508 sale, and shall be so published in one or more newspapers
509 published or having a general circulation in the City of Jackson,
510 Mississippi, and in one or more other newspapers or financial
511 journals with a national circulation, to be selected by the State
512 Bond Commission.

513 The State Bond Commission, when issuing any bonds under the
514 authority of Sections 65-43-9 through 65-43-39, may provide that
515 bonds, at the option of the State of Mississippi, may be called in



516 for payment and redemption at the call price named therein and
517 accrued interest on such date or dates named therein.

518 **SECTION 15.** Section 65-43-23, Mississippi Code of 1972, is
519 brought forward as follows:

520 65-43-23. Bonds issued under the authority of Sections
521 65-43-9 through 65-43-39 shall be revenue bonds of the state, the
522 principal of and interest on which shall be payable solely from
523 the revenue from projects authorized under Section 65-43-1 or
524 65-43-3. The bonds shall never constitute an indebtedness of the
525 state within the meaning of any state constitutional provision or
526 statutory limitation, and shall never constitute or give rise to a
527 pecuniary liability of the state, or a charge against its general
528 credit or taxing powers, and such fact shall be plainly stated on
529 the face of each such bond. The bonds shall not be considered
530 when computing any limitation of indebtedness of the state. All
531 bonds issued under the authority of Sections 65-43-9 through
532 65-43-39 and all interest coupons applicable thereto shall be
533 construed to be negotiable instruments, despite the fact that they
534 are payable solely from a specified source.

535 **SECTION 16.** Section 65-43-25, Mississippi Code of 1972, is
536 brought forward as follows:

537 65-43-25. Upon the issuance and sale of bonds under the
538 provisions of Sections 65-43-9 through 65-43-39, the State Bond
539 Commission shall transfer the proceeds of any such sale or sales
540 to a special fund created in Section 65-43-9. The proceeds of



541 such bonds shall be disbursed solely upon the order of the
542 Mississippi Transportation Commission under such restrictions, if
543 any, as may be contained in the resolution providing for the
544 issuance of the bonds.

545 **SECTION 17.** Section 65-43-27, Mississippi Code of 1972, is
546 brought forward as follows:

547 65-43-27. The bonds authorized under Sections 65-43-9
548 through 65-43-39 may be issued without any other proceedings or
549 the happening of any other conditions or things other than those
550 proceedings, conditions and things which are specified or required
551 by Sections 65-43-9 through 65-43-39. Any resolution providing
552 for the issuance of bonds under the provisions of Sections 65-43-9
553 through 65-43-39 shall become effective immediately upon its
554 adoption by the commission, and any such resolution may be adopted
555 at any regular or special meeting of the commission by a majority
556 of its members.

557 **SECTION 18.** Section 65-43-29, Mississippi Code of 1972, is
558 brought forward as follows:

559 65-43-29. The bonds authorized under the authority of
560 Sections 65-43-9 through 65-43-39 may be validated in the Chancery
561 Court of the First Judicial District of Hinds County, Mississippi,
562 in the manner and with the force and effect provided by Chapter
563 13, Title 31, Mississippi Code of 1972, for the validation of
564 county, municipal, school district and other bonds. The notice to
565 taxpayers required by such statutes shall be published in a



566 newspaper published or having a general circulation in the City of
567 Jackson, Mississippi.

568 **SECTION 19.** Section 65-43-31, Mississippi Code of 1972, is
569 brought forward as follows:

570 65-43-31. Any holder of bonds issued under the provisions of
571 Sections 65-43-9 through 65-43-39 or of any of the interest
572 coupons pertaining thereto may, either at law or in equity, by
573 suit, action, mandamus or other proceeding, protect and enforce
574 any and all rights granted under Sections 65-43-9 through
575 65-43-39, or under such resolution, and may enforce and compel
576 performance of all duties required by Sections 65-43-9 through
577 65-43-39 to be performed, in order to provide for the payment of
578 bonds and interest thereon.

579 **SECTION 20.** Section 65-43-33, Mississippi Code of 1972, is
580 brought forward as follows:

581 65-43-33. All bonds issued under the provisions of Sections
582 65-43-9 through 65-43-39 shall be legal investments for trustees
583 and other fiduciaries, and for savings banks, trust companies and
584 insurance companies organized under the laws of the State of
585 Mississippi, and such bonds shall be legal securities which may be
586 deposited with and shall be received by all public officers and
587 bodies of this state and all municipalities and political
588 subdivisions for the purpose of securing the deposit of public
589 funds.



590 **SECTION 21.** Section 65-43-35, Mississippi Code of 1972, is
591 brought forward as follows:

592 65-43-35. Bonds issued under the provisions of Sections
593 65-43-9 through 65-43-39 and income therefrom shall be exempt from
594 all taxation in the State of Mississippi.

595 **SECTION 22.** Section 65-43-37, Mississippi Code of 1972, is
596 brought forward as follows:

597 65-43-37. The proceeds of the bonds issued under Sections
598 65-43-9 through 65-43-39 shall be used solely for the purposes
599 provided in Sections 65-43-9 through 65-43-39, including the costs
600 incident to the issuance and sale of such bonds.

601 **SECTION 23.** Section 65-43-39, Mississippi Code of 1972, is
602 brought forward as follows:

603 65-43-39. The State Treasurer is authorized, without further
604 process of law, to certify to the Department of Finance and
605 Administration the necessity for warrants, and the Department of
606 Finance and Administration is authorized and directed to issue
607 such warrants, in such amounts as may be necessary to pay when due
608 the principal of, premium, if any, and interest on, or the
609 accreted value of, all bonds issued under Sections 65-43-9 through
610 65-43-39; and the State Treasurer shall forward the necessary
611 amount to the designated place or places of payment of such bonds
612 in ample time to discharge such bonds, or the interest thereon, on
613 the due dates thereof.



614 **SECTION 24.** This act shall take effect and be in force from
615 and after July 1, 2018.

