

By: Representative Gunn

To: Ways and Means

HOUSE BILL NO. 1144

1 AN ACT TO AUTHORIZE THE ISSUANCE OF \$100,000,000.00 OF STATE  
 2 REVENUE BONDS TO PROVIDE FUNDS FOR THE GAMING COUNTIES  
 3 STATE-ASSISTED INFRASTRUCTURE FUND; TO AMEND SECTION 1 OF CHAPTER  
 4 479, LAWS OF 2015, TO PROVIDE THAT THE BOND SINKING FUND CREATED  
 5 FROM TRANSPORTATION BONDS IN 2015 SHALL ALSO BE USED FOR THE BONDS  
 6 ISSUED UNDER THIS ACT; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** (1) As used in this section, the following words  
 9 shall have the meanings ascribed herein unless the context clearly  
 10 requires otherwise:

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

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

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



20           (2)   (a)   The commission, at one time, or from time to time,  
21 may declare by resolution the necessity for issuance of revenue  
22 bonds of the State of Mississippi to provide funds for the Gaming  
23 Counties State-Assisted Infrastructure Fund created in Section  
24 65-39-17. Upon the adoption of a resolution by the Mississippi  
25 Transportation Commission, declaring the necessity for the  
26 issuance of any part or all of the revenue bonds authorized by  
27 this subsection, the Mississippi Transportation Commission shall  
28 deliver a certified copy of its resolution or resolutions to the  
29 commission. Upon receipt of such resolution, the commission, in  
30 its discretion, may act as the issuing agent, prescribe the form  
31 of the bonds, determine the appropriate method for sale of the  
32 bonds, advertise for and accept bids or negotiate the sale of the  
33 bonds, issue and sell the bonds so authorized to be sold, and do  
34 any and all other things necessary and advisable in connection  
35 with the issuance and sale of such bonds. The total amount of  
36 bonds issued under this section shall not exceed One Hundred  
37 Million Dollars (\$100,000,000.00).

38           (b)   Any investment earnings on amounts deposited into  
39 the Gaming Counties State-Assisted Infrastructure Fund created in  
40 Section 65-39-17 shall be used to pay debt service on bonds issued  
41 under this section, in accordance with the proceedings authorizing  
42 issuance of such bonds.

43           (3)   The principal of and interest on the bonds authorized  
44 under this section shall be payable in the manner provided in this



45 subsection. Such bonds shall bear such date or dates, be in such  
46 denomination or denominations, bear interest at such rate or rates  
47 (not to exceed the limits set forth in Section 75-17-101,  
48 Mississippi Code of 1972), be payable at such place or places  
49 within or without the State of Mississippi, shall mature  
50 absolutely at such time or times not to exceed twenty (20) years  
51 from date of issue, be redeemable before maturity at such time or  
52 times and upon such terms, with or without premium, shall bear  
53 such registration privileges, and shall be substantially in such  
54 form, all as shall be determined by resolution of the commission.

55 (4) The bonds authorized by this section shall be signed by  
56 the chairman of the commission, or by his facsimile signature, and  
57 the official seal of the commission shall be affixed thereto,  
58 attested by the secretary of the commission. The interest  
59 coupons, if any, to be attached to such bonds may be executed by  
60 the facsimile signatures of such officers. Whenever any such  
61 bonds shall have been signed by the officials designated to sign  
62 the bonds who were in office at the time of such signing but who  
63 may have ceased to be such officers before the sale and delivery  
64 of such bonds, or who may not have been in office on the date such  
65 bonds may bear, the signatures of such officers upon such bonds  
66 and coupons shall nevertheless be valid and sufficient for all  
67 purposes and have the same effect as if the person so officially  
68 signing such bonds had remained in office until their delivery to  
69 the purchaser, or had been in office on the date such bonds may



70 bear. However, notwithstanding anything herein to the contrary,  
71 such bonds may be issued as provided in the Registered Bond Act of  
72 the State of Mississippi.

73 (5) All bonds and interest coupons issued under the  
74 provisions of this section have all the qualities and incidents of  
75 negotiable instruments under the provisions of the Uniform  
76 Commercial Code, and in exercising the powers granted by this  
77 section, the commission shall not be required to and need not  
78 comply with the provisions of the Uniform Commercial Code.

79 (6) The commission shall act as issuing agent for the bonds  
80 authorized under this section, prescribe the form of the bonds,  
81 determine the appropriate method for sale of the bonds, advertise  
82 for and accept bids or negotiate the sale of the bonds, issue and  
83 sell the bonds so authorized to be sold, pay all fees and costs  
84 incurred in such issuance and sale, and do any and all other  
85 things necessary and advisable in connection with the issuance and  
86 sale of such bonds. The commission is authorized and empowered to  
87 pay the costs that are incident to the sale, issuance and delivery  
88 of the bonds authorized under this section from the proceeds  
89 derived from the sale of such bonds. The commission may sell such  
90 bonds on sealed bids at public sale or may negotiate the sale of  
91 the bonds for such price as it may determine to be for the best  
92 interest of the State of Mississippi. All interest accruing on  
93 such bonds so issued shall be payable semiannually or annually.



94           If such bonds are sold by sealed bids at public sale, notice  
95 of the sale shall be published at least one time, not less than  
96 ten (10) days before the date of sale, and shall be so published  
97 in one or more newspapers published or having a general  
98 circulation in the City of Jackson, Mississippi, selected by the  
99 commission.

100           The commission, when issuing any bonds under the authority of  
101 this section, may provide that bonds, at the option of the State  
102 of Mississippi, may be called in for payment and redemption at the  
103 call price named therein and accrued interest on such date or  
104 dates named therein.

105           (7) The bonds issued under the provisions of this section  
106 shall be revenue bonds of the state, the principal of and interest  
107 on which shall be payable solely from and shall be secured by the  
108 special bond sinking fund created in Section 1(3) of Chapter 479,  
109 Laws of 2015. The bonds shall never constitute an indebtedness of  
110 the state within the meaning of any state constitutional provision  
111 or statutory limitation, and shall never constitute or give rise  
112 to a pecuniary liability of the state, or a charge against its  
113 general credit or taxing powers, and such fact shall be plainly  
114 stated on the face of each such bond. The bonds shall not be  
115 considered when computing any limitation of indebtedness of the  
116 state. All bonds issued under the authority of this section and  
117 all interest coupons applicable thereto shall be construed to be



118 negotiable instruments, despite the fact that they are payable  
119 solely from a specified source.

120 (8) Upon the issuance and sale of bonds under the provisions  
121 of this section, the commission shall transfer the proceeds of any  
122 such sale or sales to the Gaming Counties State-Assisted  
123 Infrastructure Fund created in Section 65-39-17. The proceeds of  
124 such bonds shall be disbursed solely upon the order of the  
125 Mississippi Transportation Commission under such restrictions, if  
126 any, as may be contained in the resolution providing for the  
127 issuance of the bonds.

128 (9) The bonds authorized under this section may be issued  
129 without any other proceedings or the happening of any other  
130 conditions or things other than those proceedings, conditions and  
131 things which are specified or required by this section. Any  
132 resolution providing for the issuance of bonds under the  
133 provisions of this section shall become effective immediately upon  
134 its adoption by the commission, and any such resolution may be  
135 adopted at any regular or special meeting of the commission by a  
136 majority of its members.

137 (10) The bonds authorized under the authority of this  
138 section may be validated in the Chancery Court of the First  
139 Judicial District of Hinds County, Mississippi, in the manner and  
140 with the force and effect provided by Chapter 13, Title 31,  
141 Mississippi Code of 1972, for the validation of county, municipal,  
142 school district and other bonds. The notice to taxpayers required



143 by such statutes shall be published in a newspaper published or  
144 having a general circulation in the City of Jackson, Mississippi.

145 (11) Any holder of bonds issued under the provisions of this  
146 section or of any of the interest coupons pertaining thereto may,  
147 either at law or in equity, by suit, action, mandamus or other  
148 proceeding, protect and enforce any and all rights granted under  
149 this section, or under such resolution, and may enforce and compel  
150 performance of all duties required by this section to be  
151 performed, in order to provide for the payment of bonds and  
152 interest thereon.

153 (12) All bonds issued under the provisions of this section  
154 shall be legal investments for trustees and other fiduciaries, and  
155 for savings banks, trust companies and insurance companies  
156 organized under the laws of the State of Mississippi, and such  
157 bonds shall be legal securities which may be deposited with and  
158 shall be received by all public officers and bodies of this state  
159 and all municipalities and political subdivisions for the purpose  
160 of securing the deposit of public funds.

161 (13) Bonds issued under the provisions of this section and  
162 income therefrom shall be exempt from all taxation in the State of  
163 Mississippi.

164 (14) The proceeds of the bonds issued under this section  
165 shall be used solely for the purposes herein provided, including  
166 the costs incident to the issuance and sale of such bonds.



167 (15) The State Treasurer is authorized, without further  
168 process of law, to certify to the Department of Finance and  
169 Administration the necessity for warrants, and the Department of  
170 Finance and Administration is authorized and directed to issue  
171 such warrants, in such amounts as may be necessary to pay when due  
172 the principal of, premium, if any, and interest on, or the  
173 accreted value of, all bonds issued under this section; and the  
174 State Treasurer shall forward the necessary amount to the  
175 designated place or places of payment of such bonds in ample time  
176 to discharge such bonds, or the interest thereon, on the due dates  
177 thereof.

178 (16) This section shall be deemed to be full and complete  
179 authority for the exercise of the powers herein granted, but this  
180 section shall not be deemed to repeal or to be in derogation of  
181 any existing law of this state.

182 **SECTION 2.** Section 1, Chapter 479, Laws of 2015, is amended  
183 as follows:

184 Section 1. (1) As used in this section, the following words  
185 shall have the meanings ascribed herein unless the context clearly  
186 requires otherwise:

187 (a) "Accreted value" of any bond means, as of any date  
188 of computation, an amount equal to the sum of (i) the stated  
189 initial value of such bond, plus (ii) the interest accrued thereon  
190 from the issue date to the date of computation at the rate,  
191 compounded semiannually, that is necessary to produce the





192 approximate yield to maturity shown for bonds of the same  
193 maturity.

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

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

196 (2) (a) (i) A special fund, to be designated the "2015  
197 Mississippi Deficient Bridge and State Aid Road Supplemental  
198 Fund," is created within the State Treasury. The fund shall be  
199 maintained by the State Treasurer as a separate and special fund,  
200 separate and apart from the General Fund of the state. Unexpended  
201 amounts remaining in the fund at the end of a fiscal year shall  
202 not lapse into the State General Fund, and any interest earned or  
203 investment earnings on amounts in the fund shall be deposited into  
204 such fund.

205 (ii) Monies deposited into the fund shall be  
206 disbursed as follows:

207 1. Eighteen Million Dollars (\$18,000,000.00)  
208 shall be utilized by the Department of Transportation to construct  
209 a bridge extending the I-20 South Frontage Road, running parallel  
210 to Old Highway 27, over the railroad in Vicksburg, Mississippi.

211 2. Twenty Million Dollars (\$20,000,000.00)  
212 shall be deposited into the State Aid Road Fund.

213 3. The remainder shall be utilized, in the  
214 discretion of the Mississippi Transportation Commission, to pay  
215 the costs of repair, rehabilitation, replacement, construction  
216 and/or reconstruction of the bridges on state maintained highways



217 that are on a list of deficient bridges compiled by the  
218 Mississippi Department of Transportation as of July 1, 2015.  
219 Bridges on the list will be determined based on National Bridge  
220 Inspection Standards set by the Federal Highway Administration.  
221 In expending the funds authorized in this item 3, the Mississippi  
222 Transportation Commission should give preference to bridges within  
223 and approaching those counties in this state where legal gaming is  
224 being conducted or is authorized.

225 (b) Amounts deposited into such special fund shall be  
226 disbursed to pay the costs of the projects described in paragraph  
227 (a) of this subsection. Promptly after the commission has  
228 certified, by resolution duly adopted, that the projects described  
229 in paragraph (a) of this subsection shall have been completed,  
230 abandoned, or cannot be completed in a timely fashion, any amounts  
231 remaining in such special fund shall be applied to pay debt  
232 service on the bonds issued under this section, in accordance with  
233 the proceedings authorizing the issuance of such bonds and as  
234 directed by the commission.

235 (c) The Mississippi Transportation Commission is  
236 expressly authorized and empowered to receive and expend any local  
237 or other source funds in connection with the expenditure of funds  
238 provided for in this subsection. The expenditure of monies  
239 deposited into the special fund shall be under the direction of  
240 the Mississippi Transportation Commission, and such funds shall be  
241 paid by the State Treasurer upon warrants issued by the Department



242 of Finance and Administration, which warrants shall be issued upon  
243 requisitions signed by the Executive Director of the Mississippi  
244 Department of Transportation, or his designee.

245 (3) For the purpose of providing for the payment of the  
246 principal of and interest upon bonds issued under this section and  
247 Section 1 of House Bill No. \_\_\_\_\_, Regular Session 2018, there  
248 is created a special bond sinking fund in the State Treasury. The  
249 special bond sinking fund shall consist of the monies deposited  
250 into the fund under Section 75-76-129, Mississippi Code of 1972,  
251 and such other amounts as may be paid into such fund by  
252 appropriation or other authorization by the Legislature. Except  
253 as otherwise provided in this section, monies in the special bond  
254 sinking fund shall be used to pay the debt service requirements of  
255 the bonds issued under this section and Section 1 of House Bill  
256 No. \_\_\_\_\_, Regular Session 2018. \* \* \* Unexpended amounts  
257 remaining in the special bond sinking fund at the end of a fiscal  
258 year shall not lapse into the State General Fund, and any interest  
259 earned or investment earnings on amounts in the special bond  
260 sinking fund shall be deposited into such sinking fund.

261 (4) (a) The commission, at one time, or from time to time,  
262 may declare by resolution the necessity for issuance of revenue  
263 bonds of the State of Mississippi to provide funds for all costs  
264 incurred or to be incurred for the purposes described in  
265 subsection (2) of this section. Upon the adoption of a resolution  
266 by the Mississippi Transportation Commission, declaring the



267 necessity for the issuance of any part or all of the revenue bonds  
268 authorized by this subsection, the Mississippi Transportation  
269 Commission shall deliver a certified copy of its resolution or  
270 resolutions to the commission. Upon receipt of such resolution,  
271 the commission, in its discretion, may act as the issuing agent,  
272 prescribe the form of the bonds, determine the appropriate method  
273 for sale of the bonds, advertise for and accept bids or negotiate  
274 the sale of the bonds, issue and sell the bonds so authorized to  
275 be sold, and do any and all other things necessary and advisable  
276 in connection with the issuance and sale of such bonds. The total  
277 amount of bonds issued under this section shall not exceed Two  
278 Hundred Million Dollars (\$200,000,000.00).

279 (b) Any investment earnings on amounts deposited into  
280 the special fund created in subsection (2) of this section shall  
281 be used to pay debt service on bonds issued under this section, in  
282 accordance with the proceedings authorizing issuance of such  
283 bonds.

284 (5) The principal of and interest on the bonds authorized  
285 under this section shall be payable in the manner provided in this  
286 subsection. Such bonds shall bear such date or dates, be in such  
287 denomination or denominations, bear interest at such rate or rates  
288 (not to exceed the limits set forth in Section 75-17-101,  
289 Mississippi Code of 1972), be payable at such place or places  
290 within or without the State of Mississippi, shall mature  
291 absolutely at such time or times not to exceed twenty (20) years



292 from date of issue, be redeemable before maturity at such time or  
293 times and upon such terms, with or without premium, shall bear  
294 such registration privileges, and shall be substantially in such  
295 form, all as shall be determined by resolution of the commission.

296 (6) The bonds authorized by this section shall be signed by  
297 the chairman of the commission, or by his facsimile signature, and  
298 the official seal of the commission shall be affixed thereto,  
299 attested by the secretary of the commission. The interest  
300 coupons, if any, to be attached to such bonds may be executed by  
301 the facsimile signatures of such officers. Whenever any such  
302 bonds shall have been signed by the officials designated to sign  
303 the bonds who were in office at the time of such signing but who  
304 may have ceased to be such officers before the sale and delivery  
305 of such bonds, or who may not have been in office on the date such  
306 bonds may bear, the signatures of such officers upon such bonds  
307 and coupons shall nevertheless be valid and sufficient for all  
308 purposes and have the same effect as if the person so officially  
309 signing such bonds had remained in office until their delivery to  
310 the purchaser, or had been in office on the date such bonds may  
311 bear. However, notwithstanding anything herein to the contrary,  
312 such bonds may be issued as provided in the Registered Bond Act of  
313 the State of Mississippi.

314 (7) All bonds and interest coupons issued under the  
315 provisions of this section have all the qualities and incidents of  
316 negotiable instruments under the provisions of the Uniform



317 Commercial Code, and in exercising the powers granted by this  
318 section, the commission shall not be required to and need not  
319 comply with the provisions of the Uniform Commercial Code.

320 (8) The commission shall act as issuing agent for the bonds  
321 authorized under this section, prescribe the form of the bonds,  
322 determine the appropriate method for sale of the bonds, advertise  
323 for and accept bids or negotiate the sale of the bonds, issue and  
324 sell the bonds so authorized to be sold, pay all fees and costs  
325 incurred in such issuance and sale, and do any and all other  
326 things necessary and advisable in connection with the issuance and  
327 sale of such bonds. The commission is authorized and empowered to  
328 pay the costs that are incident to the sale, issuance and delivery  
329 of the bonds authorized under this section from the proceeds  
330 derived from the sale of such bonds. The commission may sell such  
331 bonds on sealed bids at public sale or may negotiate the sale of  
332 the bonds for such price as it may determine to be for the best  
333 interest of the State of Mississippi. All interest accruing on  
334 such bonds so issued shall be payable semiannually or annually.

335 If such bonds are sold by sealed bids at public sale, notice  
336 of the sale shall be published at least one time, not less than  
337 ten (10) days before the date of sale, and shall be so published  
338 in one or more newspapers published or having a general  
339 circulation in the City of Jackson, Mississippi, selected by the  
340 commission.



341           The commission, when issuing any bonds under the authority of  
342 this section, may provide that bonds, at the option of the State  
343 of Mississippi, may be called in for payment and redemption at the  
344 call price named therein and accrued interest on such date or  
345 dates named therein.

346           (9) The bonds issued under the provisions of this section  
347 shall be revenue bonds of the state, the principal of and interest  
348 on which shall be payable solely from and shall be secured by the  
349 special bond sinking fund created in subsection (3) of this  
350 section. The bonds shall never constitute an indebtedness of the  
351 state within the meaning of any state constitutional provision or  
352 statutory limitation, and shall never constitute or give rise to a  
353 pecuniary liability of the state, or a charge against its general  
354 credit or taxing powers, and such fact shall be plainly stated on  
355 the face of each such bond. The bonds shall not be considered  
356 when computing any limitation of indebtedness of the state. All  
357 bonds issued under the authority of this section and all interest  
358 coupons applicable thereto shall be construed to be negotiable  
359 instruments, despite the fact that they are payable solely from a  
360 specified source.

361           (10) Upon the issuance and sale of bonds under the  
362 provisions of this section, the commission shall transfer the  
363 proceeds of any such sale or sales to the special fund created in  
364 subsection (2) of this section. The proceeds of such bonds shall  
365 be disbursed solely upon the order of the Mississippi



366 Transportation Commission under such restrictions, if any, as may  
367 be contained in the resolution providing for the issuance of the  
368 bonds.

369 (11) The bonds authorized under this section may be issued  
370 without any other proceedings or the happening of any other  
371 conditions or things other than those proceedings, conditions and  
372 things which are specified or required by this section. Any  
373 resolution providing for the issuance of bonds under the  
374 provisions of this section shall become effective immediately upon  
375 its adoption by the commission, and any such resolution may be  
376 adopted at any regular or special meeting of the commission by a  
377 majority of its members.

378 (12) The bonds authorized under the authority of this  
379 section may be validated in the Chancery Court of the First  
380 Judicial District of Hinds County, Mississippi, in the manner and  
381 with the force and effect provided by Chapter 13, Title 31,  
382 Mississippi Code of 1972, for the validation of county, municipal,  
383 school district and other bonds. The notice to taxpayers required  
384 by such statutes shall be published in a newspaper published or  
385 having a general circulation in the City of Jackson, Mississippi.

386 (13) Any holder of bonds issued under the provisions of this  
387 section or of any of the interest coupons pertaining thereto may,  
388 either at law or in equity, by suit, action, mandamus or other  
389 proceeding, protect and enforce any and all rights granted under  
390 this section, or under such resolution, and may enforce and compel





391 performance of all duties required by this section to be  
392 performed, in order to provide for the payment of bonds and  
393 interest thereon.

394 (14) All bonds issued under the provisions of this section  
395 shall be legal investments for trustees and other fiduciaries, and  
396 for savings banks, trust companies and insurance companies  
397 organized under the laws of the State of Mississippi, and such  
398 bonds shall be legal securities which may be deposited with and  
399 shall be received by all public officers and bodies of this state  
400 and all municipalities and political subdivisions for the purpose  
401 of securing the deposit of public funds.

402 (15) Bonds issued under the provisions of this section and  
403 income therefrom shall be exempt from all taxation in the State of  
404 Mississippi.

405 (16) The proceeds of the bonds issued under this section  
406 shall be used solely for the purposes herein provided, including  
407 the costs incident to the issuance and sale of such bonds.

408 (17) The State Treasurer is authorized, without further  
409 process of law, to certify to the Department of Finance and  
410 Administration the necessity for warrants, and the Department of  
411 Finance and Administration is authorized and directed to issue  
412 such warrants, in such amounts as may be necessary to pay when due  
413 the principal of, premium, if any, and interest on, or the  
414 accreted value of, all bonds issued under this section; and the  
415 State Treasurer shall forward the necessary amount to the



416 designated place or places of payment of such bonds in ample time  
417 to discharge such bonds, or the interest thereon, on the due dates  
418 thereof.

419 (18) This section shall be deemed to be full and complete  
420 authority for the exercise of the powers herein granted, but this  
421 section shall not be deemed to repeal or to be in derogation of  
422 any existing law of this state.

423 **SECTION 3.** This act shall take effect and be in force from  
424 and after its passage.

