

By: Senator(s) Younger, Turner-Ford,  
Williams

To: Finance

## SENATE BILL NO. 3037

1 AN ACT TO AUTHORIZE THE ISSUANCE OF STATE GENERAL OBLIGATION  
2 BONDS TO PROVIDE FUNDS TO ASSIST CLAY COUNTY, LOWNDES COUNTY AND  
3 OKTIBBEHA COUNTY, MISSISSIPPI, IN PAYING COSTS ASSOCIATED WITH  
4 VARIOUS ROAD PROJECTS; AND FOR RELATED PURPOSES.

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

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

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

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

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

18 (2) (a) (i) A special fund, to be designated the "2021  
19 Clay County, Lowndes County and Oktibbeha County Road Improvement



Fund" is created within the State Treasury. The fund shall be maintained by the State Treasurer as a separate and special fund, separate and apart from the General Fund of the state. 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 or investment earnings on amounts in the fund shall be deposited into such fund.

(ii) Monies deposited into the fund shall be disbursed, in the discretion of the Department of Finance and Administration, as follows:

1. Not more than One Million Six Hundred Eighty-five Thousand Dollars (\$1,685,000.00) of the monies in the special fund may be used to assist Clay County, Mississippi, in paying costs associated with the acquisition of any right-of-way, if necessary, and the construction and installation of a new sixteen-inch water line running along Yokohama Boulevard from Eshman Avenue to Highway 45 Alternate to connect an existing water line located at or near the intersection of Eshman Avenue and Yokohama Boulevard to another existing water line located at or near the intersection of Highway 45 Alternate and Yokohama Boulevard;

2. Not more than Two Hundred Sixty Thousand Dollars (\$260,000.00) of the monies in the special fund may be used to assist Clay County, Mississippi, in paying costs associated with the expansion and improvement of the roadway



connecting Eshman Avenue with Yokohama Boulevard to upgrade such roadway to a two-lane, two-way access road, as well as improvements to each of the intersections of such roadway with both Eshman Avenue and Yokohama Boulevard, provided that such funds may also be used to fund the acquisition of any right-of-way, if necessary, for such road and intersection improvements, together with any striping and/or signage associated therewith;

3. Not more than Three Million One Hundred Thousand Dollars (\$3,100,000.00) of the monies in the special fund may be used to assist Lowndes County, Mississippi, in paying costs associated with the completion of Charleigh Ford Drive as a two-lane roadway connecting Artesia Road to the south and Airport Road to the north and east, including the widening, improving and paving of that portion of the existing Charleigh Ford Drive, which was formerly known as Guerry Road and is located between the intersections thereof with Artesia Road to the south and with Mims Road to the north, and making improvements to the intersections of Charleigh Ford Drive with both Artesia Road and Mims Road, provided that such funds may also be used to fund the acquisition of any right-of-way, if necessary, for such road and intersection improvements, together with any striping and/or signage associated therewith;

4. Not more than Two Million Four Hundred Seventy-five Thousand Dollars (\$2,475,000.00) of the monies in the



70 special fund may be used to assist Lowndes County, Mississippi, in  
71 paying costs associated with the extension of Manufactures Drive  
72 from its current southern terminus to extend first to the east and  
73 then northward to interconnect with Artesia Road at a location  
74 east of the current intersection of Manufactures Drive and Artesia  
75 Road, provided that such funds may also be used to fund the  
76 acquisition of any right-of-way, if necessary, for such roadway  
77 extension, together with any striping and/or signage associated  
78 therewith; and

79                   5. Not more than One Million Eight Hundred  
80 Eighty Thousand Dollars (\$1,880,000.00) of the monies in the  
81 special fund may be used to assist Oktibbeha County, Mississippi,  
82 in paying costs associated with the expansion and improvement of  
83 the portion of Sudduth Road located between Mississippi Highway  
84 389 and Retherford Road to upgrade such segment of Sudduth Road,  
85 as well as improvements to each of the intersections of Sudduth  
86 Road with both Mississippi Highway 389 and Retherford Road,  
87 provided that such funds may also be used to fund the acquisition  
88 of any right-of-way, if needed, for such road and intersection  
89 improvements, together with any striping and/or signage associated  
90 therewith.

91                   (b) Amounts deposited into such special fund shall be  
92 disbursed to pay the costs of the projects described in paragraph  
93 (a) of this subsection. Promptly after the commission has  
94 certified, by resolution duly adopted, that the projects described



in paragraph (a) of this subsection shall have been completed, abandoned, or cannot be completed in a timely fashion, any amounts remaining in such special fund shall be applied to pay debt service on the bonds issued under this section, in accordance with the proceedings authorizing the issuance of such bonds and as directed by the commission.

(3) (a) The commission, 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 all costs incurred or to be incurred for the purposes described in subsection (2) of this section. 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 subsection, the department 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, determine the appropriate method for sale of the bonds, advertise for and accept bids or negotiate the sale of the bonds, 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 this section shall not exceed Nine Million Four Hundred Thousand Dollars (\$9,400,000.00). No bonds shall be issued under this section after July 1, 2025.



120 (b) Any investment earnings on amounts deposited into  
121 the special fund created in subsection (2) of this section shall  
122 be used to pay debt service on bonds issued under this section, in  
123 accordance with the proceedings authorizing issuance of such  
124 bonds.

125 (4) The principal of and interest on the bonds authorized  
126 under this section shall be payable in the manner provided in this  
127 subsection. Such bonds shall bear such date or dates, be in such  
128 denomination or denominations, bear interest at such rate or rates  
129 (not to exceed the limits set forth in Section 75-17-101,  
130 Mississippi Code of 1972), be payable at such place or places  
131 within or without the State of Mississippi, shall mature  
132 absolutely at such time or times not to exceed twenty-five (25)  
133 years from date of issue, be redeemable before maturity at such  
134 time or times and upon such terms, with or without premium, shall  
135 bear such registration privileges, and shall be substantially in  
136 such form, all as shall be determined by resolution of the  
137 commission.

138 (5) The bonds authorized by this section shall be signed by  
139 the chairman of the commission, or by his facsimile signature, and  
140 the official seal of the commission shall be affixed thereto,  
141 attested by the secretary of the commission. The interest  
142 coupons, if any, to be attached to such bonds may be executed by  
143 the facsimile signatures of such officers. Whenever any such  
144 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.

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

(7) The commission shall act as issuing agent for the bonds authorized under this section, prescribe the form of the bonds, determine the appropriate method for sale of the bonds, advertise for and accept bids or negotiate the sale of the bonds, 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



170 pay the costs that are incident to the sale, issuance and delivery  
171 of the bonds authorized under this section from the proceeds  
172 derived from the sale of such bonds. The commission may sell such  
173 bonds on sealed bids at public sale or may negotiate the sale of  
174 the bonds for such price as it may determine to be for the best  
175 interest of the State of Mississippi. All interest accruing on  
176 such bonds so issued shall be payable semiannually or annually.

177 If such bonds are sold by sealed bids at public sale, notice  
178 of the sale shall be published at least one time, not less than  
179 ten (10) days before the date of sale, and shall be so published  
180 in one or more newspapers published or having a general  
181 circulation in the City of Jackson, Mississippi, selected by the  
182 commission.

183 The commission, when issuing any bonds under the authority of  
184 this section, may provide that bonds, at the option of the State  
185 of Mississippi, may be called in for payment and redemption at the  
186 call price named therein and accrued interest on such date or  
187 dates named therein.

188 (8) The bonds issued under the provisions of this section  
189 are general obligations of the State of Mississippi, and for the  
190 payment thereof the full faith and credit of the State of  
191 Mississippi is irrevocably pledged. If the funds appropriated by  
192 the Legislature are insufficient to pay the principal of and the  
193 interest on such bonds as they become due, then the deficiency  
194 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 subsection.

(9) Upon the issuance and sale of bonds under the provisions of this section, the commission shall transfer the proceeds of any such sale or sales to the special fund created in subsection (2) of this section. 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.

(10) The bonds authorized under this section 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 this section. Any resolution providing for the issuance of bonds under the provisions of this section 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.

(11) The bonds authorized under the authority of this section 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 Title 31, Chapter 13, Mississippi Code of 1972, for the validation of county, municipal,



220 school district and other bonds. The notice to taxpayers required  
221 by such statutes shall be published in a newspaper published or  
222 having a general circulation in the City of Jackson, Mississippi.

223 (12) Any holder of bonds issued under the provisions of this  
224 section or of any of the interest coupons pertaining thereto may,  
225 either at law or in equity, by suit, action, mandamus or other  
226 proceeding, protect and enforce any and all rights granted under  
227 this section, or under such resolution, and may enforce and compel  
228 performance of all duties required by this section to be  
229 performed, in order to provide for the payment of bonds and  
230 interest thereon.

231 (13) All bonds issued under the provisions of this section  
232 shall be legal investments for trustees and other fiduciaries, and  
233 for savings banks, trust companies and insurance companies  
234 organized under the laws of the State of Mississippi, and such  
235 bonds shall be legal securities which may be deposited with and  
236 shall be received by all public officers and bodies of this state  
237 and all municipalities and political subdivisions for the purpose  
238 of securing the deposit of public funds.

239 (14) Bonds issued under the provisions of this section and  
240 income therefrom shall be exempt from all taxation in the State of  
241 Mississippi.

242 (15) The proceeds of the bonds issued under this section  
243 shall be used solely for the purposes herein provided, including  
244 the costs incident to the issuance and sale of such bonds.



(16) 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 this section; 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.

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

**SECTION 2.** This act shall take effect and be in force from and after its passage.

