

By: Senator(s) Moran, Younger, Turner-Ford,  
Butler, Witherspoon, Wiggins, Sparks, Hopson,  
Bryan, Simmons (12th), Simmons (13th)

To: Finance

SENATE BILL NO. 3053

1 AN ACT TO AUTHORIZE THE ISSUANCE OF STATE GENERAL OBLIGATION  
2 BONDS IN THE AMOUNT OF \$5,000,000.00 FOR THE MISSISSIPPI PORTS  
3 IMPROVEMENTS FUND; AND FOR RELATED PURPOSES.

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

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

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

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

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

17 (2) (a) The Mississippi Development Authority, at one time,  
18 or from time to time, may declare by resolution the necessity for



19 issuance of general obligation bonds of the State of Mississippi  
20 to provide funds for the program authorized in Section 57-1-731.  
21 Upon the adoption of a resolution by the Mississippi Development  
22 Authority declaring the necessity for the issuance of any part or  
23 all of the general obligation bonds authorized by this subsection,  
24 the Mississippi Development Authority shall deliver a certified  
25 copy of its resolution or resolutions to the commission. Upon  
26 receipt of such resolution, the commission, in its discretion, may  
27 act as the issuing agent, prescribe the form of the bonds,  
28 determine the appropriate method for sale of the bonds, advertise  
29 for and accept bids or negotiate the sale of the bonds, issue and  
30 sell the bonds so authorized to be sold, and do any and all other  
31 things necessary and advisable in connection with the issuance and  
32 sale of such bonds. The total amount of bonds issued under this  
33 section shall not exceed Five Million Dollars (\$5,000,000.00). No  
34 bonds authorized under this section shall be issued after July 1,  
35 2025.

36 (b) The proceeds of bonds issued pursuant to this  
37 section shall be deposited into the Mississippi Ports Improvements  
38 Fund created pursuant to Section 57-1-731. Any investment  
39 earnings on bonds issued pursuant to this section shall be used to  
40 pay debt service on bonds issued under this section, in accordance  
41 with the proceedings authorizing issuance of such bonds.

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



44 subsection. Such bonds shall bear such date or dates, be in such  
45 denomination or denominations, bear interest at such rate or rates  
46 (not to exceed the limits set forth in Section 75-17-101,  
47 Mississippi Code of 1972), be payable at such place or places  
48 within or without the State of Mississippi, shall mature  
49 absolutely at such time or times not to exceed twenty-five (25)  
50 years from date of issue, be redeemable before maturity at such  
51 time or times and upon such terms, with or without premium, shall  
52 bear such registration privileges, and shall be substantially in  
53 such form, all as shall be determined by resolution of the  
54 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 the issuing agent for the  
80 bonds authorized under this section, prescribe the form of the  
81 bonds, determine the appropriate method for sale of the bonds,  
82 advertise for and accept bids or negotiate the sale of the bonds,  
83 issue and sell the bonds so authorized to be sold, pay all fees  
84 and costs incurred in such issuance and sale, and do any and all  
85 other things necessary and advisable in connection with the  
86 issuance and sale of such bonds. The commission is authorized and  
87 empowered to pay the costs that are incident to the sale, issuance  
88 and delivery of the bonds authorized under this section from the  
89 proceeds derived from the sale of such bonds. The commission  
90 shall sell such bonds on sealed bids at public sale or may  
91 negotiate the sale of the bonds for such price as it may determine  
92 to be for the best interest of the State of Mississippi. All



93 interest accruing on such bonds so issued shall be payable  
94 semiannually or annually.

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

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

106 (7) The bonds issued under the provisions of this section  
107 are general obligations of the State of Mississippi, and for the  
108 payment thereof the full faith and credit of the State of  
109 Mississippi is irrevocably pledged. If the funds appropriated by  
110 the Legislature are insufficient to pay the principal of and the  
111 interest on such bonds as they become due, then the deficiency  
112 shall be paid by the State Treasurer from any funds in the State  
113 Treasury not otherwise appropriated. All such bonds shall contain  
114 recitals on their faces substantially covering the provisions of  
115 this subsection.

116 (8) Upon the issuance and sale of bonds under the provisions  
117 of this section, the commission shall transfer the proceeds of any



118 such sale or sales to the Mississippi Ports Improvements Fund  
119 created in Section 57-1-731. The proceeds of such bonds shall be  
120 disbursed solely upon the order of the Mississippi Development  
121 Authority under such restrictions, if any, as may be contained in  
122 the resolution providing for the issuance of the bonds.

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

132 (10) The bonds authorized under the authority of this  
133 section may be validated in the Chancery Court of the First  
134 Judicial District of Hinds County, Mississippi, in the manner and  
135 with the force and effect provided by Title 31, Chapter 13,  
136 Mississippi Code of 1972, for the validation of county, municipal,  
137 school district and other bonds. The notice to taxpayers required  
138 by such statutes shall be published in a newspaper published or  
139 having a general circulation in the City of Jackson, Mississippi.

140 (11) Any holder of bonds issued under the provisions of this  
141 section or of any of the interest coupons pertaining thereto may,  
142 either at law or in equity, by suit, action, mandamus or other



143 proceeding, protect and enforce any and all rights granted under  
144 this section, or under such resolution, and may enforce and compel  
145 performance of all duties required by this section to be  
146 performed, in order to provide for the payment of bonds and  
147 interest thereon.

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

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

159 (14) The proceeds of the bonds issued under this section  
160 shall be used solely for the purposes therein provided, including  
161 the costs incident to the issuance and sale of such bonds.

162 (15) The State Treasurer is authorized, without further  
163 process of law, to certify to the Department of Finance and  
164 Administration the necessity for warrants, and the Department of  
165 Finance and Administration is authorized and directed to issue  
166 such warrants, in such amounts as may be necessary to pay when due  
167 the principal of, premium, if any, and interest on, or the



168 accreted value of, all bonds issued under this section; and the  
169 State Treasurer shall forward the necessary amount to the  
170 designated place or places of payment of such bonds in ample time  
171 to discharge such bonds, or the interest thereon, on the due dates  
172 thereof.

173 (16) This section shall be deemed to be full and complete  
174 authority for the exercise of the powers therein granted, but this  
175 section shall not be deemed to repeal or to be in derogation of  
176 any existing law of this state.

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

