

By: Representative Newman

To: Ways and Means

HOUSE BILL NO. 37

1 AN ACT TO AUTHORIZE THE ISSUANCE OF STATE GENERAL OBLIGATION  
 2 BONDS TO PROVIDE FUNDS TO ASSIST THE CITY OF PEARL, MISSISSIPPI,  
 3 IN PAYING COSTS ASSOCIATED WITH CONSTRUCTION OF A BRIDGE EXTENDING  
 4 FROM THE INTERSECTION OF THE EXTENSION OF WARE STREET AND  
 5 RELOCATED ST. AUGUSTINE STREET TO PEARSON ROAD IN THE CITY OF  
 6 PEARL, 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) (i) A special fund, to be designated the "2022  
21 City of Pearl Bridge Construction Fund," is created within the  
22 State Treasury. The fund shall be maintained by the State  
23 Treasurer as a separate and special fund, separate and apart from  
24 the General Fund of the state. Unexpended amounts remaining in  
25 the fund at the end of a fiscal year shall not lapse into the  
26 State General Fund, and any interest earned or investment earnings  
27 on amounts in the fund shall be deposited into such fund.

28 (ii) Monies deposited into the fund shall be  
29 disbursed, in the discretion of the Department of Finance and  
30 Administration, to assist with construction of a bridge extending  
31 from the intersection of the extension of Ware Street and  
32 relocated St. Augustine Street to Pearson Road in the City of  
33 Pearl, Mississippi.

34 (b) Amounts deposited into such special fund shall be  
35 disbursed to pay the costs of the projects described in paragraph  
36 (a) of this subsection. Promptly after the commission has  
37 certified, by resolution duly adopted, that the projects described  
38 in paragraph (a) of this subsection shall have been completed,  
39 abandoned, or cannot be completed in a timely fashion, any amounts  
40 remaining in such special fund shall be applied to pay debt  
41 service on the bonds issued under this section, in accordance with  
42 the proceedings authorizing the issuance of such bonds and as  
43 directed by the commission.



44           (3) (a) The commission, at one time, or from time to time,  
45 may declare by resolution the necessity for issuance of general  
46 obligation bonds of the State of Mississippi to provide funds for  
47 all costs incurred or to be incurred for the purposes described in  
48 subsection (2) of this section. Upon the adoption of a resolution  
49 by the Department of Finance and Administration, declaring the  
50 necessity for the issuance of any part or all of the general  
51 obligation bonds authorized by this subsection, the department  
52 shall deliver a certified copy of its resolution or resolutions to  
53 the commission. Upon receipt of such resolution, the commission,  
54 in its discretion, may act as the issuing agent, prescribe the  
55 form of the bonds, determine the appropriate method for sale of  
56 the bonds, advertise for and accept bids or negotiate the sale of  
57 the bonds, issue and sell the bonds so authorized to be sold and  
58 do any and all other things necessary and advisable in connection  
59 with the issuance and sale of such bonds. The total amount of  
60 bonds issued under this section shall not exceed Two Million  
61 Dollars (\$2,000,000.00). No bonds shall be issued under this  
62 section after July 1, 2026.

63           (b) Any investment earnings on amounts deposited into  
64 the special fund created in subsection (2) of this section shall  
65 be used to pay debt service on bonds issued under this section, in  
66 accordance with the proceedings authorizing issuance of such  
67 bonds.



68           (4) The principal of and interest on the bonds authorized  
69 under this section shall be payable in the manner provided in this  
70 subsection. Such bonds shall bear such date or dates, be in such  
71 denomination or denominations, bear interest at such rate or rates  
72 (not to exceed the limits set forth in Section 75-17-101,  
73 Mississippi Code of 1972), be payable at such place or places  
74 within or without the State of Mississippi, shall mature  
75 absolutely at such time or times not to exceed twenty-five (25)  
76 years from date of issue, be redeemable before maturity at such  
77 time or times and upon such terms, with or without premium, shall  
78 bear such registration privileges, and shall be substantially in  
79 such form, all as shall be determined by resolution of the  
80 commission.

81           (5) The bonds authorized by this section shall be signed by  
82 the chairman of the commission, or by his facsimile signature, and  
83 the official seal of the commission shall be affixed thereto,  
84 attested by the secretary of the commission. The interest  
85 coupons, if any, to be attached to such bonds may be executed by  
86 the facsimile signatures of such officers. Whenever any such  
87 bonds shall have been signed by the officials designated to sign  
88 the bonds who were in office at the time of such signing but who  
89 may have ceased to be such officers before the sale and delivery  
90 of such bonds, or who may not have been in office on the date such  
91 bonds may bear, the signatures of such officers upon such bonds  
92 and coupons shall nevertheless be valid and sufficient for all



93 purposes and have the same effect as if the person so officially  
94 signing such bonds had remained in office until their delivery to  
95 the purchaser, or had been in office on the date such bonds may  
96 bear. However, notwithstanding anything herein to the contrary,  
97 such bonds may be issued as provided in the Registered Bond Act of  
98 the State of Mississippi.

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

105 (7) The commission shall act as issuing agent for the bonds  
106 authorized under this section, prescribe the form of the bonds,  
107 determine the appropriate method for sale of the bonds, advertise  
108 for and accept bids or negotiate the sale of the bonds, issue and  
109 sell the bonds so authorized to be sold, pay all fees and costs  
110 incurred in such issuance and sale, and do any and all other  
111 things necessary and advisable in connection with the issuance and  
112 sale of such bonds. The commission is authorized and empowered to  
113 pay the costs that are incident to the sale, issuance and delivery  
114 of the bonds authorized under this section from the proceeds  
115 derived from the sale of such bonds. The commission may sell such  
116 bonds on sealed bids at public sale or may negotiate the sale of  
117 the bonds for such price as it may determine to be for the best



118 interest of the State of Mississippi. All interest accruing on  
119 such bonds so issued shall be payable semiannually or annually.

120 If such bonds are sold by sealed bids at public sale, notice  
121 of the sale shall be published at least one (1) time, not less  
122 than ten (10) days before the date of sale, and shall be so  
123 published in one or more newspapers published or having a general  
124 circulation in the City of Jackson, Mississippi, selected by the  
125 commission.

126 The commission, when issuing any bonds under the authority of  
127 this section, may provide that bonds, at the option of the State  
128 of Mississippi, may be called in for payment and redemption at the  
129 call price named therein and accrued interest on such date or  
130 dates named therein.

131 (8) The bonds issued under the provisions of this section  
132 are general obligations of the State of Mississippi, and for the  
133 payment thereof the full faith and credit of the State of  
134 Mississippi is irrevocably pledged. If the funds appropriated by  
135 the Legislature are insufficient to pay the principal of and the  
136 interest on such bonds as they become due, then the deficiency  
137 shall be paid by the State Treasurer from any funds in the State  
138 Treasury not otherwise appropriated. All such bonds shall contain  
139 recitals on their faces substantially covering the provisions of  
140 this subsection.

141 (9) Upon the issuance and sale of bonds under the provisions  
142 of this section, the commission shall transfer the proceeds of any



143 such sale or sales to the special fund created in subsection (2)  
144 of this section. The proceeds of such bonds shall be disbursed  
145 solely upon the order of the Department of Finance and  
146 Administration under such restrictions, if any, as may be  
147 contained in the resolution providing for the issuance of the  
148 bonds.

149 (10) The bonds authorized under this section may be issued  
150 without any other proceedings or the happening of any other  
151 conditions or things other than those proceedings, conditions and  
152 things which are specified or required by this section. Any  
153 resolution providing for the issuance of bonds under the  
154 provisions of this section shall become effective immediately upon  
155 its adoption by the commission, and any such resolution may be  
156 adopted at any regular or special meeting of the commission by a  
157 majority of its members.

158 (11) The bonds authorized under the authority of this  
159 section may be validated in the Chancery Court of the First  
160 Judicial District of Hinds County, Mississippi, in the manner and  
161 with the force and effect provided by Chapter 13, Title 31,  
162 Mississippi Code of 1972, for the validation of county, municipal,  
163 school district and other bonds. The notice to taxpayers required  
164 by such statutes shall be published in a newspaper published or  
165 having a general circulation in the City of Jackson, Mississippi.

166 (12) Any holder of bonds issued under the provisions of this  
167 section or of any of the interest coupons pertaining thereto may,



168 either at law or in equity, by suit, action, mandamus or other  
169 proceeding, protect and enforce any and all rights granted under  
170 this section, or under such resolution, and may enforce and compel  
171 performance of all duties required by this section to be  
172 performed, in order to provide for the payment of bonds and  
173 interest thereon.

174 (13) All bonds issued under the provisions of this section  
175 shall be legal investments for trustees and other fiduciaries, and  
176 for savings banks, trust companies and insurance companies  
177 organized under the laws of the State of Mississippi, and such  
178 bonds shall be legal securities which may be deposited with and  
179 shall be received by all public officers and bodies of this state  
180 and all municipalities and political subdivisions for the purpose  
181 of securing the deposit of public funds.

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

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

188 (16) The State Treasurer is authorized, without further  
189 process of law, to certify to the Department of Finance and  
190 Administration the necessity for warrants, and the Department of  
191 Finance and Administration is authorized and directed to issue  
192 such warrants, in such amounts as may be necessary to pay when due





193 the principal of, premium, if any, and interest on, or the  
194 accreted value of, all bonds issued under this section; and the  
195 State Treasurer shall forward the necessary amount to the  
196 designated place or places of payment of such bonds in ample time  
197 to discharge such bonds, or the interest thereon, on the due dates  
198 thereof.

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

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

