

By: Representative Byrd

To: Ways and Means

## HOUSE BILL NO. 529

1 AN ACT TO AUTHORIZE THE ISSUANCE OF STATE GENERAL OBLIGATION  
2 BONDS TO PROVIDE FUNDS TO THE CITY OF PETAL, MISSISSIPPI, TO USE  
3 FOR THE PURPOSE OF PROVIDING FUNDS TO ASSIST PETAL EXCEL BY 5 IN  
4 PAYING COSTS ASSOCIATED WITH CONSTRUCTION AND DEVELOPMENT OF A  
5 PLAYGROUND AND RELATED STRUCTURES AND FACILITIES ON LAND OWNED BY  
6 THE CITY OF PETAL AND ACQUISITION AND INSTALLATION OF RELATED  
7 PLAYGROUND EQUIPMENT FOR THE PLAYGROUND; AND FOR RELATED PURPOSES.

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

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

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

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

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



21           (2)   (a)   (i)   A special fund, to be designated the "2022  
22   Petal Excel By 5 Playground Fund," is created within the State  
23   Treasury. The fund shall be maintained by the State Treasurer as  
24   a separate and special fund, separate and apart from the General  
25   Fund of the state. Unexpended amounts remaining in the fund at  
26   the end of a fiscal year shall not lapse into the State General  
27   Fund, and any interest earned or investment earnings on amounts in  
28   the fund shall be deposited into such fund.

29                       (ii)   Monies deposited into the fund shall be  
30   disbursed, in the discretion of the Department of Finance and  
31   Administration, to the City of Petal, Mississippi, to use for the  
32   purpose of providing funds to assist Petal Excel by 5 in paying  
33   costs associated with construction and development of a playground  
34   and related structures and facilities on land owned by the City of  
35   Petal and acquisition and installation of related playground  
36   equipment for the playground.

37           (b)   Amounts deposited into such special fund shall be  
38   disbursed to pay the costs of the projects described in paragraph  
39   (a) of this subsection. Promptly after the commission has  
40   certified, by resolution duly adopted, that the projects described  
41   in paragraph (a) of this subsection shall have been completed,  
42   abandoned, or cannot be completed in a timely fashion, any amounts  
43   remaining in such special fund shall be applied to pay debt  
44   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 Three Hundred Thousand Dollars (\$300,000.00). No bonds shall be issued under this section after July 1, 2026.

(b) Any investment earnings on amounts deposited into the special fund created in subsection (2) of this section shall be used to pay debt service on bonds issued under this section, in



69 accordance with the proceedings authorizing issuance of such  
70 bonds.

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

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



94 bonds may bear, the signatures of such officers upon such bonds  
95 and coupons shall nevertheless be valid and sufficient for all  
96 purposes and have the same effect as if the person so officially  
97 signing such bonds had remained in office until their delivery to  
98 the purchaser, or had been in office on the date such bonds may  
99 bear. However, notwithstanding anything herein to the contrary,  
100 such bonds may be issued as provided in the Registered Bond Act of  
101 the State of Mississippi.

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

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



bonds on sealed bids at public sale or may negotiate the sale of the bonds for such price as it may determine to be for the best interest of the State of Mississippi. All interest accruing on such bonds so issued shall be payable semiannually or annually.

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

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

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



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

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

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



169           (12) Any holder of bonds issued under the provisions of this  
170 section or of any of the interest coupons pertaining thereto may,  
171 either at law or in equity, by suit, action, mandamus or other  
172 proceeding, protect and enforce any and all rights granted under  
173 this section, or under such resolution, and may enforce and compel  
174 performance of all duties required by this section to be  
175 performed, in order to provide for the payment of bonds and  
176 interest thereon.

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

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

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

191           (16) The State Treasurer is authorized, without further  
192 process of law, to certify to the Department of Finance and  
193 Administration the necessity for warrants, and the Department of





194 Finance and Administration is authorized and directed to issue  
195 such warrants, in such amounts as may be necessary to pay when due  
196 the principal of, premium, if any, and interest on, or the  
197 accreted value of, all bonds issued under this section; and the  
198 State Treasurer shall forward the necessary amount to the  
199 designated place or places of payment of such bonds in ample time  
200 to discharge such bonds, or the interest thereon, on the due dates  
201 thereof.

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

206 **SECTION 2.** This act shall take effect and be in force from  
207 and after July 1, 2022.

