

By: Representatives Lamar, Gunn

To: Ways and Means

HOUSE BILL NO. 1686

1 AN ACT TO AUTHORIZE THE ISSUANCE OF STATE GENERAL OBLIGATION
2 BONDS TO PROVIDE FUNDS FOR THE PURPOSE OF DEFEASING MISSISSIPPI
3 DEVELOPMENT BANK SPECIAL OBLIGATION BONDS ISSUED FOR THE PURPOSE
4 OF ACCELERATING CERTAIN HIGHWAY CONSTRUCTION PROJECTS FOR THE
5 MISSISSIPPI DEPARTMENT OF TRANSPORTATION UNDER SECTION 65-1-8; TO
6 AMEND SECTION 65-1-8, MISSISSIPPI CODE OF 1972, TO PROHIBIT NEW
7 AGREEMENTS MADE BY THE MISSISSIPPI TRANSPORTATION COMMISSION UNDER
8 THIS SECTION FOR THE PURPOSE OF ACCELERATING CERTAIN HIGHWAY
9 CONSTRUCTION PROJECTS; TO BRING FORWARD SECTION 3, CHAPTER 520,
10 LAWS OF 2010, AS AMENDED BY SECTION 39, CHAPTER 569, LAWS OF 2013,
11 WHICH AUTHORIZES THE ISSUANCE OF STATE GENERAL OBLIGATION BONDS
12 FOR VARIOUS ROAD AND BRIDGE PURPOSES, FOR THE PURPOSES OF POSSIBLE
13 AMENDMENT; AND FOR RELATED PURPOSES.

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

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

18 (a) "Accreted value" of any bond means, as of any date
19 of computation, an amount equal to the sum of (i) the stated
20 initial value of such bond, plus (ii) the interest accrued thereon
21 from the issue date to the date of computation at the rate,
22 compounded semiannually, that is necessary to produce the



23 approximate yield to maturity shown for bonds of the same
24 maturity.

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

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

27 (2) The commission, at one time, or from time to time, may
28 declare by resolution the necessity for issuance of general
29 obligation bonds of the State of Mississippi to provide funds for
30 all costs incurred or to be incurred for the purpose of defeasing
31 all or any part of the Mississippi Development Bank Special
32 Obligation Bonds issued for the purpose of accelerating highway
33 construction projects for the Mississippi Department of
34 Transportation under Section 65-1-8(2)(z), Mississippi Code of
35 1972. Upon the adoption of a resolution by the Department of
36 Finance and Administration, declaring the necessity for the
37 issuance of any part or all of the general obligation bonds
38 authorized by this subsection, the department shall deliver a
39 certified copy of its resolution or resolutions to the commission.
40 Upon receipt of such resolution, the commission, in its
41 discretion, may act as the issuing agent, prescribe the form of
42 the bonds, determine the appropriate method for sale of the bonds,
43 advertise for and accept bids or negotiate the sale of the bonds,
44 issue and sell the bonds so authorized to be sold and do any and
45 all other things necessary and advisable in connection with the
46 issuance and sale of such bonds. The total amount of bonds issued
47 under this section shall not exceed Six Hundred Fifty Million



48 Dollars (\$650,000,000.00). No bonds shall be issued under this
49 section after July 1, 2026.

50 (3) The principal of and interest on the bonds authorized
51 under this section shall be payable in the manner provided in this
52 subsection. Such bonds shall bear such date or dates, be in such
53 denomination or denominations, bear interest at such rate or rates
54 (not to exceed the limits set forth in Section 75-17-101,
55 Mississippi Code of 1972), be payable at such place or places
56 within or without the State of Mississippi, shall mature
57 absolutely at such time or times not to exceed twenty-five (25)
58 years from date of issue, be redeemable before maturity at such
59 time or times and upon such terms, with or without premium, shall
60 bear such registration privileges, and shall be substantially in
61 such form, all as shall be determined by resolution of the
62 commission.

63 (4) The bonds authorized by this section shall be signed by
64 the chairman of the commission, or by his facsimile signature, and
65 the official seal of the commission shall be affixed thereto,
66 attested by the secretary of the commission. The interest
67 coupons, if any, to be attached to such bonds may be executed by
68 the facsimile signatures of such officers. Whenever any such
69 bonds shall have been signed by the officials designated to sign
70 the bonds who were in office at the time of such signing but who
71 may have ceased to be such officers before the sale and delivery
72 of such bonds, or who may not have been in office on the date such



73 bonds may bear, the signatures of such officers upon such bonds
74 and coupons shall nevertheless be valid and sufficient for all
75 purposes and have the same effect as if the person so officially
76 signing such bonds had remained in office until their delivery to
77 the purchaser, or had been in office on the date such bonds may
78 bear. However, notwithstanding anything herein to the contrary,
79 such bonds may be issued as provided in the Registered Bond Act of
80 the State of Mississippi.

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

87 (6) The commission shall act as issuing agent for the bonds
88 authorized under this section, prescribe the form of the bonds,
89 determine the appropriate method for sale of the bonds, advertise
90 for and accept bids or negotiate the sale of the bonds, issue and
91 sell the bonds so authorized to be sold, pay all fees and costs
92 incurred in such issuance and sale, and do any and all other
93 things necessary and advisable in connection with the issuance and
94 sale of such bonds. The commission is authorized and empowered to
95 pay the costs that are incident to the sale, issuance and delivery
96 of the bonds authorized under this section from the proceeds
97 derived from the sale of such bonds. The commission may sell such



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

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

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

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



123 (8) Upon the issuance and sale of bonds under the provisions
124 of this section, the commission shall transfer the proceeds of any
125 such sale or sales to an escrow account established and used in a
126 manner similar to that authorized under Sections 31-27-9 and
127 31-27-15, Mississippi Code of 1972, for the purpose of defeasing
128 all or any part of the Mississippi Development Bank Special
129 Obligation Bonds issued for the purpose of accelerating highway
130 construction projects for the Mississippi Department of
131 Transportation under Section 65-1-8(2)(z), Mississippi Code of
132 1972.

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

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



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

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

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

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

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



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

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

187 **SECTION 2.** Section 65-1-8, Mississippi Code of 1972, is
188 amended as follows:

189 65-1-8. (1) The Mississippi Transportation Commission shall
190 have the following general powers, duties and responsibilities:

191 (a) To coordinate and develop a comprehensive, balanced
192 transportation policy for the State of Mississippi;

193 (b) To promote the coordinated and efficient use of all
194 available and future modes of transportation;



195 (c) To make recommendations to the Legislature
196 regarding alterations or modifications in any existing
197 transportation policies;

198 (d) To study means of encouraging travel and
199 transportation of goods by the combination of motor vehicle and
200 other modes of transportation;

201 (e) To take such actions as are necessary and proper to
202 discharge its duties pursuant to the provisions of Chapter 496,
203 Laws of 1992, and any other provision of law;

204 (f) To receive and provide for the expenditure of any
205 funds made available to it by the Legislature, the federal
206 government or any other source.

207 (2) In addition to the general powers, duties and
208 responsibilities listed in subsection (1) of this section, the
209 Mississippi Transportation Commission shall have the following
210 specific powers:

211 (a) To make rules and regulations whereby the
212 Transportation Department shall change or relocate any and all
213 highways herein or hereafter fixed as constituting a part of the
214 state highway system, as may be deemed necessary or economical in
215 the construction or maintenance thereof; to acquire by gift,
216 purchase, condemnation or otherwise, land or other property
217 whatsoever that may be necessary for a state highway system as
218 herein provided, with full consideration to be given to the
219 stimulation of local public and private investment when acquiring



220 such property in the vicinity of Mississippi towns, cities and
221 population centers;

222 (b) To enforce by mandamus, or other proper legal
223 remedies, all legal rights or rights of action of the Mississippi
224 Transportation Commission with other public bodies, corporations
225 or persons;

226 (c) To make and publish rules, regulations and
227 ordinances for the control of and the policing of the traffic on
228 the state highways, and to prevent their abuse by any or all
229 persons, natural or artificial, by trucks, tractors, trailers or
230 any other heavy or destructive vehicles or machines, or by any
231 other means whatsoever, by establishing weights of loads or of
232 vehicles, types of tires, width of tire surfaces, length and width
233 of vehicles, with reasonable variations to meet approximate
234 weather conditions, and all other proper police and protective
235 regulations, and to provide ample means for the enforcement of
236 same. The violation of any of the rules, regulations or
237 ordinances so prescribed by the commission shall constitute a
238 misdemeanor. No rule, regulation or ordinance shall be made that
239 conflicts with any statute now in force or which may hereafter be
240 enacted, or with any ordinance of municipalities. A monthly
241 publication giving general information to the boards of
242 supervisors, employees and the public may be issued under such
243 rules and regulations as the commission may determine;



244 (d) To give suitable numbers to highways and to change
245 the number of any highway that shall become a part of the state
246 highway system. However, nothing herein shall authorize the
247 number of any highway to be changed so as to conflict with any
248 designation thereof as a U.S. numbered highway. Where, by a
249 specific act of the Legislature, the commission has been directed
250 to give a certain number to a highway, the commission shall not
251 have the authority to change such number;

252 (e) (i) To make proper and reasonable rules,
253 regulations, and ordinances for the placing, erection, removal or
254 relocation of telephone, telegraph or other poles, signboards,
255 fences, gas, water, sewerage, oil or other pipelines, and other
256 obstructions that may, in the opinion of the commission,
257 contribute to the hazards upon any of the state highways, or in
258 any way interfere with the ordinary travel upon such highways, or
259 the construction, reconstruction or maintenance thereof, and to
260 make reasonable rules and regulations for the proper control
261 thereof. Any violation of such rules or regulations or
262 noncompliance with such ordinances shall constitute a misdemeanor;

263 (ii) Except as otherwise provided for in this
264 paragraph, whenever the order of the commission shall require the
265 removal of, or other changes in the location of telephone,
266 telegraph or other poles, signboards, gas, water, sewerage, oil or
267 other pipelines; or other similar obstructions on the right-of-way
268 or such other places where removal is required by law, the owners



269 thereof shall at their own expense move or change the same to
270 conform to the order of the commission. Any violation of such
271 rules or regulations or noncompliance with such orders shall
272 constitute a misdemeanor;

273 (iii) Rural water districts, rural water systems,
274 nonprofit water associations and municipal public water systems in
275 municipalities with a population of ten thousand (10,000) or less,
276 according to the latest federal decennial census, shall not be
277 required to bear the cost and expense of removal and relocation of
278 water and sewer lines and facilities constructed or in place in
279 the rights-of-way of state highways. The cost and expense of such
280 removal and relocation, including any unpaid prior to July 1,
281 2002, shall be paid by the Department of Transportation;

282 (iv) Municipal public sewer systems and municipal
283 gas systems owned by municipalities with a population of ten
284 thousand (10,000) or less, according to the latest federal
285 decennial census, shall not be required to bear the cost and
286 expense of removal and relocation of lines and facilities
287 constructed or in place in the rights-of-way of state highways.
288 The cost and expense of such removal and relocation, including any
289 unpaid prior to July 1, 2003, shall be paid by the Department of
290 Transportation;

291 (f) To regulate and abandon grade crossings on any road
292 fixed as a part of the state highway system, and whenever the
293 commission, in order to avoid a grade crossing with the railroad,



294 locates or constructs said road on one side of the railroad, the
295 commission shall have the power to abandon and close such grade
296 crossing, and whenever an underpass or overhead bridge is
297 substituted for a grade crossing, the commission shall have power
298 to abandon such grade crossing and any other crossing adjacent
299 thereto. Included in the powers herein granted shall be the power
300 to require the railroad at grade crossings, where any road of the
301 state highway system crosses the same, to place signal posts with
302 lights or other warning devices at such crossings at the expense
303 of the railroad, and to regulate and abandon underpass or overhead
304 bridges and, where abandoned because of the construction of a new
305 underpass or overhead bridge, to close such old underpass or
306 overhead bridge, or, in its discretion, to return the same to the
307 jurisdiction of the county board of supervisors;

308 (g) To make proper and reasonable rules and regulations
309 to control the cutting or opening of the road surfaces for
310 subsurface installations;

311 (h) To make proper and reasonable rules and regulations
312 for the removal from the public rights-of-way of any form of
313 obstruction, to cooperate in improving their appearance, and to
314 prescribe minimum clearance heights for seed conveyors, pipes,
315 passageways or other structure of private or other ownership above
316 the highways;

317 (i) To establish, and have the Transportation
318 Department maintain and operate, and to cooperate with the state



319 educational institutions in establishing, enlarging, maintaining
320 and operating a laboratory or laboratories for testing materials
321 and for other proper highway purposes;

322 (j) To provide, under the direction and with the
323 approval of the Department of Finance and Administration, suitable
324 offices, shops and barns in the City of Jackson;

325 (k) To establish and have enforced set-back
326 regulations;

327 (l) To cooperate with proper state authorities in
328 producing limerock for highway purposes and to purchase same at
329 cost;

330 (m) To provide for the purchase of necessary equipment
331 and vehicles and to provide for the repair and housing of same, to
332 acquire by gift, purchase, condemnation or otherwise, land or
333 lands and buildings in fee simple, and to authorize the
334 Transportation Department to construct, lease or otherwise provide
335 necessary and proper permanent district offices for the
336 construction and maintenance divisions of the department, and for
337 the repair and housing of the equipment and vehicles of the
338 department; however, in each Supreme Court district only two (2)
339 permanent district offices shall be set up, but a permanent status
340 shall not be given to any such offices until so provided by act of
341 the Legislature and in the meantime, all shops of the department
342 shall be retained at their present location. As many local or
343 subdistrict offices, shops or barns may be provided as is



344 essential and proper to economical maintenance of the state
345 highway system;

346 (n) To cooperate with the Department of Archives and
347 History in having placed and maintained suitable historical
348 markers, including those which have been approved and purchased by
349 the State Historical Commission, along state highways, and to have
350 constructed and maintained roadside driveways for convenience and
351 safety in viewing them when necessary;

352 (o) To cooperate, in its discretion, with the
353 Mississippi Department of Wildlife, Fisheries and Parks in
354 planning and constructing roadside parks upon the right-of-way of
355 state highways, whether constructed, under construction, or
356 planned; said parks to utilize where practical barrow pits used in
357 construction of state highways for use as fishing ponds. Said
358 parks shall be named for abundant flora and fauna existing in the
359 area or for the first flora or fauna found on the site;

360 (p) Unless otherwise prohibited by law, to make such
361 contracts and execute such instruments containing such reasonable
362 and necessary appropriate terms, provisions and conditions as in
363 its absolute discretion it may deem necessary, proper or
364 advisable, for the purpose of obtaining or securing financial
365 assistance, grants or loans from the United States of America or
366 any department or agency thereof, including contracts with several
367 counties of the state pertaining to the expenditure of such funds;



368 (q) To cooperate with the Federal Highway
369 Administration in the matter of location, construction and
370 maintenance of the Great River Road, to expend such funds paid to
371 the commission by the Federal Highway Administration or other
372 federal agency, and to authorize the Transportation Department to
373 erect suitable signs marking this highway, the cost of such signs
374 to be paid from state highway funds other than earmarked
375 construction funds;

376 (r) To cooperate, in its discretion, with the
377 Mississippi Forestry Commission and the School of Forestry,
378 Mississippi State University, in a forestry management program,
379 including planting, thinning, cutting and selling, upon the
380 right-of-way of any highway, constructed, acquired or maintained
381 by the Transportation Department, and to sell and dispose of any
382 and all growing timber standing, lying or being on any
383 right-of-way acquired by the commission for highway purposes in
384 the future; such sale or sales to be made in accordance with the
385 sale of personal property which has become unnecessary for public
386 use as provided for in Section 65-1-123, Mississippi Code of 1972;

387 (s) To expend funds in cooperation with the Division of
388 Plant Industry, Mississippi Department of Agriculture and
389 Commerce, the United States government or any department or agency
390 thereof, or with any department or agency of this state, to
391 control, suppress or eradicate serious insect pests, rodents,



392 plant parasites and plant diseases on the state highway
393 rights-of-way;

394 (t) To provide for the placement, erection and
395 maintenance of motorist services business signs and supports
396 within state highway rights-of-way in accordance with current
397 state and federal laws and regulations governing the placement of
398 traffic control devices on state highways, and to establish and
399 collect reasonable fees from the businesses having information on
400 such signs;

401 (u) To request and to accept the use of persons
402 convicted of an offense, whether a felony or a misdemeanor, for
403 work on any road construction, repair or other project of the
404 Transportation Department. The commission is also authorized to
405 request and to accept the use of persons who have not been
406 convicted of an offense but who are required to fulfill certain
407 court-imposed conditions pursuant to Section 41-29-150(d)(1) or
408 99-15-26, Mississippi Code of 1972, or the Pretrial Intervention
409 Act, being Sections 99-15-101 through 99-15-127, Mississippi Code
410 of 1972. The commission is authorized to enter into any
411 agreements with the Department of Corrections, the State Parole
412 Board, any criminal court of this state, and any other proper
413 official regarding the working, guarding, safekeeping, clothing
414 and subsistence of such persons performing work for the
415 Transportation Department. Such persons shall not be deemed
416 agents, employees or involuntary servants of the Transportation



417 Department while performing such work or while going to and from
418 work or other specified areas;

419 (v) To provide for the administration of the railroad
420 revitalization program pursuant to Section 57-43-1 et seq.;

421 (w) The Mississippi Transportation Commission is
422 further authorized, in its discretion, to expend funds for the
423 purchase of service pins for employees of the Mississippi
424 Transportation Department;

425 (x) To cooperate with the State Tax Commission by
426 providing for weight enforcement field personnel to collect and
427 assess taxes, fees and penalties and to perform all duties as
428 required pursuant to Section 27-55-501 et seq., Sections 27-19-1
429 et seq., 27-55-1 et seq., 27-59-1 et seq. and 27-61-1 et seq.,
430 Mississippi Code of 1972, with regard to vehicles subject to the
431 jurisdiction of the Office of Weight Enforcement. All collections
432 and assessments shall be transferred daily to the State Tax
433 Commission;

434 (y) The Mississippi Transportation Commission may
435 delegate the authority to enter into a supplemental agreement to a
436 contract previously approved by the commission if the supplemental
437 agreement involves an additional expenditure not to exceed One
438 Hundred Thousand Dollars (\$100,000.00);

439 (z) (i) The Mississippi Transportation Commission, in
440 its discretion, may enter into agreements with any county,
441 municipality, county transportation commission, business,



442 corporation, partnership, association, individual or other legal
443 entity, for the purpose of accelerating the completion date of
444 scheduled highway construction projects.

445 (ii) Such an agreement may permit the cost of a
446 highway construction project to be advanced to the commission by a
447 county, municipality, county transportation commission, business,
448 corporation, partnership, association, individual or other legal
449 entity, and repaid to such entity by the commission when highway
450 construction funds become available; provided, however, that
451 repayment of funds advanced to the Mississippi Transportation
452 Commission shall be made no sooner than the commission's
453 identified projected revenue schedule for funding of that
454 particular construction project, and no other scheduled highway
455 construction project established by statute or by the commission
456 may be delayed by an advanced funding project authorized under
457 this paragraph (z). Repayments to a private entity that advances
458 funds to the Mississippi Transportation Commission under this
459 paragraph (z) may not include interest or other fees or charges,
460 and the total amount repaid shall not exceed the total amount of
461 funds advanced to the commission by the entity.

462 (iii) In considering whether to enter into such an
463 agreement, the commission shall consider the availability of
464 financial resources, the effect of such agreement on other ongoing
465 highway construction, the urgency of the public's need for swift
466 completion of the project and any other relevant factors.



467 (iv) Such an agreement shall be executed only upon
468 a finding by the commission, spread upon its minutes, that the
469 acceleration of the scheduled project is both feasible and
470 beneficial. The commission shall also spread upon its minutes its
471 findings with regard to the factors required to be considered
472 pursuant to subparagraph (iii) of this paragraph (z) * * *.

473 (v) Upon the effective date of this act, new
474 agreements shall not be made under this paragraph (z);

475 (aa) The Mississippi Transportation Commission, in its
476 discretion, may purchase employment practices liability insurance,
477 and may purchase an excess policy to cover catastrophic losses
478 incurred under the commission's self-insured workers' compensation
479 program authorized under Section 71-3-5. Such policies shall be
480 written by the agent or agents of a company or companies
481 authorized to do business in the State of Mississippi. The
482 deductibles shall be in an amount deemed reasonable and prudent by
483 the commission, and the premiums thereon shall be paid from the
484 State Highway Fund. Purchase of insurance under this paragraph
485 shall not serve as an actual or implied waiver of sovereign
486 immunity or of any protection afforded the commission under the
487 Mississippi Tort Claims Act;

488 (bb) The Mississippi Transportation Commission is
489 further authorized, in its discretion, to expend funds for the
490 purchase of promotional materials for safety purposes, highway
491 beautification purposes and recruitment purposes;



492 (cc) To lease antenna space on communication towers
493 which it owns;

494 (dd) To receive funds from the Southeastern Association
495 of Transportation Officials and from other nonstate sources and
496 expend those funds for educational scholarships in transportation
497 related fields of study. The commission may adopt rules or
498 regulations as necessary for the implementation of the program. A
499 strict accounting shall be made of all funds deposited with the
500 commission and all funds dispersed.

501 **SECTION 3.** Section 3, Chapter 520, Laws of 2010, as amended
502 by Section 39, Chapter 569, Laws of 2013, is brought forward as
503 follows:

504 Section 39. Section 3, Chapter 520, Laws of 2010, is amended
505 as follows:

506 Section 3. (1) As used in this section, the following words
507 shall have the meanings ascribed herein unless the context clearly
508 requires otherwise:

509 (a) "Accreted value" of any bond means, as of any date
510 of computation, an amount equal to the sum of (i) the stated
511 initial value of such bond, plus (ii) the interest accrued thereon
512 from the issue date to the date of computation at the rate,
513 compounded semiannually, that is necessary to produce the
514 approximate yield to maturity shown for bonds of the same
515 maturity.

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



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

518 (2) (a) (i) A special fund, to be designated as the "State
519 Highway Bridge Rehabilitation Fund," is created within the State
520 Treasury. The fund shall be maintained by the State Treasurer as
521 a separate and special fund, separate and apart from the General
522 Fund of the state. Unexpended amounts remaining in the fund at
523 the end of a fiscal year shall not lapse into the State General
524 Fund, and any interest earned or investment earnings on amounts in
525 the fund shall be deposited into such fund.

526 (ii) Monies deposited into the fund shall be
527 disbursed to pay the costs incurred by the Mississippi
528 Transportation Commission and the Mississippi Department of
529 Transportation for the replacement or rehabilitation of the
530 bridges on state maintained highways with a National Bridge
531 Inspection Standards sufficiency rating of fifty (50) or less.

532 (b) Amounts deposited into such special fund shall be
533 disbursed to pay the costs of projects described in paragraph (a)
534 of this subsection. If any monies in such special fund are not
535 used within four (4) years after the date the proceeds of the
536 bonds authorized under this section are deposited into the special
537 fund, then the Mississippi Transportation Commission shall provide
538 an accounting of such unused monies to the commission. Promptly
539 after the commission has certified, by resolution duly adopted,
540 that the projects described in paragraph (a) of this subsection
541 shall have been completed, abandoned, or cannot be completed in a



542 timely fashion, any amounts remaining in such special fund shall
543 be applied to pay debt service on the bonds issued under this
544 section, in accordance with the proceedings authorizing the
545 issuance of such bonds and as directed by the commission.

546 (c) The Mississippi Transportation Commission is
547 expressly authorized and empowered to receive and expend any
548 federal, local or other source funds in connection with the
549 expenditure of funds provided for under this subsection.

550 (d) The expenditure of monies deposited into the
551 special fund shall be under the direction of the Mississippi
552 Transportation Commission, and such funds shall be paid by the
553 State Treasurer upon warrants issued by the Department of Finance
554 and Administration, which warrants shall be issued upon
555 requisitions signed by the Executive Director of the Mississippi
556 Department of Transportation.

557 (3) (a) (i) A special fund, to be designated as the
558 "Vision 21 High Priority Projects Fund," is created within the
559 State Treasury. The fund shall be maintained by the State
560 Treasurer as a separate and special fund, separate and apart from
561 the General Fund of the state. Unexpended amounts remaining in
562 the fund at the end of a fiscal year shall not lapse into the
563 State General Fund, and any interest earned or investment earnings
564 on amounts in the fund shall be deposited into such fund.

565 (ii) Monies deposited into the special fund shall
566 be disbursed to pay the costs incurred by the Mississippi



567 Transportation Commission and the Mississippi Department of
568 Transportation for the construction and reconstruction or
569 improvement of those highway segments described in Section
570 65-3-97(4)(a). Upon the completion of the construction and
571 reconstruction or improvement of those highway segments, the
572 monies deposited into the special fund shall be disbursed to pay
573 the costs incurred by the Mississippi Transportation Commission
574 and the Mississippi Department of Transportation for the
575 construction and reconstruction or improvement of those highway
576 segments described in Section 65-3-97(5)(f)(xxvi), (f)(xxvii),
577 (f)(xxxiv), (f)(xxxv), (f)(xl), (f)(xli), (h)(xiv) and (h)(xvi).

578 (b) Amounts deposited into such special fund shall be
579 disbursed to pay the costs of projects described in paragraph (a)
580 of this subsection. If any monies in such special fund are not
581 used within four (4) years after the date the proceeds of the
582 bonds authorized under this section are deposited into the special
583 fund, then the Mississippi Transportation Commission shall provide
584 an accounting of such unused monies to the commission. Promptly
585 after the commission has certified, by resolution duly adopted,
586 that the projects described in paragraph (a) of this subsection
587 shall have been completed, abandoned, or cannot be completed in a
588 timely fashion, any amounts remaining in such special fund shall
589 be applied to pay debt service on the bonds issued under this
590 section, in accordance with the proceedings authorizing the
591 issuance of such bonds and as directed by the commission.



592 (c) The Mississippi Transportation Commission is
593 expressly authorized and empowered to receive and expend any
594 federal, local or other source funds in connection with the
595 expenditure of funds provided for under this subsection.

596 (d) The expenditure of monies deposited into the
597 special fund shall be under the direction of the Mississippi
598 Transportation Commission, and such funds shall be paid by the
599 State Treasurer upon warrants issued by the Department of Finance
600 and Administration, which warrants shall be issued upon
601 requisitions signed by the Executive Director of the Mississippi
602 Department of Transportation.

603 (4) (a) (i) A special fund, to be designated as the "Camp
604 Shelby Access Improvement Fund," is created within the State
605 Treasury. The fund shall be maintained by the State Treasurer as
606 a separate and special fund, separate and apart from the General
607 Fund of the state. Unexpended amounts remaining in the fund at
608 the end of a fiscal year shall not lapse into the State General
609 Fund, and any interest earned or investment earnings on amounts in
610 the fund shall be deposited into such fund.

611 (ii) Monies deposited into the fund shall be
612 disbursed to pay the costs incurred by the Mississippi
613 Transportation Commission and the Mississippi Department of
614 Transportation for improvements to U.S. Highway 49 from one (1)
615 mile south of the South Gate of Camp Shelby to U.S. Highway 98.



616 (b) Amounts deposited into such special fund shall be
617 disbursed to pay the costs of projects described in paragraph (a)
618 of this subsection. If any monies in such special fund are not
619 used within four (4) years after the date the proceeds of the
620 bonds authorized under this section are deposited into the special
621 fund, then the Mississippi Transportation Commission shall provide
622 an accounting of such unused monies to the commission. Promptly
623 after the commission has certified, by resolution duly adopted,
624 that the projects described in paragraph (a) of this subsection
625 shall have been completed, abandoned, or cannot be completed in a
626 timely fashion, any amounts remaining in such special fund shall
627 be applied to pay debt service on the bonds issued under this
628 section, in accordance with the proceedings authorizing the
629 issuance of such bonds and as directed by the commission.

630 (c) The Mississippi Transportation Commission is
631 expressly authorized and empowered to receive and expend any
632 federal, local or other source funds in connection with the
633 expenditure of funds provided for under this subsection.

634 (d) The expenditure of monies deposited into the
635 special fund shall be under the direction of the Mississippi
636 Transportation Commission, and such funds shall be paid by the
637 State Treasurer upon warrants issued by the Department of Finance
638 and Administration, which warrants shall be issued upon
639 requisitions signed by the Executive Director of the Mississippi
640 Department of Transportation.



641 (5) (a) For the purposes of providing for the payment of a
642 portion of the principal of and interest on bonds issued under
643 this section, there is created in the State Treasury a special
644 fund to be known as the "Mississippi Highway Construction, Bridge
645 Rehabilitation and State Aid Road Bond Sinking Fund." The bond
646 sinking fund shall consist of monies transferred into the fund by
647 the Mississippi Department of Transportation as required by
648 paragraph (b) of this subsection and shall be utilized to pay a
649 portion of the principal of and interest on bonds issued under
650 this section. Unexpended amounts remaining in the bond sinking
651 fund at the end of a fiscal year shall not lapse into the State
652 General Fund, and any interest earned or investment earnings on
653 amounts in the bond sinking fund shall be deposited into the bond
654 sinking fund.

655 (b) Beginning in the fiscal year during which the bonds
656 authorized to be issued by this section are issued, and each
657 fiscal year thereafter until the principal and interest on such
658 bonds is paid, the Mississippi Department of Transportation shall
659 transfer, from any available funds, an amount equal to Five
660 Million Dollars (\$5,000,000.00), into the Mississippi Highway
661 Construction, Bridge Rehabilitation and State Aid Road Bond
662 Sinking Fund. The transfer of funds required by this paragraph
663 shall be made by the department at such times as the State
664 Treasurer shall require.



665 (6) (a) (i) The commission, at one time, or from time to
666 time, may declare by resolution the necessity for issuance of
667 general obligation bonds of the State of Mississippi to provide
668 funds for all costs incurred or to be incurred for the purposes
669 described in subsections (2), (3) and (4) of this section. Upon
670 the adoption of a resolution by the Mississippi Transportation
671 Commission declaring the necessity for the issuance of any part or
672 all of the general obligation bonds authorized by this section for
673 the purposes described in subsections (2), (3) and (4) of this
674 section, the Mississippi Transportation Commission shall deliver a
675 certified copy of its resolution or resolutions to the commission.
676 If the resolution adopted by the Mississippi Transportation
677 Commission is requesting the issuance of bonds for the purposes
678 described in subsections (2) and (3) of this section, the
679 resolution shall contain a list of the projects proposed to be
680 funded by the issuance of bonds under this section; however, the
681 list of projects in the resolution shall not control or restrict
682 the expenditure of the funds and the expenditure of such funds
683 shall be governed by the provisions of subsections (2) and (3) of
684 this section. Upon receipt of such resolution, the commission, in
685 its discretion, may act as the issuing agent, prescribe the form
686 of the bonds, determine the appropriate method for the sale of the
687 bonds, advertise for and accept bids or negotiate the sale of the
688 bonds, issue and sell the bonds so authorized to be sold, and do



689 any and all other things necessary and advisable in connection
690 with the issuance and sale of such bonds.

691 (ii) The commission, at one time, or from time to
692 time, may declare by resolution the necessity for issuance of
693 general obligation bonds of the State of Mississippi to provide
694 funds for all costs incurred or to be incurred for the purpose of
695 providing additional funds for deposit into the State Aid Road
696 Fund in the State Treasury. Upon the adoption of a resolution by
697 the Office of State Aid Road Construction declaring the necessity
698 for the issuance of any part or all of the general obligation
699 bonds authorized by this section for deposit into the State Aid
700 Road Fund, the Office of State Aid Road Construction shall deliver
701 a certified copy of its resolution or resolutions to the
702 commission. Upon receipt of such resolution, the commission, in
703 its discretion, may act as the issuing agent, prescribe the form
704 of the bonds, determine the appropriate method for the sale of the
705 bonds, advertise for and accept bids or negotiate the sale of the
706 bonds, issue and sell the bonds so authorized to be sold, and do
707 any and all other things necessary and advisable in connection
708 with the issuance and sale of such bonds.

709 (iii) The total amount of bonds issued under this
710 section shall not exceed One Hundred Eighty Million Dollars
711 (\$180,000,000.00). No bonds shall be issued under this section
712 after July 1, 2014.



713 (b) The proceeds of the bonds issued pursuant to this
714 section shall be deposited into the following special funds in not
715 more than the following amounts:

716 (i) The State Highway Bridge Rehabilitation Fund
717 created pursuant to subsection (2) of this
718 section.....\$100,000,000.00.

719 (ii) The Vision 21 High Priority Projects Fund
720 created pursuant to subsection (3) of this
721 section.....\$ 50,000,000.00.

722 (iii) The Camp Shelby Access Improvement Fund
723 created pursuant to subsection (4) of this
724 section.....\$ 10,000,000.00.

725 (iv) The State Aid Road Fund in the
726 State Treasury.....\$ 20,000,000.00.

727 (c) Any investment earnings on bonds issued pursuant to
728 this section shall be used to pay debt service on bonds issued
729 under this section, in accordance with the proceedings authorizing
730 issuance of such bonds.

731 (7) The principal of and interest on the bonds authorized
732 under this section shall be payable in the manner provided in this
733 subsection. Such bonds shall bear such date or dates, be in such
734 denomination or denominations, bear interest at such rate or rates
735 (not to exceed the limits set forth in Section 75-17-101,
736 Mississippi Code of 1972), be payable at such place or places
737 within or without the State of Mississippi, shall mature



738 absolutely at such time or times not to exceed twenty-five (25)
739 years from date of issue, be redeemable before maturity at such
740 time or times and upon such terms, with or without premium, shall
741 bear such registration privileges, and shall be substantially in
742 such form, all as shall be determined by resolution of the
743 commission.

744 (8) The bonds authorized by this section shall be signed by
745 the chairman of the commission, or by his facsimile signature, and
746 the official seal of the commission shall be affixed thereto,
747 attested by the secretary of the commission. The interest
748 coupons, if any, to be attached to such bonds may be executed by
749 the facsimile signatures of such officers. Whenever any such
750 bonds shall have been signed by the officials designated to sign
751 the bonds who were in office at the time of such signing but who
752 may have ceased to be such officers before the sale and delivery
753 of such bonds, or who may not have been in office on the date such
754 bonds may bear, the signatures of such officers upon such bonds
755 and coupons shall nevertheless be valid and sufficient for all
756 purposes and have the same effect as if the person so officially
757 signing such bonds had remained in office until their delivery to
758 the purchaser, or had been in office on the date such bonds may
759 bear. However, notwithstanding anything herein to the contrary,
760 such bonds may be issued as provided in the Registered Bond Act of
761 the State of Mississippi.



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

768 (10) The commission shall act as the issuing agent for the
769 bonds authorized under this section, prescribe the form of the
770 bonds, advertise for and accept bids or negotiate the sale of the
771 bonds, issue and sell the bonds so authorized to be sold, pay all
772 fees and costs incurred in such issuance and sale, and do any and
773 all other things necessary and advisable in connection with the
774 issuance and sale of such bonds. The commission is authorized and
775 empowered to pay the costs that are incident to the sale, issuance
776 and delivery of the bonds authorized under this section from the
777 proceeds derived from the sale of such bonds. The commission
778 shall sell such bonds on sealed bids at public sale or may
779 negotiate the sale of the bonds for such price as it may determine
780 to be for the best interest of the State of Mississippi. All
781 interest accruing on such bonds so issued shall be payable
782 semiannually or annually.

783 If such bonds are sold by sealed bids at public sale, notice
784 of the sale of any such bonds shall be published at least one
785 time, not less than ten (10) days before the date of sale, and
786 shall be so published in one or more newspapers published or



787 having a general circulation in the City of Jackson, Mississippi,
788 selected by the commission.

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

794 (11) The bonds issued under the provisions of this section
795 are general obligations of the State of Mississippi, and for the
796 payment thereof the full faith and credit of the State of
797 Mississippi is irrevocably pledged. If the funds in the bond
798 sinking fund created in subsection (5) of this section and any
799 funds appropriated by the Legislature are insufficient to pay the
800 principal of and the interest on such bonds as they become due,
801 then the deficiency shall be paid by the State Treasurer from any
802 funds in the State Treasury not otherwise appropriated. All such
803 bonds shall contain recitals on their faces substantially covering
804 the provisions of this subsection.

805 (12) Upon the issuance and sale of bonds under the
806 provisions of this section, the commission shall transfer the
807 proceeds of any such sale or sales to the special funds created in
808 subsections (2), (3) and (4) of this section and the State Aid
809 Road Fund in the State Treasury in the amounts provided for in
810 subsection (6) (b) of this section. The proceeds of such bonds
811 shall be disbursed solely upon the order of the Mississippi



812 Transportation Commission or the Office of State Aid Road
813 Construction, as the case may be, under such restrictions, if any,
814 as may be contained in the resolution providing for the issuance
815 of the bonds.

816 (13) The bonds authorized under this section may be issued
817 without any other proceedings or the happening of any other
818 conditions or things other than those proceedings, conditions and
819 things which are specified or required by this section. Any
820 resolution providing for the issuance of bonds under the
821 provisions of this section shall become effective immediately upon
822 its adoption by the commission, and any such resolution may be
823 adopted at any regular or special meeting of the commission by a
824 majority of its members.

825 (14) The bonds authorized under the authority of this
826 section may be validated in the Chancery Court of the First
827 Judicial District of Hinds County, Mississippi, in the manner and
828 with the force and effect provided by Chapter 13, Title 31,
829 Mississippi Code of 1972, for the validation of county, municipal,
830 school district and other bonds. The notice to taxpayers required
831 by such statutes shall be published in a newspaper published or
832 having a general circulation in the City of Jackson, Mississippi.

833 (15) Any holder of bonds issued under the provisions of this
834 section or of any of the interest coupons pertaining thereto may,
835 either at law or in equity, by suit, action, mandamus or other
836 proceeding, protect and enforce any and all rights granted under



837 this section, or under such resolution, and may enforce and compel
838 performance of all duties required by this section to be
839 performed, in order to provide for the payment of bonds and
840 interest thereon.

841 (16) All bonds issued under the provisions of this section
842 shall be legal investments for trustees and other fiduciaries, and
843 for savings banks, trust companies and insurance companies
844 organized under the laws of the State of Mississippi, and such
845 bonds shall be legal securities which may be deposited with and
846 shall be received by all public officers and bodies of this state
847 and all municipalities and political subdivisions for the purpose
848 of securing the deposit of public funds.

849 (17) Bonds issued under the provisions of this section and
850 income therefrom shall be exempt from all taxation in the State of
851 Mississippi.

852 (18) The proceeds of the bonds issued under this section
853 shall be used solely for the purposes herein provided, including
854 the costs incident to the issuance and sale of such bonds.

855 (19) The State Treasurer is authorized, without further
856 process of law, to certify to the Department of Finance and
857 Administration the necessity for warrants, and the Department of
858 Finance and Administration is authorized and directed to issue
859 such warrants, in such amounts as may be necessary to pay when due
860 the principal of, premium, if any, and interest on, or the
861 accreted value of, all bonds issued under this section; and the



862 State Treasurer shall forward the necessary amount to the
863 designated place or places of payment of such bonds in ample time
864 to discharge such bonds, or the interest thereon, on the due dates
865 thereof.

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

870 **SECTION 4.** This act shall take effect and be in force from
871 and after its passage.

