

By: Senator(s) Parks

To: Finance

SENATE BILL NO. 3151

1 AN ACT TO AUTHORIZE THE ISSUANCE OF STATE GENERAL OBLIGATION
 2 BONDS TO PROVIDE FUNDS TO ASSIST THE BOARD OF SUPERVISORS OF
 3 ALCORN COUNTY, MISSISSIPPI, IN PAYING THE COSTS ASSOCIATED WITH
 4 THE EXPANSION OF KIMBERLY CLARK ROAD TO U.S. HIGHWAY 45 AND WITH
 5 IMPROVEMENTS TO KENDRICK ROAD/COUNTY ROAD 100; ASSIST THE BOARD OF
 6 SUPERVISORS OF TIPPAAH COUNTY, MISSISSIPPI, IN PAYING THE COSTS
 7 ASSOCIATED WITH THE MISSISSIPPI HIGHWAY 15 PROJECT, PROJECT
 8 STP-2914(3)B BROWNFIELD ROAD, AND PIONEER RAIL SPUR INDUSTRIAL
 9 PARK; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** (1) The provisions of this section shall apply
 12 to every section of this act that relates to the issuance of bonds
 13 unless otherwise provided in this act.

14 (2) As used in this act, the following words shall have the
 15 meanings ascribed herein unless the context clearly requires
 16 otherwise:

17 (a) "State" means the State of Mississippi.

18 (b) "Commission" means the State Bond Commission.

19 (3) The principal of and interest on the bonds authorized
 20 under this act shall be payable in the manner provided in this
 21 subsection. Such bonds shall bear such date or dates, be in such



22 denomination or denominations, bear interest at such rate or rates
23 (not to exceed the limits set forth in Section 75-17-101,
24 Mississippi Code of 1972), be payable at such place or places
25 within or without the State of Mississippi, shall mature
26 absolutely at such time or times not to exceed twenty-five (25)
27 years from date of issue, be redeemable before maturity at such
28 time or times and upon such terms, with or without premium, shall
29 bear such registration privileges, and shall be substantially in
30 such form, all as shall be determined by resolution of the
31 commission.

32 (4) The bonds authorized by this act shall be signed by the
33 chairman of the commission, or by his facsimile signature, and the
34 official seal of the commission shall be affixed thereto, attested
35 by the secretary of the commission. The interest coupons, if any,
36 to be attached to such bonds may be executed by the facsimile
37 signatures of such officers. Whenever any such bonds shall have
38 been signed by the officials designated to sign the bonds who were
39 in office at the time of such signing but who may have ceased to
40 be such officers before the sale and delivery of such bonds, or
41 who may not have been in office on the date such bonds may bear,
42 the signatures of such officers upon such bonds and coupons shall
43 nevertheless be valid and sufficient for all purposes and have the
44 same effect as if the person so officially signing such bonds had
45 remained in office until their delivery to the purchaser, or had
46 been in office on the date such bonds may bear. However,



47 notwithstanding anything herein to the contrary, such bonds may be
48 issued as provided in the Registered Bond Act of the State of
49 Mississippi.

50 (5) All bonds and interest coupons issued under the
51 provisions of this act have all the qualities and incidents of
52 negotiable instruments under the provisions of the Uniform
53 Commercial Code, and in exercising the powers granted by this act,
54 the commission shall not be required to and need not comply with
55 the provisions of the Uniform Commercial Code.

56 (6) The commission shall act as issuing agent for the bonds
57 authorized under this act, prescribe the form of the bonds,
58 determine the appropriate method for sale of the bonds, advertise
59 for and accept bids or negotiate the sale of the bonds, issue and
60 sell the bonds so authorized to be sold, pay all fees and costs
61 incurred in such issuance and sale, and do any and all other
62 things necessary and advisable in connection with the issuance and
63 sale of such bonds. The commission is authorized and empowered to
64 pay the costs that are incident to the sale, issuance and delivery
65 of the bonds authorized under this act from the proceeds derived
66 from the sale of such bonds. The commission may sell such bonds
67 on sealed bids at public sale or may negotiate the sale of the
68 bonds for such price as it may determine to be for the best
69 interest of the State of Mississippi. All interest accruing on
70 such bonds so issued shall be payable semiannually or annually.



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

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

82 (7) The bonds issued under the provisions of this act are
83 general obligations of the State of Mississippi, and for the
84 payment thereof the full faith and credit of the State of
85 Mississippi is irrevocably pledged. If the funds appropriated by
86 the Legislature are insufficient to pay the principal of and the
87 interest on such bonds as they become due, then the deficiency
88 shall be paid by the State Treasurer from any funds in the State
89 Treasury not otherwise appropriated. All such bonds shall contain
90 recitals on their faces substantially covering the provisions of
91 this subsection.

92 (8) Upon the issuance and sale of bonds under the provisions
93 of this act, the commission shall transfer the proceeds of any
94 such sale or sales to the special fund created in subsection (1)
95 of the applicable section of this act. The proceeds of such bonds



96 shall be disbursed from the special fund under such restrictions,
97 if any, as may be contained in the resolution providing for the
98 issuance of the bonds.

99 (9) The bonds authorized under this act may be issued
100 without any other proceedings or the happening of any other
101 conditions or things other than those proceedings, conditions and
102 things which are specified or required by this act. Any
103 resolution providing for the issuance of bonds under the
104 provisions of this act shall become effective immediately upon its
105 adoption by the commission, and any such resolution may be adopted
106 at any regular or special meeting of the commission by a majority
107 of its members.

108 (10) The bonds authorized under the authority of this act
109 may be validated in the Chancery Court of the First Judicial
110 District of Hinds County, Mississippi, in the manner and with the
111 force and effect provided by Title 31, Chapter 13, Mississippi
112 Code of 1972, for the validation of county, municipal, school
113 district and other bonds. The notice to taxpayers required by
114 such statutes shall be published in a newspaper published or
115 having a general circulation in the City of Jackson, Mississippi.

116 (11) Any holder of bonds issued under the provisions of this
117 act or of any of the interest coupons pertaining thereto may,
118 either at law or in equity, by suit, action, mandamus or other
119 proceeding, protect and enforce any and all rights granted under
120 this act, or under such resolution, and may enforce and compel



121 performance of all duties required by this act to be performed, in
122 order to provide for the payment of bonds and interest thereon.

123 (12) All bonds issued under the provisions of this act shall
124 be legal investments for trustees and other fiduciaries, and for
125 savings banks, trust companies and insurance companies organized
126 under the laws of the State of Mississippi, and such bonds shall
127 be legal securities which may be deposited with and shall be
128 received by all public officers and bodies of this state and all
129 municipalities and political subdivisions for the purpose of
130 securing the deposit of public funds.

131 (13) Bonds issued under the provisions of this act and
132 income therefrom shall be exempt from all taxation in the State of
133 Mississippi.

134 (14) The proceeds of the bonds issued under this act shall
135 be used solely for the purposes herein provided, including the
136 costs incident to the issuance and sale of such bonds.

137 (15) The State Treasurer is authorized, without further
138 process of law, to certify to the Department of Finance and
139 Administration the necessity for warrants, and the Department of
140 Finance and Administration is authorized and directed to issue
141 such warrants, in such amounts as may be necessary to pay when due
142 the principal of, premium, if any, and interest on, or the
143 accreted value of, all bonds issued under this act; and the State
144 Treasurer shall forward the necessary amount to the designated
145 place or places of payment of such bonds in ample time to



146 discharge such bonds, or the interest thereon, on the due dates
147 thereof. As used in this section, the "accreted value" of any
148 bond means, as of any date of computation, an amount equal to the
149 sum of (a) the stated initial value of such bond, plus (b) the
150 interest accrued thereon from the issue date to the date of
151 computation at the rate, compounded semiannually, that is
152 necessary to produce the approximate yield to maturity shown for
153 bonds of the same maturity.

154 (16) This act shall be deemed to be full and complete
155 authority for the exercise of the powers granted in this act that
156 relate to the issuance of bonds, but this act shall not be deemed
157 to repeal or to be in derogation of any existing law of this state
158 that relates to the issuance of bonds.

159 **SECTION 2.** (1) (a) (i) A special fund, to be designated
160 as the "2022 Alcorn County Road Extension and Improvements Fund,"
161 is created within the State Treasury. The fund shall be
162 maintained by the State Treasurer as a separate and special fund,
163 separate and apart from the General Fund of the state. Unexpended
164 amounts remaining in the fund at the end of a fiscal year shall
165 not lapse into the State General Fund, and any interest earned or
166 investment earnings on amounts in the fund shall be deposited into
167 such fund.

168 (ii) Monies deposited into the fund shall be
169 disbursed, in the discretion of the Department of Finance and
170 Administration, to assist the Board of Supervisors of Alcorn



171 County, Mississippi, in paying the costs associated with the
172 following projects:

173 Expansion of Kimberly Clark
174 Road to U.S. Highway 45.....\$ 17,000,000.00
175 Improvements to Kendrick Road/
176 County Road 100.....\$ 4,420,000.00
177 **TOTAL.....\$ 21,420,000.00**

178 (b) Amounts deposited into such special fund shall be
179 disbursed to pay the costs of the projects described in paragraph
180 (a) of this subsection. Promptly after the commission has
181 certified, by resolution duly adopted, that the projects described
182 in paragraph (a) of this subsection shall have been completed,
183 abandoned, or cannot be completed in a timely fashion, any amounts
184 remaining in such special fund shall be applied to pay debt
185 service on the bonds issued under this section, in accordance with
186 the proceedings authorizing the issuance of such bonds and as
187 directed by the commission.

188 (2) (a) The commission, at one time, or from time to time,
189 may declare by resolution the necessity for issuance of general
190 obligation bonds of the State of Mississippi to provide funds for
191 all costs incurred or to be incurred for the purposes described in
192 subsection (1) of this section. Upon the adoption of a resolution
193 by the Department of Finance and Administration, declaring the
194 necessity for the issuance of any part or all of the general
195 obligation bonds authorized by this section, the department shall



196 deliver a certified copy of its resolution or resolutions to the
197 commission. Upon receipt of such resolution, the commission is
198 authorized to proceed under the provisions of Section 1(6) of this
199 act. The total amount of bonds issued under this section shall
200 not exceed Twenty-one Million Four Hundred Twenty Thousand Dollars
201 (\$21,420,000.00). No bonds shall be issued under this section
202 after July 1, 2026.

203 (b) Any investment earnings on amounts deposited into
204 the special fund created in subsection (1) of this section shall
205 be used to pay debt service on bonds issued under this section, in
206 accordance with the proceedings authorizing issuance of such
207 bonds.

208 (3) The provisions of Section 1 of this act shall apply to
209 the issuance of bonds authorized under this section.

210 **SECTION 3.** (1) (a) (i) A special fund, to be designated
211 as the "2022 Tippah County Road Infrastructure Projects Fund," is
212 created within the State Treasury. The fund shall be maintained
213 by the State Treasurer as a separate and special fund, separate
214 and apart from the General Fund of the state. Unexpended amounts
215 remaining in the fund at the end of a fiscal year shall not lapse
216 into the State General Fund, and any interest earned or investment
217 earnings on amounts in the fund shall be deposited into such fund.

218 (ii) Monies deposited into the fund shall be
219 disbursed, in the discretion of the Department of Finance and
220 Administration, to assist the Board of Supervisors of Tippah



221 County, Mississippi, in paying the costs associated with the
222 following projects:

| | | |
|-----|---|-------------------------|
| 223 | Mississippi Highway 15 Project..... | \$ 50,000,000.00 |
| 224 | Project STP-2914(3)B Brownfield Road..... | \$ 2,480,000.00 |
| 225 | Pioneer Rail Spur Industrial Park..... | \$ 1,800,000.00 |
| 226 | TOTAL..... | \$ 54,280,000.00 |

227 (b) Amounts deposited into such special fund shall be
228 disbursed to pay the costs of the projects described in paragraph
229 (a) of this subsection. Promptly after the commission has
230 certified, by resolution duly adopted, that the projects described
231 in paragraph (a) of this subsection shall have been completed,
232 abandoned, or cannot be completed in a timely fashion, any amounts
233 remaining in such special fund shall be applied to pay debt
234 service on the bonds issued under this section, in accordance with
235 the proceedings authorizing the issuance of such bonds and as
236 directed by the commission.

237 (2) (a) The commission, at one time, or from time to time,
238 may declare by resolution the necessity for issuance of general
239 obligation bonds of the State of Mississippi to provide funds for
240 all costs incurred or to be incurred for the purposes described in
241 subsection (1) of this section. Upon the adoption of a resolution
242 by the Department of Finance and Administration, declaring the
243 necessity for the issuance of any part or all of the general
244 obligation bonds authorized by this section, the department shall
245 deliver a certified copy of its resolution or resolutions to the



246 commission. Upon receipt of such resolution, the commission is
247 authorized to proceed under the provisions of Section 1(6) of this
248 act. The total amount of bonds issued under this section shall
249 not exceed Fifty-four Million Two Hundred Eighty Thousand Dollars
250 (\$54,280,000.00). No bonds shall be issued under this section
251 after July 1, 2026.

252 (b) Any investment earnings on amounts deposited into
253 the special fund created in subsection (1) of this section shall
254 be used to pay debt service on bonds issued under this section, in
255 accordance with the proceedings authorizing issuance of such
256 bonds.

257 (3) The provisions of Section 1 of this act shall apply to
258 the issuance of bonds authorized under this section.

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

