

By: Representative Newman

To: Ways and Means

HOUSE BILL NO. 44

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, RECONSTRUCTION,  
4 UPGRADES AND OTHER IMPROVEMENTS TO A PORTION OF U.S. HIGHWAY 80 IN  
5 THE CITY OF PEARL, BEGINNING AT OR NEAR PEARSON ROAD AND RUNNING  
6 TO AT OR NEAR PIRATE COVE, AS PART OF THE CITY'S U.S. HIGHWAY 80  
7 LIGHTING PROJECT; AND FOR RELATED PURPOSES.

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

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

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

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

14 (2) The principal of and interest on the bonds authorized  
15 under this act shall be payable in the manner provided in this  
16 subsection. Such bonds shall bear such date or dates, be in such  
17 denomination or denominations, bear interest at such rate or rates  
18 (not to exceed the limits set forth in Section 75-17-101,  
19 Mississippi Code of 1972), be payable at such place or places  
20 within or without the State of Mississippi, shall mature



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

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



45           (4) All bonds and interest coupons issued under the  
46 provisions of this act have all the qualities and incidents of  
47 negotiable instruments under the provisions of the Uniform  
48 Commercial Code, and in exercising the powers granted by this act,  
49 the commission shall not be required to and need not comply with  
50 the provisions of the Uniform Commercial Code.

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

66           If such bonds are sold by sealed bids at public sale, notice  
67 of the sale shall be published at least one time, not less than  
68 ten (10) days before the date of sale, and shall be so published  
69 in one or more newspapers published or having a general



70 circulation in the City of Jackson, Mississippi, selected by the  
71 commission.

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

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

87 (7) Upon the issuance and sale of bonds under the provisions  
88 of this act, the commission shall transfer the proceeds of any  
89 such sale or sales to the special fund created in Section 2(1) of  
90 this act. The proceeds of such bonds shall be disbursed from the  
91 special fund under such restrictions, if any, as may be contained  
92 in the resolution providing for the issuance of the bonds.

93 (8) The bonds authorized under this act may be issued  
94 without any other proceedings or the happening of any other



95 conditions or things other than those proceedings, conditions and  
96 things which are specified or required by this act. Any  
97 resolution providing for the issuance of bonds under the  
98 provisions of this act shall become effective immediately upon its  
99 adoption by the commission, and any such resolution may be adopted  
100 at any regular or special meeting of the commission by a majority  
101 of its members.

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

110 (10) Any holder of bonds issued under the provisions of this  
111 act or of any of the interest coupons pertaining thereto may,  
112 either at law or in equity, by suit, action, mandamus or other  
113 proceeding, protect and enforce any and all rights granted under  
114 this act, or under such resolution, and may enforce and compel  
115 performance of all duties required by this act to be performed, in  
116 order to provide for the payment of bonds and interest thereon.

117 (11) All bonds issued under the provisions of this act shall  
118 be legal investments for trustees and other fiduciaries, and for  
119 savings banks, trust companies and insurance companies organized



120 under the laws of the State of Mississippi, and such bonds shall  
121 be legal securities which may be deposited with and shall be  
122 received by all public officers and bodies of this state and all  
123 municipalities and political subdivisions for the purpose of  
124 securing the deposit of public funds.

125 (12) Bonds issued under the provisions of this act and  
126 income therefrom shall be exempt from all taxation in the State of  
127 Mississippi.

128 (13) The proceeds of the bonds issued under this act shall  
129 be used solely for the purposes herein provided, including the  
130 costs incident to the issuance and sale of such bonds.

131 (14) The State Treasurer is authorized, without further  
132 process of law, to certify to the Department of Finance and  
133 Administration the necessity for warrants, and the Department of  
134 Finance and Administration is authorized and directed to issue  
135 such warrants, in such amounts as may be necessary to pay when due  
136 the principal of, premium, if any, and interest on, or the  
137 accreted value of, all bonds issued under this act; and the State  
138 Treasurer shall forward the necessary amount to the designated  
139 place or places of payment of such bonds in ample time to  
140 discharge such bonds, or the interest thereon, on the due dates  
141 thereof. As used in this section, the "accreted value" of any  
142 bond means, as of any date of computation, an amount equal to the  
143 sum of (i) the stated initial value of such bond, plus (ii) the  
144 interest accrued thereon from the issue date to the date of



145 computation at the rate, compounded semiannually, that is  
146 necessary to produce the approximate yield to maturity shown for  
147 bonds of the same maturity.

148 (15) This act shall be deemed to be full and complete  
149 authority for the exercise of the powers granted in this act that  
150 relate to the issuance of bonds, but this act shall not be deemed  
151 to repeal or to be in derogation of any existing law of this state  
152 that relates to the issuance of bonds.

153 **SECTION 2.** (1) (a) (i) A special fund, to be designated  
154 as the "2023 City of Pearl U.S. Highway 80 Lighting Project Fund,"  
155 is created within the State Treasury. The fund shall be  
156 maintained by the State Treasurer as a separate and special fund,  
157 separate and apart from the General Fund of the state. Unexpended  
158 amounts remaining in the fund at the end of a fiscal year shall  
159 not lapse into the State General Fund, and any interest earned or  
160 investment earnings on amounts in the fund shall be deposited into  
161 such fund.

162 (ii) Monies deposited into the fund shall be  
163 disbursed, in the discretion of the Department of Finance and  
164 Administration, to assist the City of Pearl, Mississippi, in  
165 paying costs associated with construction, reconstruction,  
166 upgrades and other improvements to a portion of U.S. Highway 80 in  
167 the City of Pearl, beginning at or near Pearson Road and running  
168 to at or near Pirate Cove, as part of the city's U.S. Highway 80  
169 lighting project.



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

180 (2) (a) The commission, at one time, or from time to time,  
181 may declare by resolution the necessity for issuance of general  
182 obligation bonds of the State of Mississippi to provide funds for  
183 all costs incurred or to be incurred for the purposes described in  
184 subsection (1) of this section. Upon the adoption of a resolution  
185 by the Department of Finance and Administration, declaring the  
186 necessity for the issuance of any part or all of the general  
187 obligation bonds authorized by this section, the department shall  
188 deliver a certified copy of its resolution or resolutions to the  
189 commission. Upon receipt of such resolution, the commission is  
190 authorized to proceed under the provisions of Section 1(5) of this  
191 act. The total amount of bonds issued under this section shall  
192 not exceed Two Million Five Hundred Thousand Dollars  
193 (\$2,500,000.00). No bonds shall be issued under this section  
194 after July 1, 2027.





195           (b) Any investment earnings on amounts deposited into  
196 the special fund created in subsection (1) of this section shall  
197 be used to pay debt service on bonds issued under this section, in  
198 accordance with the proceedings authorizing issuance of such  
199 bonds.

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

202           **SECTION 3.** This act shall take effect and be in force from  
203 and after July 1, 2023.

