

By: Representatives Goodin, Burnett

To: Ways and Means

HOUSE BILL NO. 1762

1 AN ACT TO AUTHORIZE THE ISSUANCE OF STATE GENERAL OBLIGATION  
2 BONDS TO PROVIDE FUNDS TO ASSIST THE TOWN OF LEAKESVILLE,  
3 MISSISSIPPI IN PAYING COSTS ASSOCIATED WITH VARIOUS ROAD AND OTHER  
4 INFRASTRUCTURE IMPROVEMENTS IN THE TOWN OF LEAKESVILLE; AND FOR  
5 RELATED PURPOSES.

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

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

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

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

12 (2) The principal of and interest on the bonds authorized  
13 under this act shall be payable in the manner provided in this  
14 subsection. Such bonds shall bear such date or dates, be in such  
15 denomination or denominations, bear interest at such rate or rates  
16 (not to exceed the limits set forth in Section 75-17-101,  
17 Mississippi Code of 1972), be payable at such place or places  
18 within or without the State of Mississippi, shall mature  
19 absolutely at such time or times not to exceed twenty-five (25)



20 years from date of issue, be redeemable before maturity at such  
21 time or times and upon such terms, with or without premium, shall  
22 bear such registration privileges, and shall be substantially in  
23 such form, all as shall be determined by resolution of the  
24 commission.

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

43 (4) All bonds and interest coupons issued under the  
44 provisions of this act have all the qualities and incidents of



45 negotiable instruments under the provisions of the Uniform  
46 Commercial Code, and in exercising the powers granted by this act,  
47 the commission shall not be required to and need not comply with  
48 the provisions of the Uniform Commercial Code.

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

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



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

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

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

91           (8) The bonds authorized under this act may be issued  
92 without any other proceedings or the happening of any other  
93 conditions or things other than those proceedings, conditions and  
94 things which are specified or required by this act. Any



95 resolution providing for the issuance of bonds under the  
96 provisions of this act shall become effective immediately upon its  
97 adoption by the commission, and any such resolution may be adopted  
98 at any regular or special meeting of the commission by a majority  
99 of its members.

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

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

115 (11) All bonds issued under the provisions of this act shall  
116 be legal investments for trustees and other fiduciaries, and for  
117 savings banks, trust companies and insurance companies organized  
118 under the laws of the State of Mississippi, and such bonds shall  
119 be legal securities which may be deposited with and shall be



120 received by all public officers and bodies of this state and all  
121 municipalities and political subdivisions for the purpose of  
122 securing the deposit of public funds.

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

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

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



144 necessary to produce the approximate yield to maturity shown for  
145 bonds of the same maturity.

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

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

160 (ii) Monies deposited into the fund shall be  
161 disbursed, in the discretion of the Department of Finance and  
162 Administration, as follows:

163 1. Not more than One Hundred Forty-six  
164 Thousand Dollars (\$146,000.00) shall be used to assist the Town of  
165 Leakesville, Mississippi, in paying costs associated with repairs,  
166 upgrades and improvements to River Street, Jane Drive, Hardy  
167 Avenue and West Capital Avenue in the Town of Leakesville;



168                           2. Not more than Seventy-five Thousand  
169 Dollars (\$75,000.00) shall be used to assist the Town of  
170 Leakesville, Mississippi, in paying costs associated with repairs,  
171 upgrades and improvements to Lee Drive, Mississippi Street, North  
172 Davis Street, Marion Street and McLeod Avenue in the Town of  
173 Leakesville;

174                           3. Not more than One Hundred Fifty Thousand  
175 Dollars (\$150,000.00) shall be used to assist the Town of  
176 Leakesville, Mississippi, in paying costs associated with repairs,  
177 upgrades and improvements to Annex Road;

178                           4. Not more than Twenty Thousand Dollars  
179 (\$20,000.00) shall be used to assist the Town of Leakesville,  
180 Mississippi, in paying costs associated with repairs, upgrades and  
181 improvements to Ferguson Avenue in the Town of Leakesville;

182                           5. Not more than Seven Thousand Five Hundred  
183 Dollars (\$7,500.00) shall be used to assist the Town of  
184 Leakesville, Mississippi, in paying costs associated with repairs,  
185 upgrades and improvements to the Piggly Wiggly service road in the  
186 Town of Leakesville;

187                           6. Not more than Sixty-seven Thousand Six  
188 Hundred Dollars (\$67,600.00) shall be used to assist the Town of  
189 Leakesville, Mississippi, in paying costs associated with repairs,  
190 upgrades and improvements to Jasper Avenue, Florida Avenue and 4th  
191 Street in the Town of Leakesville;





192                   7. Not more than Seven Thousand Five Hundred  
193 Dollars (\$7,500.00) shall be used to assist the Town of  
194 Leakesville, Mississippi, in paying costs associated with repairs,  
195 upgrades and improvements to Westerfield Avenue in the Town of  
196 Leakesville;

197                   8. Not more than Sixty Thousand Dollars  
198 (\$60,000.00) shall be used to assist the Town of Leakesville,  
199 Mississippi, in paying costs associated with repairs, upgrades and  
200 improvements to the town's stormwater and drainage systems and  
201 other infrastructure;

202                   9. Not more than Thirty-four Thousand Dollars  
203 (\$34,000.00) shall be used to assist the Town of Leakesville,  
204 Mississippi, in paying costs associated with the purchase of  
205 equipment and machinery for road repair and maintenance; and

206                   10. Not more than Twenty-five Thousand  
207 Dollars (\$25,000.00) shall be used to assist the Town of  
208 Leakesville, Mississippi, in paying costs associated with repairs,  
209 upgrades, improvements and additions to the Old Chickasawhay  
210 Bridge in the Town of Leakesville.

211                   (b) Amounts deposited into such special fund shall be  
212 disbursed to pay the costs of the projects described in paragraph  
213 (a) of this subsection. Promptly after the commission has  
214 certified, by resolution duly adopted, that the projects described  
215 in paragraph (a) of this subsection shall have been completed,  
216 abandoned, or cannot be completed in a timely fashion, any amounts



217 remaining in such special fund shall be applied to pay debt  
218 service on the bonds issued under this section, in accordance with  
219 the proceedings authorizing the issuance of such bonds and as  
220 directed by the commission.

221 (2) (a) The commission, at one time, or from time to time,  
222 may declare by resolution the necessity for issuance of general  
223 obligation bonds of the State of Mississippi to provide funds for  
224 all costs incurred or to be incurred for the purposes described in  
225 subsection (1) of this section. Upon the adoption of a resolution  
226 by the Department of Finance and Administration, declaring the  
227 necessity for the issuance of any part or all of the general  
228 obligation bonds authorized by this section, the department shall  
229 deliver a certified copy of its resolution or resolutions to the  
230 commission. Upon receipt of such resolution, the commission is  
231 authorized to proceed under the provisions of Section 1(5) of this  
232 act. The total amount of bonds issued under this section shall  
233 not exceed Five Hundred Ninety-two Thousand Six Hundred Dollars  
234 (\$592,600.00). No bonds shall be issued under this section after  
235 July 1, 2027.

236 (b) Any investment earnings on amounts deposited into  
237 the special fund created in subsection (1) of this section shall  
238 be used to pay debt service on bonds issued under this section, in  
239 accordance with the proceedings authorizing issuance of such  
240 bonds.



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

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

