

By: Senator(s) McMahan

To: Finance

SENATE BILL NO. 2178

1 AN ACT TO AUTHORIZE THE ISSUANCE OF STATE GENERAL OBLIGATION
 2 BONDS TO PROVIDE FUNDS TO ASSIST THE SAND CREEK WASTEWATER
 3 AUTHORITY IN PAYING THE COSTS ASSOCIATED WITH ENGINEERING
 4 IMPROVEMENTS TO ITS SYSTEM, INCLUDING THE EXPANSION OF SYSTEM
 5 CAPACITY, AND THE RETIREMENT OF DEBT HELD BY THE AUTHORITY; AND
 6 FOR RELATED PURPOSES.

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

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

11 (2) As used in this act, the following words shall have the
 12 meanings ascribed herein unless the context clearly requires
 13 otherwise:

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

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

16 (3) The principal of and interest on the bonds authorized
 17 under this act shall be payable in the manner provided in this
 18 subsection. Such bonds shall bear such date or dates, be in such
 19 denomination or denominations, bear interest at such rate or rates
 20 (not to exceed the limits set forth in Section 75-17-101,



21 Mississippi Code of 1972), be payable at such place or places
22 within or without the State of Mississippi, shall mature
23 absolutely at such time or times not to exceed twenty-five (25)
24 years from date of issue, be redeemable before maturity at such
25 time or times and upon such terms, with or without premium, shall
26 bear such registration privileges, and shall be substantially in
27 such form, all as shall be determined by resolution of the
28 commission.

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



45 issued as provided in the Registered Bond Act of the State of
46 Mississippi.

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

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

68 If such bonds are sold by sealed bids at public sale, notice
69 of the sale shall be published at least one time, not less than



70 ten (10) days before the date of sale, and shall be so published
71 in one or more newspapers published or having a general
72 circulation in the City of Jackson, Mississippi, selected by the
73 commission.

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

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

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



94 if any, as may be contained in the resolution providing for the
95 issuance of the bonds.

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

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

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



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

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

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

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

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



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

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

156 **SECTION 2.** (1) (a) (i) A special fund, to be designated
157 as the "2023 Sand Creek Wastewater Authority Assistance Fund," is
158 created within the State Treasury. The fund shall be maintained
159 by the State Treasurer as a separate and special fund, separate
160 and apart from the General Fund of the state. Unexpended amounts
161 remaining in the fund at the end of a fiscal year shall not lapse
162 into the State General Fund, and any interest earned or investment
163 earnings on amounts in the fund shall be deposited into such fund.

164 (ii) Monies deposited into the fund shall be
165 disbursed, in the discretion of the Department of Finance and
166 Administration, to assist the Sand Creek Wastewater Authority in
167 paying the costs associated with engineering improvements to its



168 system, including the expansion of system capacity, and the
169 retirement of debt held by the authority.

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(6) of this
191 act. The total amount of bonds issued under this section shall



192 not exceed One Million Dollars (\$1,000,000.00). No bonds shall be
193 issued under this section after July 1, 2027.

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

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

201 **SECTION 3.** This act shall take effect and be in force from
202 and after its passage.

