

By: Representative Hines

To: Ways and Means

HOUSE BILL NO. 164

1 AN ACT TO AUTHORIZE THE ISSUANCE OF STATE GENERAL OBLIGATION  
 2 BONDS TO PROVIDE FUNDS TO ASSIST IN PAYING COSTS ASSOCIATED WITH  
 3 THE REPAIR, CONSTRUCTION, RECONSTRUCTION AND EXPANSION OF AND  
 4 UPGRADES AND IMPROVEMENTS TO TRACKS, LINES, BRIDGES AND RELATED  
 5 STRUCTURES AND SURFACES NECESSARY FOR THE REHABILITATION AND  
 6 RESTORATION OF THE GREAT RIVER RAILROAD LINE BEGINNING AT OR NEAR  
 7 THE PORT OF ROSEDALE IN BOLIVAR COUNTY, MISSISSIPPI, AND RUNNING  
 8 TO, AT OR NEAR THE TOWN OF METCALFE, IN WASHINGTON COUNTY,  
 9 MISSISSIPPI, AS PART OF THE PORT OF ROSEDALE MULTI-MODAL EXPANSION  
 10 PROJECT; AND FOR RELATED PURPOSES.

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

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

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

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

17 (2) The principal of and interest on the bonds authorized  
 18 under this act shall be payable in the manner provided in this  
 19 subsection. Such bonds shall bear such date or dates, be in such  
 20 denomination or denominations, bear interest at such rate or rates  
 21 (not to exceed the limits set forth in Section 75-17-101,  
 22 Mississippi Code of 1972), be payable at such place or places



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

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



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

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

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



73 circulation in the City of Jackson, Mississippi, selected by the  
74 commission.

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

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

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

96         (8) 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 (9) The bonds authorized under the authority of this act may  
106 be validated in the Chancery Court of the First Judicial District  
107 of Hinds County, Mississippi, in the manner and with the force and  
108 effect provided by Chapter 13, Title 31, Mississippi Code of 1972,  
109 for the validation of county, municipal, school district and other  
110 bonds. The notice to taxpayers required by such statutes shall be  
111 published in a newspaper published or having a general circulation  
112 in the City of Jackson, Mississippi.

113 (10) 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 (11) 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 (12) 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 (13) 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 (14) 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 (i) the stated initial value of such bond, plus (ii) 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 (15) 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 "2024 Great River Railroad Fund," is created within the  
158 State Treasury. The fund shall be maintained by the State  
159 Treasurer as a separate and special fund, separate and apart from  
160 the General Fund of the state. Unexpended amounts remaining in  
161 the fund at the end of a fiscal year shall not lapse into the  
162 State General Fund, and any interest earned or investment earnings  
163 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 in paying costs associated with the  
167 repair, construction, reconstruction and expansion of and upgrades  
168 and improvements to tracks, lines, bridges and related structures  
169 and surfaces necessary for the rehabilitation and restoration of  
170 the Great River Railroad line beginning at or near the Port of  
171 Rosedale in Bolivar County, Mississippi, and running to, at or



172 near the Town of Metcalfe, in Washington County, Mississippi, as  
173 part of the Port of Rosedale Multi-Modal Expansion Project.

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

184 (2) (a) The commission, at one time, or from time to time,  
185 may declare by resolution the necessity for issuance of general  
186 obligation bonds of the State of Mississippi to provide funds for  
187 all costs incurred or to be incurred for the purposes described in  
188 subsection (1) of this section. Upon the adoption of a resolution  
189 by the Department of Finance and Administration, declaring the  
190 necessity for the issuance of any part or all of the general  
191 obligation bonds authorized by this section, the department shall  
192 deliver a certified copy of its resolution or resolutions to the  
193 commission. Upon receipt of such resolution, the commission is  
194 authorized to proceed under the provisions of Section 1(5) of this  
195 act. The total amount of bonds issued under this section shall





196 not exceed Four Million Dollars (\$4,000,000.00). No bonds shall  
197 be issued under this section after July 1, 2028.

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

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

205 **SECTION 3.** This act shall take effect and be in force from  
206 and after July 1, 2024.

