

By: Representative Haney

To: Ways and Means

HOUSE BILL NO. 4024

1 AN ACT TO AUTHORIZE THE ISSUANCE OF STATE GENERAL OBLIGATION  
2 BONDS TO PROVIDE FUNDS TO ASSIST THE CITY OF GULFPORT, MISSISSIPPI,  
3 IN PAYING COSTS ASSOCIATED WITH THE MISSISSIPPI AQUARIUM'S PROJECT  
4 PENGUIN; AND FOR RELATED PURPOSES.

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

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

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

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

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



20 time or times and upon such terms, with or without premium, shall  
21 bear such registration privileges, and shall be substantially in  
22 such form, all as shall be determined by resolution of the  
23 commission.

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

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



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

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

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



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

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

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

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



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

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

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

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



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

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

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

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



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

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

150 **SECTION 2.** (1) (a) (i) A special fund, to be designated  
151 as the "2024 City of Gulfport, Mississippi Aquarium Project  
152 Penguin Fund," is created within the State Treasury. The fund  
153 shall be maintained by the State Treasurer as a separate and  
154 special fund, separate and apart from the General Fund of the  
155 state. Unexpended amounts remaining in the fund at the end of a  
156 fiscal year shall not lapse into the State General Fund, and any  
157 interest earned or investment earnings on amounts in the fund  
158 shall be deposited into such fund.

159 (ii) Monies deposited into the fund shall be  
160 disbursed, in the discretion of the Department of Finance and  
161 Administration, to assist the City of Gulfport, Mississippi, in  
162 paying costs associated with the Mississippi Aquarium's Project  
163 Penguin.

164 (b) Amounts deposited into such special fund shall be  
165 disbursed to pay the costs of the projects described in paragraph  
166 (a) of this subsection. Promptly after the commission has  
167 certified, by resolution duly adopted, that the projects described



168 in paragraph (a) of this subsection shall have been completed,  
169 abandoned, or cannot be completed in a timely fashion, any amounts  
170 remaining in such special fund shall be applied to pay debt  
171 service on the bonds issued under this section, in accordance with  
172 the proceedings authorizing the issuance of such bonds and as  
173 directed by the commission.

174 (2) (a) The commission, at one time, or from time to time,  
175 may declare by resolution the necessity for issuance of general  
176 obligation bonds of the State of Mississippi to provide funds for  
177 all costs incurred or to be incurred for the purposes described in  
178 subsection (1) of this section. Upon the adoption of a resolution  
179 by the Department of Finance and Administration, declaring the  
180 necessity for the issuance of any part or all of the general  
181 obligation bonds authorized by this section, the department shall  
182 deliver a certified copy of its resolution or resolutions to the  
183 commission. Upon receipt of such resolution, the commission is  
184 authorized to proceed under the provisions of Section 1(5) of this  
185 act. The total amount of bonds issued under this section shall  
186 not exceed Four Million Five Hundred Thousand Dollars  
187 (\$4,500,000.00). No bonds shall be issued under this section  
188 after July 1, 2028.

189 (b) Any investment earnings on amounts deposited into  
190 the special fund created in subsection (1) of this section shall  
191 be used to pay debt service on bonds issued under this section, in





192 accordance with the proceedings authorizing issuance of such  
193 bonds.

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

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

