

By: Senator(s) Ross

To: Finance

SENATE BILL NO. 3159

1 AN ACT TO AUTHORIZE THE ISSUANCE OF \$665,000.00 IN STATE
 2 GENERAL OBLIGATION BONDS TO PROVIDE FUNDS TO MEET MATCHING FUND
 3 REQUIREMENTS FOR A GRANT TO THE PEARL RIVER VALLEY WATER SUPPLY
 4 DISTRICT FROM THE FEDERAL HIGHWAY ADMINISTRATION FOR THE WIDENING
 5 OF NORTH SHORE CAUSEWAY AND FOR SAFETY IMPROVEMENTS TO NORTH SHORE
 6 CAUSEWAY, AND TO PROVIDE ACCESS TO AND PARKING FOR THE RESERVOIR
 7 NATURE TRAIL; AND FOR RELATED PURPOSES.

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

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

12 (a) "Accreted value" of any bond means, as of any date
 13 of computation, an amount equal to the sum of (i) the stated
 14 initial value of such bond, plus (ii) the interest accrued thereon
 15 from the issue date to the date of computation at the rate,
 16 compounded semiannually, that is necessary to produce the
 17 approximate yield to maturity shown for bonds of the same
 18 maturity.

19 (b) "State" means the State of Mississippi.

20 (c) "Commission" means the State Bond Commission.

21 SECTION 2. (1) A special fund, to be designated the "2001
 22 North Shore Causeway and Reservoir Nature Trail Access Improvement
 23 Fund," is created within the State Treasury. The fund shall be
 24 maintained by the State Treasurer as a separate and special fund,
 25 separate and apart from the General Fund of the state, and
 26 investment earnings on amounts in the fund shall be deposited into
 27 such fund. The expenditure of monies deposited into the fund
 28 shall be under the direction of the Department of Finance and

29 Administration, and such funds shall be paid by the State
30 Treasurer upon warrants issued by the Department of Finance and
31 Administration.

32 (2) Monies deposited into such fund shall be disbursed to
33 the Pearl River Valley Water Supply District and shall be
34 allocated as follows:

35 (a) To provide funds to meet matching
36 fund requirements for a grant to the Pearl River
37 Valley Water Supply District from the Federal
38 Highway Administration for the purpose of widening
39 North Shore Causeway and for safety improvements
40 to North Shore Causeway..... \$ 455,000.00.

41 (b) To pay the cost of providing
42 access to, and parking for, the reservoir nature
43 trail located south of Spillway Road in
44 Rankin County..... \$ 210,000.00.

45 **GRAND TOTAL..... \$ 665,000.00.**

46 SECTION 3. (1) Upon recommendation of the Board of
47 Directors of the Pearl River Valley Water Supply District, the
48 Department of Finance and Administration, at one time or from time
49 to time, may declare by resolution the necessity for issuance of
50 general obligation bonds of the State of Mississippi to provide
51 funds for all costs incurred or to be incurred for the purposes
52 described in Section 2 of this act. Upon the adoption of a
53 resolution by the Department of Finance and Administration
54 declaring the necessity for the issuance of any part or all of the
55 general obligation bonds authorized by this section, the
56 Department of Finance and Administration shall deliver a certified
57 copy of its resolution or resolutions to the State Bond
58 Commission. Upon receipt of such resolution the commission, in
59 its discretion, may act as the issuing agent, prescribe the form
60 of the bonds, advertise for and accept bids, issue and sell the
61 bonds so authorized to be sold, and do any and all other things

62 necessary and advisable in connection with the issuance and sale
63 of such bonds. The amount of bonds issued under this act shall
64 not exceed Six Hundred Sixty-five Thousand Dollars (\$665,000.00).

65 (2) Any investment earnings on amounts deposited into the
66 special fund created in Section 2 of this act shall be used to pay
67 debt service on bonds issued under this act, in accordance with
68 the proceedings authorizing issuance of such bonds.

69 (3) Upon the completion or abandonment of the projects
70 described in Section 2 of this act, as evidenced by a resolution
71 adopted by the Department of Finance and Administration certifying
72 that all such projects have been completed or abandoned, the
73 balance, if any, remaining in the 2001 North Shore Causeway and
74 Reservoir Nature Trail Access Improvement Fund shall be promptly
75 applied to pay debt service on bonds issued under this act, in
76 accordance with the proceedings authorizing the issuance of such
77 bonds.

78 SECTION 4. The principal of and interest on the bonds
79 authorized under this act shall be payable in the manner provided
80 in this section. Such bonds shall bear such date or dates, be in
81 such denomination or denominations, bear interest at such rate or
82 rates (not to exceed the limits set forth in Section 75-17-101),
83 be payable at such place or places within or without the State of
84 Mississippi, shall mature absolutely at such time or times not to
85 exceed twenty-five (25) years from date of issue, be redeemable
86 before maturity at such time or times and upon such terms, with or
87 without premium, shall bear such registration privileges, and
88 shall be substantially in such form, all as shall be determined by
89 resolution of the commission.

90 SECTION 5. The bonds authorized by this act shall be signed
91 by the Chairman of the State Bond Commission, or by his facsimile
92 signature, and the official seal of the commission shall be
93 affixed thereto, attested by the secretary of the commission. The
94 interest coupons, if any, to be attached to such bonds may be

95 executed by the facsimile signatures of such officers. Whenever
96 any such bonds shall have been signed by the officials designated
97 to sign the bonds who were in office at the time of such signing
98 but who may have ceased to be such officers before the sale and
99 delivery of such bonds, or who may not have been in office on the
100 date such bonds may bear, the signatures of such officers upon
101 such bonds and coupons shall nevertheless be valid and sufficient
102 for all purposes and have the same effect as if the person so
103 officially signing such bonds had remained in office until their
104 delivery to the purchaser, or had been in office on the date such
105 bonds may bear. However, notwithstanding anything herein to the
106 contrary, such bonds may be issued as provided in the Registered
107 Bond Act of the State of Mississippi.

108 SECTION 6. All bonds and interest coupons issued under the
109 provisions of this act have all the qualities and incidents of
110 negotiable instruments under the provisions of the Uniform
111 Commercial Code, and in exercising the powers granted by this act,
112 the commission shall not be required to and need not comply with
113 the provisions of the Uniform Commercial Code.

114 SECTION 7. The commission shall act as the issuing agent for
115 the bonds authorized under this act, prescribe the form of the
116 bonds, advertise for and accept bids, issue and sell the bonds so
117 authorized to be sold, pay all fees and costs incurred in such
118 issuance and sale, and do any and all other things necessary and
119 advisable in connection with the issuance and sale of such bonds.
120 The commission is authorized and empowered to pay the costs that
121 are incident to the sale, issuance and delivery of the bonds
122 authorized under this act from the proceeds derived from the sale
123 of such bonds. The commission shall sell such bonds on sealed
124 bids at public sale, and for such price as it may determine to be
125 for the best interest of the State of Mississippi, but no such
126 sale shall be made at a price less than par plus accrued interest
127 to the date of delivery of the bonds to the purchaser. All

128 interest accruing on such bonds so issued shall be payable
129 semiannually or annually; however, the first interest payment may
130 be for any period of not more than one (1) year.

131 Notice of the sale of any such bonds shall be published at
132 least one (1) time, not less than ten (10) days before the date of
133 sale, and shall be so published in one or more newspapers
134 published or having a general circulation in the City of Jackson,
135 Mississippi, and in one or more other newspapers or financial
136 journals with a national circulation, to be selected by the
137 commission.

138 The commission, when issuing any bonds under the authority of
139 this act, may provide that bonds, at the option of the State of
140 Mississippi, may be called in for payment and redemption at the
141 call price named therein and accrued interest on such date or
142 dates named therein.

143 SECTION 8. The bonds issued under the provisions of this act
144 are general obligations of the State of Mississippi, and for the
145 payment thereof the full faith and credit of the State of
146 Mississippi is irrevocably pledged. If the funds appropriated by
147 the Legislature are insufficient to pay the principal of and the
148 interest on such bonds as they become due, then the deficiency
149 shall be paid by the State Treasurer from any funds in the State
150 Treasury not otherwise appropriated. All such bonds shall contain
151 recitals on their faces substantially covering the provisions of
152 this section.

153 SECTION 9. Upon the issuance and sale of bonds under the
154 provisions of this act, the commission shall transfer the proceeds
155 of any such sale or sales to the special fund created in Section 2
156 of this act. The proceeds of such bonds shall be disbursed solely
157 upon the order of the Department of Finance and Administration
158 under such restrictions, if any, as may be contained in the
159 resolution providing for the issuance of the bonds.

160 SECTION 10. The bonds authorized under this act may be
161 issued without any other proceedings or the happening of any other
162 conditions or things other than those proceedings, conditions and
163 things which are specified or required by this act. Any
164 resolution providing for the issuance of bonds under the
165 provisions of this act shall become effective immediately upon its
166 adoption by the commission, and any such resolution may be adopted
167 at any regular or special meeting of the commission by a majority
168 of its members.

169 SECTION 11. The bonds authorized under the authority of this
170 act may be validated in the Chancery Court of the First Judicial
171 District of Hinds County, Mississippi, in the manner and with the
172 force and effect provided by Chapter 13, Title 31, Mississippi
173 Code of 1972, for the validation of county, municipal, school
174 district and other bonds. The notice to taxpayers required by
175 such statutes shall be published in a newspaper published or
176 having a general circulation in the City of Jackson, Mississippi.

177 SECTION 12. Any holder of bonds issued under the provisions
178 of this act or of any of the interest coupons pertaining thereto
179 may, either at law or in equity, by suit, action, mandamus or
180 other proceeding, protect and enforce any and all rights granted
181 under this act, or under such resolution, and may enforce and
182 compel performance of all duties required by this act to be
183 performed, in order to provide for the payment of bonds and
184 interest thereon.

185 SECTION 13. All bonds issued under the provisions of this
186 act shall be legal investments for trustees and other fiduciaries,
187 and for savings banks, trust companies and insurance companies
188 organized under the laws of the State of Mississippi, and such
189 bonds shall be legal securities which may be deposited with and
190 shall be received by all public officers and bodies of this state
191 and all municipalities and political subdivisions for the purpose
192 of securing the deposit of public funds.

193 SECTION 14. Bonds issued under the provisions of this act
194 and income therefrom shall be exempt from all taxation in the
195 State of Mississippi.

196 SECTION 15. The proceeds of the bonds issued under this act
197 shall be used solely for the purposes herein provided, including
198 the costs incident to the issuance and sale of such bonds.

199 SECTION 16. The State Treasurer is authorized, without
200 further process of law, to certify to the Department of Finance
201 and Administration the necessity for warrants, and the Department
202 of Finance and Administration is authorized and directed to issue
203 such warrants, in such amounts as may be necessary to pay when due
204 the principal of, premium, if any, and interest on, or the
205 accreted value of, all bonds issued under this act; and the State
206 Treasurer shall forward the necessary amount to the designated
207 place or places of payment of such bonds in ample time to
208 discharge such bonds, or the interest thereon, on the due dates
209 thereof.

210 SECTION 17. The provisions of this act shall be deemed to be
211 full and complete authority for the exercise of the powers therein
212 granted, but this act shall not be deemed to repeal or to be in
213 derogation of any existing law of this state.

214 SECTION 18. This act shall take effect and be in force from
215 and after its passage.