MISSISSIPPI LEGISLATURE REGULAR SESSION 2004

By: Senator(s) Jackson (11th), Jordan, Harden, Jackson (32nd), Dawkins, Williamson, Mettetal, Huggins, Horhn, Butler, Gordon, Walls, Ross, Clarke, Thames, Tollison, Simmons

To: Local and Private; Finance

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 3169

AN ACT TO AUTHORIZE THE BOARD OF SUPERVISORS OF QUITMAN COUNTY, MISSISSIPPI, TO ISSUE REFUNDING BONDS TO REFUND CERTAIN BONDED OR OTHER INDEBTEDNESS OF THE COUNTY; AND FOR RELATED PURPOSES.

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

SECTION 1. It is determined and declared that for the benefit of the people of Quitman County, Mississippi, the purpose of this act is to provide an alternative method for refunding bonds and other indebtedness of Quitman County. This act shall be liberally construed to meet such purpose.

SECTION 2. As used in this act:

(a) "Bonds" means bonds, notes or other obligations by the county issued pursuant to this act.

(b) "County" means Quitman County, Mississippi.

(c) "Board of supervisors" means the Board of Supervisors of Quitman County, Mississippi.

SECTION 3. (1) The board of supervisors may, without an election on the question, issue the bonds of the county for the purpose of refunding any bonded or other indebtedness, including, but not limited to, interfund loans or transfers of the county, loans with the State of Mississippi and lease purchase obligations of the county, whether the bonded or other indebtedness shall, at the time of such refunding, be due or maturing in the future. The amount of the refunding bonds issued pursuant to this act shall not exceed Two Million Five Hundred Thousand Dollars ($2,500,000.00). Any refunding bonds so issued shall be included in the limitation imposed by Section 19-9-5, Mississippi Code of 1972.

(2) Refunding bonds may be issued pursuant to this section in a sufficient amount to pay and retire any of the then outstanding bonds and other indebtedness, including, but not limited to, interfund loans or transfers of the county, loans with the State of Mississippi and lease purchase obligations of the county, whether the bonded or other indebtedness shall, at the time of such refunding, be due or maturing in the future, together with interest thereon to the date of the issuance of the refunding bonds or to such subsequent date as the board of supervisors may determine.

(3) The power to refund bonds and other indebtedness and pay the accrued and unpaid interest thereon may be exercised whenever funds available from taxes are not sufficient to pay such outstanding bonds or other indebtedness and the interest thereon when they mature.

SECTION 4. Refunding bonds issued pursuant to this act shall bear such rate or rates of interest as may be determined by the board of supervisors, not exceeding seven percent (7%) per annum payable semiannually; shall be in such denomination or denominations and form as may be determined by resolution or order of the board of supervisors; and shall be executed on behalf of the county by such officer or officers of the county as may be determined in the resolution or order.

SECTION 5. The resolution or order providing for the issuance of refunding bonds pursuant to this act may reserve unto the board of supervisors the right to call in, pay and redeem such bonds in the inverse order of their numbers and maturities, prior to the maturity date or dates thereof, on any interest payment date. Whenever it is desired to exercise this right, if reserved in the resolution or order, the governing body shall cause written notice thereof to be delivered to the bank or office at which the bonds are payable. The notice shall be delivered not less than thirty (30) days prior to the interest payment date designated for

the redemption of the bonds, after which date no further interest shall accrue on the bonds so called for redemption. Refunding bonds may be sold as a public or private sale.

SECTION 6. (a) All refunding bonds issued under the provisions of this act shall be general obligations of the county, and the board of supervisors shall annually levy a tax upon all taxable property within the county sufficient to pay the principal of, and the interest on, the bonds as they mature and accrue. The full faith, credit and resources of the county shall be, and are hereby irrevocably pledged to the payment of the refunding bonds issued pursuant to this act, both as to principal and interest.

(b) The tax levy authorized in paragraph (a) of this subsection shall be included when determining the limits on the amount of any increases as set forth in Section 27-39-321, Mississippi Code of 1972, and the county shall, to the extent the required levy would cause the limit to be exceeded, either:

(i) Adjust the general fund or such other special levy as may be required to maintain the ten percent (10%) increase limit; or

(ii) Comply with the procedures set forth in Sections 27-39-203 and 27-39-205.

SECTION 7. This act, without reference to any statute, shall be deemed to be full and complete authority for the issuance of bonds pursuant to this act, and shall be construed as an additional and alternative method therefor, and none of the present restrictions, requirements, conditions or limitations of law applicable to the issuance or sale of bonds, notes or other obligations by counties in this state shall apply to the issuance and sale of bonds under this act; no proceedings shall be required for the issuance of bonds under this act other than those provided for and required by this act; and all powers necessary to be exercised in order to carry out the provision of this act are hereby conferred on the board of supervisors.

SECTION 8. This act shall take effect and be in force from and after its passage and shall stand repealed from and after July 1, 2005.

ST: Quitman County; authorize the issuance of refunding bonds for certain indebtedness.