

**Adopted  
AMENDMENT NO 2 TO COMMITTEE AMENDMENT NO 1 PROPOSED  
TO**

**House Bill No. 1793**

**BY: Senator(s) Moffatt**

1           **AMEND** by inserting the following after line 2173 and renumber  
2 subsequent section(s) accordingly:

3           **SECTION \*.** Chapter 534, Laws of 1998, is amended as follows:

4           Section 1. As used in this act, the following words shall  
5 have the meanings ascribed herein unless the context clearly  
6 requires otherwise:

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

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

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

16           Section 2. (1) A special fund, to be designated the "1998  
17 Port of Pascagoula Improvement Fund," is created within the State  
18 Treasury. The fund shall be maintained by the State Treasurer as  
19 a separate and special fund, separate and apart from the General  
20 Fund of the state, and investment earnings on amounts in the fund  
21 shall be deposited into such fund. The expenditure of monies  
22 deposited into the fund shall be under the direction of the

23 Department of Finance and Administration, and such funds shall be  
24 paid by the State Treasurer upon warrants issued by the Department  
25 of Finance and Administration. Monies deposited into such fund  
26 shall be allocated and disbursed according to the provisions of  
27 this act.

28 (2) Monies deposited into the fund shall be disbursed to pay  
29 the costs of the following improvements at the Port of Pascagoula:

30 (a) Construction of and mitigation for an appropriate  
31 site to manage dredge material;

32 (b) Dredging and otherwise improving the shipping  
33 channel of the Port of Pascagoula; \* \* \*

34 (c) Closure of an existing contaminated dredge material  
35 placement site on an island owned by the Port of Pascagoula known  
36 as Greenwood Island; and

37 (d) Removal of dredged material from an existing  
38 dredged material management site in order to provide additional  
39 capacity at the site.

40 Section 3. (1) The Department of Finance and  
41 Administration, at one time or from time to time, may declare by  
42 resolution the necessity for issuance of general obligation bonds  
43 of the State of Mississippi to provide funds for all costs  
44 incurred or to be incurred for the purposes described in Section 2  
45 of this act. Upon the adoption of a resolution by the Department  
46 of Finance and Administration declaring the necessity for the  
47 issuance of any part or all of the general obligation bonds  
48 authorized by this section, the Department of Finance and  
49 Administration shall deliver a certified copy of its resolution or  
50 resolutions to the State Bond Commission. Upon receipt of such  
51 resolution the commission, in its discretion, may act as the  
52 issuing agent, prescribe the form of the bonds, advertise for and  
53 accept bids, issue and sell the bonds so authorized to be sold,  
54 and do any and all other things necessary and advisable in

55 connection with the issuance and sale of such bonds. The amount  
56 of bonds issued under this act shall not exceed Twenty Million  
57 Dollars (\$20,000,000.00).

58 (2) Any investment earnings on amounts deposited into the  
59 1998 Port of Pascagoula Improvement Fund created in Section 2 of  
60 this act shall be used to pay debt service on bonds issued under  
61 this act, in accordance with the proceedings authorizing issuance  
62 of such bonds.

63 (3) Upon the completion or abandonment of the projects  
64 described in Section 2 of this act, as evidenced by a resolution  
65 adopted by the Department of Finance and Administration certifying  
66 that all such projects have been completed or abandoned, the  
67 balance, if any, remaining in the 1998 Port of Pascagoula  
68 Improvement Fund shall be promptly applied to pay debt service on  
69 bonds issued under this act, in accordance with the proceedings  
70 authorizing the issuance of such bonds.

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

83 Section 5. The bonds authorized by this act shall be signed  
84 by the Chairman of the State Bond Commission, or by his facsimile  
85 signature, and the official seal of the commission shall be  
86 affixed thereto, attested by the secretary of the commission. The

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

101 Section 6. All bonds and interest coupons issued under the  
102 provisions of this act have all the qualities and incidents of  
103 negotiable instruments under the provisions of the Mississippi  
104 Uniform Commercial Code, and in exercising the powers granted by  
105 this act, the commission shall not be required to and need not  
106 comply with the provisions of the Mississippi Uniform Commercial  
107 Code.

108 Section 7. The commission shall act as the issuing agent for  
109 the bonds authorized under this act, prescribe the form of the  
110 bonds, advertise for and accept bids, issue and sell the bonds so  
111 authorized to be sold, pay all fees and costs incurred in such  
112 issuance and sale, and do any and all other things necessary and  
113 advisable in connection with the issuance and sale of such bonds.  
114 The commission is authorized and empowered to pay the costs that  
115 are incident to the sale, issuance and delivery of the bonds  
116 authorized under this act from the proceeds derived from the sale  
117 of such bonds. The commission shall sell such bonds on sealed  
118 bids at public sale, and for such price as it may determine to be

119 for the best interest of the State of Mississippi, but no such  
120 sale shall be made at a price less than par plus accrued interest  
121 to the date of delivery of the bonds to the purchaser. All  
122 interest accruing on such bonds so issued shall be payable  
123 semiannually or annually; however, the first interest payment may  
124 be for any period of not more than one (1) year.

125 Notice of the sale of any such bonds shall be published at  
126 least one time, not less than ten (10) days before the date of  
127 sale, and shall be so published in one or more newspapers  
128 published or having a general circulation in the City of Jackson,  
129 Mississippi, and in one or more other newspapers or financial  
130 journals with a national circulation, to be selected by the  
131 commission.

132 The commission, when issuing any bonds under the authority of  
133 this act, may provide that bonds, at the option of the State of  
134 Mississippi, may be called in for payment and redemption at the  
135 call price named therein and accrued interest on such date or  
136 dates named therein.

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

147 Section 9. Upon the issuance and sale of bonds under the  
148 provisions of this act, the commission shall transfer the proceeds  
149 of any such sale or sales to the 1998 Port of Pascagoula  
150 Improvement Fund created in Section 2 of this act. The proceeds

151 of such bonds shall be disbursed solely upon the order of the  
152 Department of Finance and Administration under such restrictions,  
153 if any, as may be contained in the resolution providing for the  
154 issuance of the bonds.

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

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

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

180 Section 13. All bonds issued under the provisions of this  
181 act shall be legal investments for trustees and other fiduciaries,  
182 and for savings banks, trust companies and insurance companies

183 organized under the laws of the State of Mississippi, and such  
184 bonds shall be legal securities which may be deposited with and  
185 shall be received by all public officers and bodies of this state  
186 and all municipalities and political subdivisions for the purpose  
187 of securing the deposit of public funds.

188 Section 14. Bonds issued under the provisions of this act  
189 and income therefrom shall be exempt from all taxation in the  
190 State of Mississippi.

191 Section 15. The proceeds of the bonds issued under this act  
192 shall be used solely for the purposes herein provided, including  
193 the costs incident to the issuance and sale of such bonds.

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

205 Section 17. The provisions of this act shall be deemed to be  
206 full and complete authority for the exercise of the powers therein  
207 granted, but this act shall not be deemed to repeal or to be in  
208 derogation of any existing law of this state.

209 **FURTHER, AMEND line 12 of the title by inserting the**  
210 **following after the semicolon:**

211 TO AMEND CHAPTER 534, LAWS OF 1998, TO AUTHORIZE GENERAL  
212 OBLIGATION BONDS ISSUED FOR CERTAIN WORK AT THE PORT OF  
213 PASCAGOULA, MISSISSIPPI TO BE UTILIZED FOR CERTAIN ADDITIONAL  
214 PURPOSES;