

Senate Amendments to House Bill No. 744

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

1 Amend on line 27 by changing "Five Million Dollars
2 (\$5,000,000.00) to "Two Million Dollars (\$2,000,000.00)"

3 Further, amend on lines 66, 68, 70 and 93 by changing "2008"
4 to "2010"

5 Further, amend the title to conform.

SS06\HB744A.2J

AMENDMENT NO. 2

1 **AMEND** by inserting the following new section after line 96
2 and renumbering any succeeding section(s):

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

published or having a general circulation in the City of Jackson, Mississippi, and in one or more other newspapers or financial journals with a national circulation, to be selected by the commission.

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

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

Section 9. Upon the issuance and sale of bonds under the provisions of this act, the commission shall transfer the proceeds of any such sale or sales to the 1998 Port of Pascagoula Improvement Fund created in Section 2 of this act. The proceeds of such bonds shall be disbursed solely upon the order of the Department of Finance and Administration under such restrictions, if any, as may be contained in the resolution providing for the issuance of the bonds.

Section 10. The bonds authorized under this act may be issued without any other proceedings or the happening of any other conditions or things other than those proceedings, conditions and things which are specified or required by this act. Any resolution providing for the issuance of bonds under the provisions of this act shall become effective immediately upon its adoption by the commission, and any such resolution may be adopted

at any regular or special meeting of the commission by a majority of its members.

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

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

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

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

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

Section 16. The State Treasurer is authorized, without further process of law, to certify to the Department of Finance 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 the title on line 9 by inserting after the**
210 **semicolon the following:**

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;

SS26\HB744A.1J

John O. Gilbert
Secretary of the Senate