

By: Representative Snowden

To: Ways and Means

HOUSE BILL NO. 1564

1 AN ACT TO AUTHORIZE THE ISSUANCE OF STATE GENERAL OBLIGATION  
 2 BONDS TO PROVIDE FUNDS TO ASSIST LAUDERDALE COUNTY, MISSISSIPPI,  
 3 IN PAYING COSTS ASSOCIATED WITH CONSTRUCTION, DEVELOPMENT AND  
 4 UPGRADES OF AND IMPROVEMENTS TO FACILITIES, PROPERTY AND  
 5 INFRASTRUCTURE WITHIN THE COUNTY'S INDUSTRIAL PARK; AND FOR  
 6 RELATED PURPOSES.

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

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

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

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

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



20           (2)   (a)   (i)   A special fund, to be designated the "2019  
21   Lauderdale County Industrial Park Improvements Fund," is created  
22   within the State Treasury. The fund shall be maintained by the  
23   State Treasurer as a separate and special fund, separate and apart  
24   from the General Fund of the state. Unexpended amounts remaining  
25   in the fund at the end of a fiscal year shall not lapse into the  
26   State General Fund, and any interest earned or investment earnings  
27   on amounts in the fund shall be deposited into such fund.

28                           (ii)   Monies deposited into the fund shall be  
29   disbursed, in the discretion of the Department of Finance and  
30   Administration, to assist Lauderdale County, Mississippi, in  
31   paying costs associated with construction, development and  
32   upgrades of and improvements to facilities, property and  
33   infrastructure within the county's industrial park, including the  
34   repayment of debt incurred by the county for such purposes before  
35   the effective date of this act.

36           (b)   Amounts deposited into such special fund shall be  
37   disbursed to pay the costs of the projects described in paragraph  
38   (a) of this subsection. Promptly after the commission has  
39   certified, by resolution duly adopted, that the projects described  
40   in paragraph (a) of this subsection shall have been completed,  
41   abandoned, or cannot be completed in a timely fashion, any amounts  
42   remaining in such special fund shall be applied to pay debt  
43   service on the bonds issued under this section, in accordance with



44 the proceedings authorizing the issuance of such bonds and as  
45 directed by the commission.

46 (3) (a) The commission, at one time, or from time to time,  
47 may declare by resolution the necessity for issuance of general  
48 obligation bonds of the State of Mississippi to provide funds for  
49 all costs incurred or to be incurred for the purposes described in  
50 subsection (2) of this section. Upon the adoption of a resolution  
51 by the Department of Finance and Administration, declaring the  
52 necessity for the issuance of any part or all of the general  
53 obligation bonds authorized by this subsection, the department  
54 shall deliver a certified copy of its resolution or resolutions to  
55 the commission. Upon receipt of such resolution, the commission,  
56 in its discretion, may act as the issuing agent, prescribe the  
57 form of the bonds, determine the appropriate method for sale of  
58 the bonds, advertise for and accept bids or negotiate the sale of  
59 the bonds, issue and sell the bonds so authorized to be sold and  
60 do any and all other things necessary and advisable in connection  
61 with the issuance and sale of such bonds. The total amount of  
62 bonds issued under this section shall not exceed Three Million  
63 Five Hundred Thousand Dollars (\$3,500,000.00). No bonds shall be  
64 issued under this section after July 1, 2023.

65 (b) Any investment earnings on amounts deposited into  
66 the special fund created in subsection (2) of this section shall  
67 be used to pay debt service on bonds issued under this section, in



68 accordance with the proceedings authorizing issuance of such  
69 bonds.

70 (4) The principal of and interest on the bonds authorized  
71 under this section shall be payable in the manner provided in this  
72 subsection. Such bonds shall bear such date or dates, be in such  
73 denomination or denominations, bear interest at such rate or rates  
74 (not to exceed the limits set forth in Section 75-17-101,  
75 Mississippi Code of 1972), be payable at such place or places  
76 within or without the State of Mississippi, shall mature  
77 absolutely at such time or times not to exceed twenty-five (25)  
78 years from date of issue, be redeemable before maturity at such  
79 time or times and upon such terms, with or without premium, shall  
80 bear such registration privileges, and shall be substantially in  
81 such form, all as shall be determined by resolution of the  
82 commission.

83 (5) The bonds authorized by this section shall be signed by  
84 the chairman of the commission, or by his facsimile signature, and  
85 the official seal of the commission shall be affixed thereto,  
86 attested by the secretary of the commission. The interest  
87 coupons, if any, to be attached to such bonds may be executed by  
88 the facsimile signatures of such officers. Whenever any such  
89 bonds shall have been signed by the officials designated to sign  
90 the bonds who were in office at the time of such signing but who  
91 may have ceased to be such officers before the sale and delivery  
92 of such bonds, or who may not have been in office on the date such



93 bonds may bear, the signatures of such officers upon such bonds  
94 and coupons shall nevertheless be valid and sufficient for all  
95 purposes and have the same effect as if the person so officially  
96 signing such bonds had remained in office until their delivery to  
97 the purchaser, or had been in office on the date such bonds may  
98 bear. However, notwithstanding anything herein to the contrary,  
99 such bonds may be issued as provided in the Registered Bond Act of  
100 the State of Mississippi.

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

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



118 bonds on sealed bids at public sale or may negotiate the sale of  
119 the bonds for such price as it may determine to be for the best  
120 interest of the State of Mississippi. All interest accruing on  
121 such bonds so issued shall be payable semiannually or annually.

122 If such bonds are sold by sealed bids at public sale, notice  
123 of the sale shall be published at least one (1) time, not less  
124 than ten (10) days before the date of sale, and shall be so  
125 published in one or more newspapers published or having a general  
126 circulation in the City of Jackson, Mississippi, selected by the  
127 commission.

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

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



143           (9) Upon the issuance and sale of bonds under the provisions  
144 of this section, the commission shall transfer the proceeds of any  
145 such sale or sales to the special fund created in subsection (2)  
146 of this section. The proceeds of such bonds shall be disbursed  
147 solely upon the order of the Department of Finance and  
148 Administration under such restrictions, if any, as may be  
149 contained in the resolution providing for the issuance of the  
150 bonds.

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

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



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

176           (13) All bonds issued under the provisions of this section  
177 shall be legal investments for trustees and other fiduciaries, and  
178 for savings banks, trust companies and insurance companies  
179 organized under the laws of the State of Mississippi, and such  
180 bonds shall be legal securities which may be deposited with and  
181 shall be received by all public officers and bodies of this state  
182 and all municipalities and political subdivisions for the purpose  
183 of securing the deposit of public funds.

184           (14) Bonds issued under the provisions of this section and  
185 income therefrom shall be exempt from all taxation in the State of  
186 Mississippi.

187           (15) The proceeds of the bonds issued under this section  
188 shall be used solely for the purposes herein provided, including  
189 the costs incident to the issuance and sale of such bonds.

190           (16) The State Treasurer is authorized, without further  
191 process of law, to certify to the Department of Finance and  
192 Administration the necessity for warrants, and the Department of





193 Finance and Administration is authorized and directed to issue  
194 such warrants, in such amounts as may be necessary to pay when due  
195 the principal of, premium, if any, and interest on, or the  
196 accreted value of, all bonds issued under this section; and the  
197 State Treasurer shall forward the necessary amount to the  
198 designated place or places of payment of such bonds in ample time  
199 to discharge such bonds, or the interest thereon, on the due dates  
200 thereof.

201 (17) This section shall be deemed to be full and complete  
202 authority for the exercise of the powers herein granted, but this  
203 section shall not be deemed to repeal or to be in derogation of  
204 any existing law of this state.

205 **SECTION 2.** This act shall take effect and be in force from  
206 and after its passage.

