

By: Representative Weathersby

To: County Affairs; Ways and Means

HOUSE BILL NO. 1146

1 AN ACT TO AMEND SECTION 19-5-183, MISSISSIPPI CODE OF 1972,  
2 TO INCREASE THE MINIMUM NUMBER OF QUALIFIED ELECTORS WHOSE NAMES  
3 MUST APPEAR ON A PETITION CALLING FOR AN ELECTION ON THE ISSUANCE  
4 OF BONDS BY WATER, SEWER, GARBAGE DISPOSAL AND FIRE PROTECTION  
5 DISTRICTS; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 19-5-183, Mississippi Code of 1972, is  
8 amended as follows:

9 19-5-183. (1) The board of commissioners of any district  
10 created pursuant to Sections 19-5-151 through 19-5-207 may issue  
11 bonds of such district by resolution spread upon the minutes of  
12 such board. Bonds may be issued from time to time without an  
13 election being held upon the question of their issuance unless the  
14 board of commissioners of the district is presented with a  
15 petition for an election upon the question of issuance signed by  
16 twenty percent (20%) or fifteen hundred (1500), whichever is the  
17 lesser, of the qualified electors residing within the district.  
18 The resolution authorizing any issue of bonds other than the  
19 initial issue shall be published in a manner similar to the  
20 publication of the resolution, as outlined in Section 19-5-157. If  
21 an election is required, it shall be held in substantial accord  
22 with the election outlined in Section 19-5-157. The cost of this  
23 election shall be borne by the district.

24 (2) All bonds shall be lithographed or engraved and printed  
25 in two (2) or more colors to prevent counterfeiting. They shall  
26 be in denominations of not less than One Thousand Dollars  
27 (\$1,000.00) nor more than Five Thousand Dollars (\$5,000.00), and  
28 may be registered as issued, and shall be numbered in a regular

29 series from one (1) upward. Each such bond shall specify on its  
30 face the purpose for which it was issued, the total amount  
31 authorized to be issued, the interest on the bond, that it is  
32 payable to bearer and that the interest to accrue thereon is  
33 evidenced by proper coupons attached thereto.

34 (3) Such bonds shall contain such covenants and provisions;  
35 shall be executed; shall be in such form, format, type,  
36 denomination or denominations; shall be payable as to principal  
37 and interest, at such place or places; and shall mature at such  
38 time or times, all as shall be determined by such board of  
39 commissioners and set forth in the resolution pursuant to which  
40 such bonds shall be issued. The date of maturity of such bonds  
41 shall not exceed forty (40) years from the date of the bond,  
42 except that on special improvement pollution abatement bonds,  
43 special improvement water bonds, or special improvement water and  
44 sewer bonds the date of maturity shall not exceed twenty-five (25)  
45 years from their date.

46 (4) All bonds shall bear interest at such rate or rates not  
47 to exceed a greater net interest cost to maturity than that  
48 allowed in Section 75-17-103, no bond shall bear more than one (1)  
49 rate of interest; each bond shall bear interest from its date to  
50 its stated maturity date at the interest rate specified in the  
51 bid; all bonds of the same maturity shall bear the same rate of  
52 interest. All interest accruing on such bonds so issued shall be  
53 payable semiannually, or annually, except that the first interest  
54 coupon attached to any such bonds may be for any period not  
55 exceeding one (1) year. No interest payment shall be evidenced by  
56 more than one (1) coupon and supplemental coupons, cancelled  
57 coupons and zero interest coupons will not be permitted; no  
58 interest coupon shall vary more than twenty-five percent (25%) in  
59 interest rate from any other interest coupon in the same bond  
60 issue; and the interest rate on any one (1) interest coupon shall  
61 not exceed that allowed in Section 75-17-103.

62           (5) Such bonds shall be signed by the chairman and  
63 secretary-treasurer of the commission with the seal of the  
64 commission affixed thereto; however, the coupons may bear only the  
65 facsimile signatures of such chairman and secretary-treasurer.

66           (6) Any provisions of the general laws to the contrary  
67 notwithstanding, any bonds and interest coupons issued pursuant to  
68 the authority of Sections 19-5-151 through 19-5-207 shall be  
69 securities within the meaning of Article 8 of the Uniform  
70 Commercial Code, being Sections 75-8-101 et seq., Mississippi Code  
71 of 1972.

72           (7) Notwithstanding the foregoing provisions of this  
73 section, bonds referred to hereinabove may be issued pursuant to  
74 the supplemental powers and authorizations conferred by the  
75 provisions of the Registered Bond Act, being Sections 31-21-1  
76 through 31-21-7.

77           **SECTION 2.** The Attorney General of the State of Mississippi  
78 shall submit this act, immediately upon approval by the Governor,  
79 or upon approval by the Legislature subsequent to a veto, to the  
80 Attorney General of the United States or to the United States  
81 District Court for the District of Columbia in accordance with the  
82 provisions of the Voting Rights Act of 1965, as amended and  
83 extended.

84           **SECTION 3.** This act shall take effect and be in force from  
85 and after the date it is effectuated under Section 5 of the Voting  
86 Rights Act of 1965, as amended and extended.