

## Senate Amendments to House Bill No. 17

TO THE CLERK OF THE HOUSE:

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

### AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

7       **SECTION 1.** Section 37-59-37, Mississippi Code of 1972, is  
8 amended as follows:

9       [Through June 30, 2007, this section shall read as follows:]

10       37-59-37. (1) The school board of any school district shall  
11 have the power and authority to borrow money for the anticipated  
12 current year's expenses of such school district in anticipation of  
13 the collection of ad valorem taxes and other revenues of such  
14 school district for the then current fiscal year. Except as  
15 otherwise provided in subsection (5) of this section, the money so  
16 borrowed shall bear interest at a rate not greater than that  
17 allowed in Section 75-17-105 and shall be repaid within fourteen  
18 (14) months from the date of such borrowing out of the taxes and  
19 revenues in anticipation of which such money is borrowed. Such  
20 money shall be used for no other purpose than the payment of the  
21 current year's expenses of such school district. Pending the  
22 expenditure of funds borrowed under the provisions of this  
23 section, such funds may be invested in any manner in which any  
24 school district, municipality, county, state agency or other  
25 public body may invest surplus funds.

26       (2) The amount borrowed under the provisions of this section  
27 shall in no event exceed the estimated amount of taxes and  
28 revenues collected or to be collected during the last preceding  
29 fiscal year, unless the tax levy for the current fiscal year has  
30 been made, then the amount borrowed under the provisions of this  
31 section shall in no event exceed the estimated amount of taxes and  
32 revenues collected or to be collected during the current fiscal

33 year. Revenue anticipation notes issued under the provisions of  
34 this section shall be issued within the same fiscal year during  
35 which the tax levy is or will be made and other revenues received  
36 which it is anticipated will produce the funds from which the said  
37 notes will be repaid.

38 (3) In borrowing money under the provisions of this section,  
39 it shall not be necessary to publish notice of intention so to do  
40 or to secure the consent of the qualified electors of such school  
41 district, either by election or otherwise. Such borrowing shall  
42 be authorized by order or resolution of the school board and may  
43 be evidenced by negotiable note or notes, signed and executed in  
44 such form as may be prescribed in such order or resolution. Such  
45 note or notes may be sold at a negotiated sale. Money may be  
46 borrowed in anticipation of ad valorem taxes and other revenues  
47 under the provisions of this section, regardless of whether or not  
48 such borrowing shall create an indebtedness in excess of statutory  
49 limitations.

50 (4) Money may likewise be borrowed by any such school  
51 district, as herein provided, for the purpose of paying current  
52 interest maturities on any bonded indebtedness of such school  
53 district in anticipation of the collection of taxes for the  
54 retirement of such bonded indebtedness and the payment of any  
55 interest thereon.

56 (5) For reasons related to Hurricane Katrina, a public  
57 school district may increase the time within which the money  
58 borrowed under this section must be repaid to twenty-four (24)  
59 months after the date of such borrowing, if the school district  
60 first receives the approval of the State Board of Education based  
61 upon written justification therefor.

62 **[From and after July 1, 2007, this section shall read as**  
63 **follows:]**

64 37-59-37. The school board of any school district shall have  
65 the power and authority to borrow money for the anticipated  
66 current year's expenses of such school district in anticipation of  
67 the collection of ad valorem taxes and other revenues of such

68 school district for the then current fiscal year. The money so  
69 borrowed shall bear interest at a rate not greater than that  
70 allowed in Section 75-17-105 and shall be repaid within fourteen  
71 (14) months from the date of such borrowing out of the taxes and  
72 revenues in anticipation of which such money is borrowed. Such  
73 money shall be used for no other purpose than the payment of the  
74 current year's expenses of such school district. Pending the  
75 expenditure of funds borrowed under the provisions of this  
76 section, such funds may be invested in any manner in which any  
77 school district, municipality, county, state agency or other  
78 public body may invest surplus funds.

79 The amount borrowed under the provisions of this section  
80 shall in no event exceed the estimated amount of taxes and  
81 revenues collected or to be collected during the last preceding  
82 fiscal year, unless the tax levy for the current fiscal year has  
83 been made, then the amount borrowed under the provisions of this  
84 section shall in no event exceed the estimated amount of taxes and  
85 revenues collected or to be collected during the current fiscal  
86 year. Revenue anticipation notes issued under the provisions of  
87 this section shall be issued within the same fiscal year during  
88 which the tax levy is or will be made and other revenues received  
89 which it is anticipated will produce the funds from which the said  
90 notes will be repaid.

91 In borrowing money under the provisions of this section, it  
92 shall not be necessary to publish notice of intention so to do or  
93 to secure the consent of the qualified electors of such school  
94 district, either by election or otherwise. Such borrowing shall  
95 be authorized by order or resolution of the school board and may  
96 be evidenced by negotiable note or notes, signed and executed in  
97 such form as may be prescribed in such order or resolution. Such  
98 note or notes may be sold at a negotiated sale. Money may be  
99 borrowed in anticipation of ad valorem taxes and other revenues  
100 under the provisions of this section, regardless of whether or not  
101 such borrowing shall create an indebtedness in excess of statutory  
102 limitations.

103 Money may likewise be borrowed by any such school district,  
104 as herein provided, for the purpose of paying current interest  
105 maturities on any bonded indebtedness of such school district in  
106 anticipation of the collection of taxes for the retirement of such  
107 bonded indebtedness and the payment of any interest thereon.

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

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTION 37-59-37, MISSISSIPPI CODE OF 1972,  
2 TO EXTEND THE PERIOD OF TIME WITHIN WHICH MONEY BORROWED BY A  
3 SCHOOL DISTRICT IN ANTICIPATION OF REVENUE MUST BE REPAYED, IF THE  
4 REASONS FOR THE EXTENSION IS RELATED TO HURRICANE KATRINA; AND FOR  
5 RELATED PURPOSES.

SS01\HB17A.J

John O. Gilbert  
Secretary of the Senate