

By: Representative Weathersby

To: Apportionment and
Elections; Ways and Means

HOUSE BILL NO. 1285

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.