

By: Representative Eads

To: Ways and Means

## HOUSE BILL NO. 1271

1 AN ACT TO AMEND SECTIONS 37-59-17 AND 37-59-105, MISSISSIPPI  
2 CODE OF 1972, TO REDUCE THE PERCENTAGE OF QUALIFIED ELECTORS  
3 VOTING ON THE QUESTION OF THE ISSUANCE OF SCHOOL BONDS OR  
4 CERTIFICATES OF INDEBTEDNESS THAT MUST VOTE IN FAVOR OF ISSUING  
5 THE BONDS OR CERTIFICATES BEFORE THEY MAY BE ISSUED; AND FOR  
6 RELATED PURPOSES.

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

8 SECTION 1. Section 37-59-17, Mississippi Code of 1972, is  
9 amended as follows:

10 37-59-17. When the results of the election on the question  
11 of the issuance of such bonds shall have been canvassed by the  
12 election commissioners of such county or municipality, and  
13 certified by them to the school board of the school district, it  
14 shall be the duty of such school board to determine and adjudicate  
15 whether or not at least fifty-five percent (55%) of the qualified  
16 electors who voted in such election voted in favor of the issuance  
17 of such bonds. Unless at least fifty-five percent (55%) of the  
18 qualified electors who voted in such election shall have voted in  
19 favor of the issuance of such bonds, then such bonds shall not be  
20 issued. Should at least fifty-five percent (55%) of the qualified  
21 electors who vote in such election vote in favor of the issuance  
22 of such bonds, then the school board of such school district shall  
23 issue such bonds, either in whole or in part, within two (2) years  
24 from the date of such election, or within two (2) years after the  
25 final favorable termination of any litigation affecting the  
26 issuance of such bonds, as such school board shall deem best.

27 SECTION 2. Section 37-59-105, Mississippi Code of 1972, is  
28 amended as follows:

29           37-59-105. The \* \* \* resolution adopted by the school board  
30 pursuant to Section 37-59-103 shall be published once each week  
31 for two (2) consecutive weeks in a newspaper having a general  
32 circulation in the school district involved, with the first  
33 publication thereof to be made not less than fifteen (15) days  
34 prior to the date upon which the school board is to take final  
35 action upon the question of authorizing the borrowing of the  
36 money. If no petition requesting an election is filed prior to  
37 such meeting, then the school board shall, at the meeting, by  
38 resolution spread upon its minutes, give final approval to the  
39 borrowing of the money and shall authorize the issuance of  
40 negotiable notes or certificates of indebtedness of the school  
41 district therefor in accordance with the provisions of this  
42 article.

43           If at any time prior to the meeting a petition signed by not  
44 less than twenty percent (20%) of the qualified electors of the  
45 school district involved shall be filed with the school board  
46 requesting that an election be called on the question of incurring  
47 the indebtedness, then the school board shall, not later than the  
48 next regular meeting, adopt a resolution calling an election to be  
49 held within such school district upon the question of the  
50 incurring of the indebtedness for the purposes and in the amount  
51 requested. Such election shall be called and held, and notice  
52 thereof shall be given, in the same manner provided in Article 1  
53 of this chapter for elections upon the question of the issuance of  
54 the bonds of school districts, and the results thereof shall be  
55 certified to the school board. If at least fifty-five percent  
56 (55%) of the qualified electors voting in the election shall vote  
57 in favor of incurring the indebtedness, then the school board  
58 shall proceed to issue the negotiable notes or certificates of  
59 indebtedness as prayed for in the original resolution of the  
60 school board; however, if less than fifty-five percent (55%) of  
61 the qualified electors voting in the election vote in favor of

62 incurring the indebtedness, then the notes or certificates of  
63 indebtedness shall not be issued.

64 Money may be borrowed under the provisions of this article  
65 and the negotiable notes or certificates of indebtedness  
66 evidencing same may be issued as provided in this article: (a)  
67 without the necessity of being authorized in an election called  
68 for that purpose, except where a petition requesting an election  
69 is filed as provided herein; and (b) without the necessity of  
70 giving notice thereof except as specifically provided herein, and  
71 specifically without the necessity of complying with the  
72 requirements of Section 31-19-25.

73 SECTION 3. The Attorney General of the State of Mississippi  
74 shall submit this act, immediately upon approval by the Governor,  
75 or upon approval by the Legislature subsequent to a veto, to the  
76 Attorney General of the United States or to the United States  
77 District Court for the District of Columbia in accordance with the  
78 provisions of the Voting Rights Act of 1965, as amended and  
79 extended.

80 SECTION 4. This act shall take effect and be in force from  
81 and after the date it is effectuated under Section 5 of the Voting  
82 Rights Act of 1965, as amended and extended.