

By: Representative Myers

To: Ways and Means

HOUSE BILL NO. 1272

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 said 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 said
36 money. If no petition requesting an election is filed prior to
37 such meeting, then the school board shall, at said meeting, by
38 resolution spread upon its minutes, give final approval to the
39 borrowing of said 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 said 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 said 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 said 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 said election shall vote
57 in favor of incurring said indebtedness, then the school board
58 shall proceed to issue said 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 said election vote in favor of

62 incurring said indebtedness, then said 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.