MISSISSIPPI LEGISLATURE

REGULAR SESSION 2002

By: Representative Eads

To: Education; Ways and Means

HOUSE BILL NO. 265

AN ACT TO AMEND SECTION 37-59-5, MISSISSIPPI CODE OF 1972, TO INCREASE THE LIMITATION ON THE BONDED INDEBTEDNESS THAT MAY BE INCURRED BY SCHOOL DISTRICTS; TO BRING FORWARD SECTION 37-59-7, MISSISSIPPI CODE OF 1972, WHICH CREATES EXCEPTIONS TO THE GENERAL LIMITATION ON SCHOOL DISTRICTS' BONDED INDEBTEDNESS ESTABLISHED IN SECTION 37-59-5, MISSISSIPPI CODE OF 1972; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 37-59-5, Mississippi Code of 1972, is amended as follows:

37-59-5. No school district shall, except as provided in Section 37-59-7, issue bonds for the purposes authorized by law in an amount which, added to all of its then outstanding bonded indebtedness, shall result in the imposition on any of the property in such district of an indebtedness for school purposes of more than thirty percent (30%) of the assessed value of the taxable property within such district, according to the then last completed assessment for taxation, regardless of whether any of such indebtedness shall have been incurred by such district or by another school district or districts.

SECTION 2. Section 37-59-7, Mississippi Code of 1972, is brought forward as follows:

37-59-7. (1) Any school district in which the total number of pupils enrolled at any one time during the school year shall have increased by at least twenty percent (20%) within the preceding five (5) years shall not issue bonds for the purposes authorized by law in an amount which when added to all of its then outstanding bonded indebtedness, shall result in the imposition on any of the property in such district of an indebtedness for school
purposes of more than twenty-five percent (25%) of the assessed
value of the taxable property within such district according to
the then last completed assessment for taxation.

The pupil increase mentioned hereinaabove shall apply only to
growth in pupil enrollment and shall not apply to pupil increases
brought about by consolidation of school districts.

(2) Any school district may hereafter issue bonds in an
amount exceeding the limit of Section 37-59-5 for the purpose of
constructing, reconstructing, repairing, equipping, remodeling or
enlarging school buildings and related facilities, as described in
subsection (a) of Section 37-59-3, but no such district shall
issue bonds in an amount which when added to all of its then
outstanding bonded indebtedness, shall result in the imposition on
any of the property in such district of an indebtedness for such
school purposes of more than twenty percent (20%) of the assessed
value of the taxable property in such district, according to the
then last completed assessment for taxation, regardless of whether
any of such indebtedness shall have been incurred by such district
or by another school district or districts:

(a) In the event of the damage to or destruction of any
school building or school buildings, or related facilities of any
such district by fire, windstorm, flood or other providential and
unforeseeable cause; or

(b) In the event such school district has lost its
accreditation and the constructing, reconstructing, repairing,
equipping, remodeling or enlarging of such school buildings and
related facilities is necessary for the restoration of such
accreditation.

(3) In any school district wherein more than nine percent
(9%) of the total land area of the school district is owned by the
federal government and situated in a flood control reservoir or
maintained as a part of the national forest system, the said
school district may issue bonds in an amount, which when added to
all of its then outstanding bonded indebtedness for school purposes, shall result in the imposition on any of the property in such school district of an indebtedness for school purposes of not more than twenty percent (20%) of the assessed value of the taxable property within such district, according to the then last completed assessment for taxation, regardless of whether any of such indebtedness shall have been incurred by such district or by another school district or districts. If bonds in an amount in excess of fifteen percent (15%) of the total assessed value of the property of a school district are issued under the provisions of this subsection, not less than twenty-five percent (25%) of the total funds received by the school district under the provisions of Section 49-19-23, Mississippi Code of 1972, shall be paid into the bond and interest sinking fund of such district and used for the retirement of the bonds so issued.

(4) In any district where the assessed valuation per pupil is less than seventy-five percent (75%) of the average of all school districts, such school district may issue bonds for the purposes authorized by Section 37-59-3 in an amount exceeding the fifteen percent (15%) debt limitation set forth in Section 37-59-5, but not exceeding an amount which, when added to all of the school district's then outstanding bonded indebtedness, shall result in the imposition on any of the property in such district of an indebtedness for such school purposes of more than twenty-five percent (25%) of the assessed value of the taxable property in such district, according to the then last completed assessment for taxation if:

(a) The board of trustees or board of education of the school district adopts a resolution finding that issuing bonds in an amount exceeding the limitation stated in Section 37-59-5 is necessary to provide or maintain adequate educational facilities within the school district; and
(b) The notice of the bond election required by Section 37-59-13 contains a provision notifying the qualified electors in the school district:

(i) Of the fact that the proposed bonds, if issued, will exceed the fifteen percent (15%) debt limit contained in Section 37-59-5; and

(ii) Of the reasons why the school district is proposing to exceed said limitation;

(c) The election is held and the proposed bond issue receives the requisite voter approval as set forth in Section 37-59-17.

SECTION 3. This act shall take effect and be in force from and after July 1, 2002.