MISSISSIPPI LEGISLATURE
REGULAR SESSION 2002

By: Representatives Eads, Whittington
To: Ways and Means

HOUSE BILL NO. 1001

AN ACT TO AMEND SECTIONS 37-59-17 AND 37-59-105, MISSISSIPPI CODE OF 1972, TO REDUCE THE PERCENTAGE OF QUALIFIED ELECTORS VOTING ON THE QUESTION OF THE ISSUANCE OF SCHOOL BONDS OR CERTIFICATES OF INDEBTEDNESS WHICH MUST VOTE IN FAVOR OF ISSUING THE BONDS OR CERTIFICATES IN SCHOOL DISTRICTS HAVING ELECTED SCHOOL BOARDS AND APPOINTED SUPERINTENDENTS; AND FOR RELATED PURPOSES.

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

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

37-59-17. (1) When the results of the election on the question of the issuance of such bonds shall have been canvassed by the election commissioners of such county or municipality, and certified by them to the school board of the school district, it shall be the duty of such school board to determine and adjudicate whether or not a sufficient number of the qualified electors who voted in such election voted in favor of the issuance of such bonds.

(2) Except as otherwise provided in subsection (3) of this section, unless three-fifths (3/5) of the qualified electors who voted in such election shall have voted in favor of the issuance of such bonds, then such bonds shall not be issued. Should three-fifths (3/5) of the qualified electors who vote in such election vote in favor of the issuance of such bonds, then the school board of such school district shall issue such bonds, either in whole or in part, within two (2) years from the date of such election, or within two (2) years after the final favorable termination of any litigation affecting the issuance of such bonds, as such school board shall deem best.
(3) In any school district in which all members of the school board are elected to office and the superintendent is appointed, the bonds may not be issued unless at least fifty-five percent (55%) of the qualified electors who voted in such election have voted in favor of the issuance of the bonds. If at least fifty-five percent (55%) of the qualified electors who vote in the election vote in favor of the issuance of the bonds, then the school board of the school district shall issue the bonds, either in whole or in part, within two (2) years from the date of the election, or within two (2) years after the final favorable termination of any litigation affecting the issuance of the bonds, as the school board deems best.

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

37-59-105. (1) The resolution adopted by the school board pursuant to Section 37-59-103 shall be published once each week for two (2) consecutive weeks in a newspaper having a general circulation in the school district involved, with the first publication thereof to be made not less than fifteen (15) days prior to the date upon which the school board is to take final action upon the question of authorizing the borrowing of the money. If no petition requesting an election is filed prior to such meeting, then the school board shall, at the meeting, by resolution spread upon its minutes, give final approval to the borrowing of the money and shall authorize the issuance of negotiable notes or certificates of indebtedness of the school district therefor in accordance with the provisions of this article.

(2) If at any time prior to the meeting a petition signed by not less than twenty percent (20%) of the qualified electors of the school district involved is filed with the school board requesting that an election be called on the question of incurring the indebtedness, then the school board shall, not later than the
next regular meeting, adopt a resolution calling an election to be held within such school district upon the question of the incurring of the indebtedness for the purposes and in the amount requested. Such election shall be called and held, and notice thereof shall be given, in the same manner provided in Article 1 of this chapter for elections upon the question of the issuance of the bonds of school districts, and the results thereof shall be certified to the school board.

(3) (a) Except as otherwise provided in paragraph (b) of this subsection, if three-fifths (3/5) of the qualified electors voting in the election shall vote in favor of incurring the indebtedness, then the school board shall proceed to issue the negotiable notes or certificates of indebtedness as prayed for in the original resolution of the school board; however, if less than three-fifths (3/5) of the qualified electors voting in the election vote in favor of incurring the indebtedness, then the notes or certificates of indebtedness shall not be issued.

(b) In any school district in which all members of the school board are elected to office and the superintendent is appointed, if at least fifty-five percent (55%) of the qualified electors voting in the election vote in favor of incurring the indebtedness, then the school board shall proceed to issue the negotiable notes or certificates of indebtedness as prayed for in the original resolution of the school board; however, if less than fifty-five percent (55%) of the qualified electors voting in the election vote in favor of incurring the indebtedness, then the notes or certificates of indebtedness may not be issued.

(4) Money may be borrowed under the provisions of this article and the negotiable notes or certificates of indebtedness evidencing same may be issued as provided in this article:

(a) Without the necessity of being authorized in an election called for that purpose, except where a petition requesting an election is filed as provided herein;
(b) Without the necessity of giving notice thereof except as specifically provided herein, and specifically without the necessity of complying with the requirements of Section 31-19-25.

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

SECTION 4. This act shall take effect and be in force from and after July 1, 2002, if it is effectuated on or before that date under Section 5 of the Voting Rights Act of 1965, as amended and extended. If it is effectuated under Section 5 of the Voting Rights Act of 1965, as amended and extended, after July 1, 2002, this act shall take effect and be in force from and after the date it is effectuated under Section 5 of the Voting Rights Act of 1965, as amended and extended.