

By: Representative Eads

To: Ways and Means

## HOUSE BILL NO. 296

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 WHICH MUST VOTE IN FAVOR OF ISSUING  
5 THE BONDS OR CERTIFICATES IN SCHOOL DISTRICTS HAVING ELECTED  
6 SCHOOL BOARDS AND APPOINTED SUPERINTENDENTS; AND FOR RELATED  
7 PURPOSES.

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

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

11 37-59-17. (1) When the results of the election on the  
12 question of the issuance of such bonds shall have been canvassed  
13 by the election commissioners of such county or municipality, and  
14 certified by them to the school board of the school district, it  
15 shall be the duty of such school board to determine and adjudicate  
16 whether or not a sufficient number of the qualified electors who  
17 voted in such election voted in favor of the issuance of such  
18 bonds.

19 (2) Except as otherwise provided in subsection (3) of this  
20 section, unless at least three-fifths (3/5) of the qualified  
21 electors who voted in such election shall have voted in favor of  
22 the issuance of such bonds, then such bonds shall not be issued.  
23 Should at least three-fifths (3/5) of the qualified electors who  
24 vote in such election vote in favor of the issuance of such bonds,  
25 then the school board of such school district shall issue such  
26 bonds, either in whole or in part, within two (2) years from the  
27 date of such election, or within two (2) years after the final  
28 favorable termination of any litigation affecting the issuance of  
29 such bonds, as such school board shall deem best.



30       (3) In any school district in which all members of the  
31 school board are elected to office and the superintendent is  
32 appointed, the bonds may not be issued unless at least fifty-five  
33 percent (55%) of the qualified electors who voted in such election  
34 have voted in favor of the issuance of the bonds. If at least  
35 fifty-five percent (55%) of the qualified electors who vote in the  
36 election vote in favor of the issuance of the bonds, then the  
37 school board of the school district shall issue the bonds, either  
38 in whole or in part, within two (2) years from the date of the  
39 election, or within two (2) years after the final favorable  
40 termination of any litigation affecting the issuance of the bonds,  
41 as the school board deems best.

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

44       37-59-105. (1) The \* \* \* resolution adopted by the school  
45 board pursuant to Section 37-59-103 shall be published once each  
46 week for two (2) consecutive weeks in a newspaper having a general  
47 circulation in the school district involved, with the first  
48 publication thereof to be made not less than fifteen (15) days  
49 prior to the date upon which the school board is to take final  
50 action upon the question of authorizing the borrowing of the  
51 money. If no petition requesting an election is filed prior to  
52 such meeting, then the school board shall, at the meeting, by  
53 resolution spread upon its minutes, give final approval to the  
54 borrowing of the money and shall authorize the issuance of  
55 negotiable notes or certificates of indebtedness of the school  
56 district therefor in accordance with the provisions of this  
57 article.

58       (2) If at any time prior to the meeting a petition signed by  
59 not less than twenty percent (20%) of the qualified electors of  
60 the school district involved is filed with the school board  
61 requesting that an election be called on the question of incurring  
62 the indebtedness, then the school board shall, not later than the



63 next regular meeting, adopt a resolution calling an election to be  
64 held within such school district upon the question of the  
65 incurring of the indebtedness for the purposes and in the amount  
66 requested. Such election shall be called and held, and notice  
67 thereof shall be given, in the same manner provided in Article 1  
68 of this chapter for elections upon the question of the issuance of  
69 the bonds of school districts, and the results thereof shall be  
70 certified to the school board.

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

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

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

93 (a) Without the necessity of being authorized in an  
94 election called for that purpose, except where a petition  
95 requesting an election is filed as provided herein; and



96           (b) Without the necessity of giving notice thereof  
97 except as specifically provided herein, and specifically without  
98 the necessity of complying with the requirements of Section  
99 31-19-25.

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

107           **SECTION 4.** This act shall take effect and be in force from  
108 and after July 1, 2003, if it is effectuated on or before that  
109 date under Section 5 of the Voting Rights Act of 1965, as amended  
110 and extended. If it is effectuated under Section 5 of the Voting  
111 Rights Act of 1965, as amended and extended, after July 1, 2003,  
112 this act shall take effect and be in force from and after the date  
113 it is effectuated under Section 5 of the Voting Rights Act of  
114 1965, as amended and extended.

