HOUSE BILL NO. 1351

AN ACT TO AMEND SECTION 37-59-11, MISSISSIPPI CODE OF 1972, TO PRESCRIBE THE PROCEDURE FOR THE ISSUANCE OF SCHOOL BONDS IN SCHOOL DISTRICTS IN WHICH THE AVERAGE DAILY ATTENDANCE OF STUDENTS EXCEEDS THE PRECEDING YEAR'S ATTENDANCE BY 5% OR GREATER; TO PROVIDE FOR THE ADOPTION OF A BOND ISSUE RESOLUTION IN SUCH SCHOOL DISTRICTS; TO PROVIDE THAT THERE SHALL BE NO ELECTION ON THE QUESTION OF THE ISSUANCE OF SUCH BONDS UNLESS A PETITION IS FILED WITH THE LOCAL SCHOOL BOARD REQUESTING THAT AN ELECTION BE CALLED ON THE QUESTION; TO PROVIDE FOR SUCH ELECTION IN ACCORDANCE WITH THE PETITION; TO AMEND SECTION 37-59-17 IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 37-59-11, Mississippi Code of 1972, is amended as follows:

37-59-11. (1) Before any money shall be borrowed under the provisions of this chapter, the school board of the school district shall adopt a resolution declaring the necessity for borrowing such money, declaring its intention to borrow such money and to issue the negotiable bonds of the school district as evidence of same, specifying the approximate amount to be so borrowed, and how such indebtedness is to be evidenced. Such resolution shall also set forth the nature and approximate cost of the alterations, additions and repairs to be made, and shall declare in said resolution that no funds are available in the school funds of the district or from any other source with which to make such repairs, alterations, additions, purchases, erections or improvements.

(2) Whenever a resolution is adopted by the school board as provided in subsection (1), or a petition signed by not less than ten percent (10%) of the qualified electors of a school district, fixing the maximum amount of such school bonds and the purpose or
purposes for which they are to be issued, the school board shall adopt a resolution calling an election to be held within such school district for the purpose of submitting to the qualified electors thereof the question of the issuance of bonds in the amount and for the purpose or purposes as set forth in such resolution or petition. The resolution calling such election shall designate the date upon which the election shall be held and the place or places within such district at which such election shall be held, which place or places may or may not be the schoolhouse or schoolhouses in such district.

(3) Provided, however, anything herein to the contrary notwithstanding, no election shall be required for approval of bonds issued after July 1, 1987, and prior to July 1, 1988, or within one (1) year after the final favorable termination of any litigation affecting the issuance of such bonds, and as to which the resolution of necessity and intent to issue by the school board of the school district is passed and publication thereof commenced on or before June 30, 1987, unless a petition calling for such election is filed meeting the requirements and within the time provided by this Section 37-59-11 as in effect between April 15, 1986, and June 30, 1987.

(4) In any school district in which the average daily attendance of students in grades kindergarten through twelve has increased by five percent (5%) or greater over the average daily attendance figure for the preceding school year, the procedure for the approval of school bonds shall be as provided in this subsection (4) of Section 37-59-11. Before any money shall be borrowed under the provisions of this subsection (4), the school board of the school district shall adopt a resolution declaring the increase of average daily attendance of students in grades kindergarten through twelve in such district to be five percent (5%) or greater than the average daily attendance figure for the preceding school year, declaring the necessity for borrowing such
money to meet the needs of the increase in student enrollment,
declaring its intention to borrow such money and to issue the
negotiable bonds of the school district as evidence of same. The
resolution shall also set forth the approximate amount of the
indebtedness to be incurred and the purpose or purposes for which
the money so borrowed is to be expended, including the approximate
cost of the alterations, additions and repairs to be made. The
resolution so adopted by the school board shall be published once
each week for three (3) consecutive weeks in at least one (1)
newspaper published in the school district involved, with the
first publication thereof to be made not less than twenty-one
(21) days before the date upon which the school board is to take
final action upon the question of authorizing the borrowing of the
money. If no newspaper is published in such school district, then
such notice shall be given by publishing the same for the required
time in some newspaper having a general circulation in the school
district. If no petition requesting an election is filed before
such meeting as is hereinafter provided, 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 bonds of the school district by the
board of supervisors or the governing authorities of the
municipality, as the case may be. If at any time before such
meeting, a petition signed by twenty percent (20%) or fifteen
hundred (1500), whichever is less, of the qualified electors of
the school district involved shall be filed with the school board
requesting that an election be called on the question of incurring
the indebtedness, then the school board shall 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, as provided in Sections
37-59-13 and 37-59-15. When the results of such 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 majority of the qualified electors who voted in such election voted in favor of the issuance of such bonds. Unless a majority 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 a majority of the qualified electors who voted 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.

SECTION 2. Section 37-59-17, Mississippi Code of 1972, is amended as follows:

37-59-17. (1) Except as otherwise provided in subsection (2) of this section, 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 three-fifths (3/5) of the qualified electors who voted in such election voted in favor of the issuance of such bonds. 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.

(2) When the results of the election on the question of the
issuance of bonds under Section 37-59-11(4) shall have been
canvassed by the election commissioners of such county or
city, 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 majority of the
qualified electors who voted in such election voted in favor of
the issuance of such bonds. Unless a majority 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 a majority 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.

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 the date it is effectuated under Section 5 of the Voting
Rights Act of 1965, as amended and extended.