

By: Senator(s) Harden

To: Education; Finance

SENATE BILL NO. 2183

1 AN ACT TO AMEND SECTION 37-59-11, MISSISSIPPI CODE OR 1972,
2 TO AUTHORIZE THE ISSUANCE OF BONDS FOR SCHOOL PURPOSES FOR A
3 ONE-YEAR PERIOD WITHOUT THE NECESSITY OF AN ELECTION ON THE
4 QUESTIONS IN THE ABSENCE OF A PETITION CALLING FOR SUCH AN
5 ELECTION; AND FOR RELATED PURPOSES.

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

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

9 37-59-11. (1) Before any money shall be borrowed under the
10 provisions of this chapter, the school board of the school
11 district shall adopt a resolution declaring the necessity for
12 borrowing such money, declaring its intention to borrow such money
13 and to issue the negotiable bonds of the school district as
14 evidence of same, specifying the approximate amount to be so
15 borrowed, and how such indebtedness is to be evidenced. Such
16 resolution shall also set forth the nature and approximate cost of
17 the alterations, additions and repairs to be made, and shall
18 declare in said resolution that no funds are available in the
19 school funds of the district or from any other source with which
20 to make such repairs, alterations, additions, purchases, erections
21 or improvements.

22 (2) Whenever a resolution is adopted by the school board as
23 provided in subsection (1), or a petition signed by not less than
24 ten percent (10%) of the qualified electors of a school district,
25 fixing the maximum amount of such school bonds and the purpose or
26 purposes for which they are to be issued, the school board shall
27 adopt a resolution calling an election to be held within such
28 school district for the purpose of submitting to the qualified

29 electors thereof the question of the issuance of bonds in the
30 amount and for the purpose or purposes as set forth in such
31 resolution or petition. The resolution calling such election
32 shall designate the date upon which the election shall be held and
33 the place or places within such district at which such election
34 shall be held, which place or places may or may not be the
35 schoolhouse or schoolhouses in such district.

36 (3) Provided, however, anything herein to the contrary
37 notwithstanding, no election shall be required for approval of
38 bonds issued after July 1, 1987, and prior to July 1, 1988, or
39 within one (1) year after the final favorable termination of any
40 litigation affecting the issuance of such bonds, and as to which
41 the resolution of necessity and intent to issue by the school
42 board of the school district is passed and publication thereof
43 commenced on or before June 30, 1987, unless a petition calling
44 for such election is filed meeting the requirements and within the
45 time provided by this Section 37-59-11 as in effect between April
46 15, 1986, and June 30, 1987.

47 (4) Provided, however, anything herein to the contrary
48 notwithstanding, no election shall be required for approval of
49 bonds issued after July 1, 2004, and prior to July 1, 2005, or
50 within one (1) year after the final favorable termination of any
51 litigation affecting the issuance of such bonds, and as to which
52 the resolution of necessity and intent to issue by the school
53 board of the school district is passed and publication thereof
54 commenced on or before June 30, 2004, unless a petition calling
55 for such election is filed meeting the requirements and within the
56 time provided by this Section 37-59-11 as in effect on July 1,
57 2004.

58 **SECTION 2.** The Attorney General of the State of Mississippi
59 shall submit this act, immediately upon approval by the Governor,
60 or upon approval by the Legislature subsequent to a veto, to the
61 Attorney General of the United States or to the United States

62 District Court for the District of Columbia in accordance with the
63 provisions of the Voting Rights Act of 1965, as amended and
64 extended.

65 **SECTION 3.** This act shall take effect and be in force from
66 and after the date it is effectuated under Section 5 of the Voting
67 Rights Act of 1965, as amended and extended.