

By: Representative Blackmon

To: Education; Ways and Means

HOUSE BILL NO. 1351

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

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

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

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

28 (2) Whenever a resolution is adopted by the school board as
 29 provided in subsection (1), or a petition signed by not less than
 30 ten percent (10%) of the qualified electors of a school district,
 31 fixing the maximum amount of such school bonds and the purpose or



32 purposes for which they are to be issued, the school board shall
33 adopt a resolution calling an election to be held within such
34 school district for the purpose of submitting to the qualified
35 electors thereof the question of the issuance of bonds in the
36 amount and for the purpose or purposes as set forth in such
37 resolution or petition. The resolution calling such election
38 shall designate the date upon which the election shall be held and
39 the place or places within such district at which such election
40 shall be held, which place or places may or may not be the
41 schoolhouse or schoolhouses in such district.

42 (3) Provided, however, anything herein to the contrary
43 notwithstanding, no election shall be required for approval of
44 bonds issued after July 1, 1987, and prior to July 1, 1988, or
45 within one (1) year after the final favorable termination of any
46 litigation affecting the issuance of such bonds, and as to which
47 the resolution of necessity and intent to issue by the school
48 board of the school district is passed and publication thereof
49 commenced on or before June 30, 1987, unless a petition calling
50 for such election is filed meeting the requirements and within the
51 time provided by this Section 37-59-11 as in effect between April
52 15, 1986, and June 30, 1987.

53 (4) In any school district in which the average daily
54 attendance of students in grades kindergarten through twelve has
55 increased by five percent (5%) or greater over the average daily
56 attendance figure for the preceding school year, the procedure for
57 the approval of school bonds shall be as provided in this
58 subsection (4) of Section 37-59-11. Before any money shall be
59 borrowed under the provisions of this subsection (4), the school
60 board of the school district shall adopt a resolution declaring
61 the increase of average daily attendance of students in grades
62 kindergarten through twelve in such district to be five percent
63 (5%) or greater than the average daily attendance figure for the
64 preceding school year, declaring the necessity for borrowing such



65 money to meet the needs of the increase in student enrollment,
66 declaring its intention to borrow such money and to issue the
67 negotiable bonds of the school district as evidence of same. The
68 resolution shall also set forth the approximate amount of the
69 indebtedness to be incurred and the purpose or purposes for which
70 the money so borrowed is to be expended, including the approximate
71 cost of the alterations, additions and repairs to be made. The
72 resolution so adopted by the school board shall be published once
73 each week for three (3) consecutive weeks in at least one (1)
74 newspaper published in the school district involved, with the
75 first publication thereof to be made not less than twenty-one
76 (21) days before the date upon which the school board is to take
77 final action upon the question of authorizing the borrowing of the
78 money. If no newspaper is published in such school district, then
79 such notice shall be given by publishing the same for the required
80 time in some newspaper having a general circulation in the school
81 district. If no petition requesting an election is filed before
82 such meeting as is hereinafter provided, then the school board
83 shall, at the meeting, by resolution spread upon its minutes, give
84 final approval to the borrowing of the money and shall authorize
85 the issuance of negotiable bonds of the school district by the
86 board of supervisors or the governing authorities of the
87 municipality, as the case may be. If at any time before such
88 meeting, a petition signed by twenty percent (20%) or fifteen
89 hundred (1500), whichever is less, of the qualified electors of
90 the school district involved shall be filed with the school board
91 requesting that an election be called on the question of incurring
92 the indebtedness, then the school board shall adopt a resolution
93 calling an election to be held within such school district upon
94 the question of the incurring of the indebtedness for the purposes
95 and in the amount requested. Such election shall be called and
96 held, and notice thereof shall be given, as provided in Sections
97 37-59-13 and 37-59-15. When the results of such election on the



98 question of the issuance of such bonds shall have been canvassed
99 by the election commissioners of such county or municipality, and
100 certified by them to the school board of the school district, it
101 shall be the duty of such school board to determine and adjudicate
102 whether or not a majority of the qualified electors who voted in
103 such election voted in favor of the issuance of such bonds.
104 Unless a majority of the qualified electors who voted in such
105 election shall have voted in favor of the issuance of such bonds,
106 then such bonds shall not be issued. Should a majority of the
107 qualified electors who voted in such election vote in favor of the
108 issuance of such bonds, then the school board of such school
109 district shall issue such bonds, either in whole or in part,
110 within two (2) years from the date of such election, or within two
111 (2) years after the final favorable termination of any litigation
112 affecting the issuance of such bonds, as such school board shall
113 deem best.

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

116 37-59-17. (1) Except as otherwise provided in subsection
117 (2) of this section, when the results of the election on the
118 question of the issuance of such bonds shall have been canvassed
119 by the election commissioners of such county or municipality, and
120 certified by them to the school board of the school district, it
121 shall be the duty of such school board to determine and adjudicate
122 whether or not three-fifths (3/5) of the qualified electors who
123 voted in such election voted in favor of the issuance of such
124 bonds. Unless three-fifths (3/5) of the qualified electors who
125 voted in such election shall have voted in favor of the issuance
126 of such bonds, then such bonds shall not be issued. Should
127 three-fifths (3/5) of the qualified electors who vote in such
128 election vote in favor of the issuance of such bonds, then the
129 school board of such school district shall issue such bonds,
130 either in whole or in part, within two (2) years from the date of



131 such election, or within two (2) years after the final favorable
132 termination of any litigation affecting the issuance of such
133 bonds, as such school board shall deem best.

134 (2) When the results of the election on the question of the
135 issuance of bonds under Section 37-59-11(4) shall have been
136 canvassed by the election commissioners of such county or
137 municipality, and certified by them to the school board of the
138 school district, it shall be the duty of such school board to
139 determine and adjudicate whether or not a majority of the
140 qualified electors who voted in such election voted in favor of
141 the issuance of such bonds. Unless a majority of the qualified
142 electors who voted in such election shall have voted in favor of
143 the issuance of such bonds, then such bonds shall not be issued.
144 Should a majority of the qualified electors who vote in such
145 election vote in favor of the issuance of such bonds, then the
146 school board of such school district shall issue such bonds,
147 either in whole or in part, within two (2) years from the date of
148 such election, or within two (2) years after the final favorable
149 termination of any litigation affecting the issuance of such
150 bonds, as such school board shall deem best.

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

158 **SECTION 4.** This act shall take effect and be in force from
159 and after the date it is effectuated under Section 5 of the Voting
160 Rights Act of 1965, as amended and extended.

