

By: Representatives Wallace, Bozeman,
Robinson (63rd), Thornton

To: Ways and Means

HOUSE BILL NO. 1035

1 AN ACT TO AMEND SECTIONS 51-31-1, 51-31-3, 51-31-7, 51-31-9,
2 51-31-11, 51-31-17, 51-31-25, 51-31-29, 51-31-39, 51-31-47,
3 51-31-53, 51-31-63, 51-31-65, 51-31-71, 51-31-73, 51-31-79,
4 51-31-95, 51-31-103, 51-31-111, 51-31-119, 51-31-121, 51-31-125,
5 51-31-129, 51-31-131, 51-31-133, 51-31-139 AND 51-31-141,
6 MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE CREATION OF DRAINAGE
7 DISTRICTS WHICH WILL BE UNDER THE JURISDICTION OF MUNICIPAL
8 DRAINAGE COMMISSIONERS; AND FOR RELATED PURPOSES.

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

10 SECTION 1. Section 51-31-1, Mississippi Code of 1972, is
11 amended as follows:

12 51-31-1. Each drainage district heretofore organized in this
13 state and each drainage district hereafter organized therein shall
14 be a body corporate, shall have authority to sue in its own
15 corporate name and be sued therein, may contract and be contracted
16 with, may plead and be impleaded, and where organized or operating
17 under the provisions of this chapter in its name may do and
18 perform any and all things necessary and authorized by this
19 chapter. All such acts may be done by its commissioners in the
20 name of the district.

21 As an alternative to any existing right, power, and authority
22 given to any drainage district operated by a board of * * *
23 drainage commissioners, or to such commissioners, by the laws of
24 the State of Mississippi now or hereafter enacted, all the
25 provisions of the statutes of the State of Mississippi now or
26 hereafter enacted relative to drainage districts operated by local
27 commissioners, and to such local commissioners, shall apply to any
28 drainage district heretofore or hereafter organized and operated
29 by a board of * * * drainage commissioners, and to such

30 commissioners.

31 SECTION 2. Section 51-31-3, Mississippi Code of 1972, is
32 amended as follows:

33 51-31-3. (1) The terms "benefits" and "betterments," as
34 used in this chapter are interchangeable and shall be construed as
35 synonymous. The terms "ditches" and "drains" shall be construed
36 to also include levees and closed drains, such as tiling, as well
37 as open ditches.

38 (2) For the purposes of this chapter, the following terms
39 shall have the meanings ascribed in this section unless the
40 context shall otherwise require:

41 (a) "Drainage commissioners" means county or municipal
42 drainage commissioners, as the case may be.

43 (b) "Governing authorities" means the governing
44 authorities of any county or counties or municipality in which a
45 drainage district has been created.

46 SECTION 3. Section 51-31-7, Mississippi Code of 1972, is
47 amended as follows:

48 51-31-7. All drainage districts of the state heretofore
49 organized or that may be hereafter organized, except as otherwise
50 provided in Chapters 29 and 33 of this title, shall severally
51 exercise their respective powers and be managed by three (3) * * *
52 drainage commissioners of the county or municipality in which the
53 organization of the district was had and by the chancery court or
54 chancellor in vacation of the county in which the drainage
55 district is located, as hereinafter provided in this chapter.

56 SECTION 4. Section 51-31-9, Mississippi Code of 1972, is
57 amended as follows:

58 51-31-9. In every county or municipality in this state in
59 which there is now a drainage district and in which a drainage
60 district may hereafter be created or be proposed to be created
61 under this chapter, the governing authorities shall select three
62 (3) * * * drainage commissioners for the county or municipality.
63 The term of office of each commissioner shall be six (6) years and
64 until his successor is selected and has qualified, with the terms
65 expiring at two-year intervals to insure the selection of one (1)
66 new commissioner every two (2) years. Any vacancy in office of

67 a * * * drainage commissioner in any county may be filled by the
68 board of supervisors at any regular meeting of such board, which
69 board is given the authority to fill all unexpired terms of any
70 commissioner in the county.

71 Every resident citizen of any county or municipality, being
72 the owner of land in said county or municipality and over
73 twenty-five (25) years of age, of good reputation, and of sound
74 mind and judgment shall be eligible to hold the office of * * *
75 drainage commissioner in the county or municipality of his
76 residence.

77 If any commissioner shall refuse or neglect to discharge the
78 duties imposed upon him by virtue of this chapter, or shall
79 neglect or refuse to qualify as such commissioner after being
80 selected for such office, the other two (2) commissioners shall
81 proceed to exercise the duties of their office and the business of
82 said drainage district until the next meeting of said governing
83 authorities, when the office of the party refusing to perform or
84 qualify shall be filled by the selection of another party in his
85 stead.

86 SECTION 5. Section 51-31-11, Mississippi Code of 1972, is
87 amended as follows:

88 51-31-11. Each person selected * * * drainage commissioner
89 shall, before entering upon the discharge of the duties of the
90 office, give bond, with sufficient surety to be payable,
91 conditioned and approved as provided by law, in a penalty equal to
92 Ten Thousand Dollars (\$10,000.00). Such commissioner shall take
93 and subscribe to an oath of office before said clerk that he will
94 faithfully discharge the duties of the office, which oath shall
95 also be filed with the said clerk.

96 SECTION 6. Section 51-31-17, Mississippi Code of 1972, is
97 amended as follows:

98 51-31-17. After the organization of a drainage district, the
99 commissioners shall elect a secretary and treasurer, who may be a

100 member of the board or may be any person qualified to fill the
101 position. He shall give bond in such sum as the commissioners,
102 with the approval of the chancellor, may determine and shall
103 receive such compensation as the commissioners may allow, subject
104 to approval by the chancellor. Such secretary and treasurer shall
105 receive from the county or municipal tax collector, whose duty it
106 shall be to collect, all monies levied by said drainage
107 commissioners. The commissioners, with the approval of the
108 chancellor, may designate the depository for such funds; such
109 depository to be a qualified county or municipal depository; and
110 upon their failure so to do, the funds shall be deposited as is
111 now provided by law for funds belonging to the treasury of the
112 county or municipality. The drainage commissioners of a district
113 which has no bonds outstanding or which has a surplus fund in the
114 treasury, by and with the approval of the chancellor, may place
115 the surplus funds in a qualified county or municipal depository on
116 savings account for six (6) months or more, at a rate of interest
117 of not less than two percent (2%), or may loan said surplus funds
118 on land in the county or municipality in which the district is
119 organized, at a rate of interest of not less than six percent (6%)
120 and on such terms and for such time as the chancellor may direct.

121 Any such depository shall be eligible to hold funds of the
122 district to the extent that it is qualified as a depository for
123 county or municipal funds.

124 It shall be the duty of the treasurer to keep proper books to
125 be furnished him by the commissioners, in which he shall keep an
126 accurate account of all moneys received by him and of all
127 disbursements of the same. He shall pay out no money except upon
128 the order of a majority of the commissioners, shall carefully
129 preserve on file all orders for the payment of money given him by
130 the commissioners, and shall turn over all books, papers,
131 vouchers, moneys and other property belonging to said district, in
132 his hands as such treasurer, to his successor in office.

133 SECTION 7. Section 51-31-25, Mississippi Code of 1972, is
134 amended as follows:

135 51-31-25. Upon the petition being filed in the office of the
136 clerk of said chancery court, said clerk shall cause three (3)
137 weeks' notice of the filing of said petition to be given,
138 addressed "To all persons interested," by posting notices thereof
139 at the door of the courthouse of the county or counties and the
140 municipality, if the drainage district is managed by municipal
141 drainage commissioners, in which the district is situated and in
142 at least ten (10) of the most public places in said proposed
143 district, and also by publishing said notice at least once a week
144 for three (3) consecutive weeks in some newspaper or newspapers
145 published in the county in which the larger part of said district
146 lies and in the county in which the municipality is located, if
147 the drainage district is managed by municipal drainage
148 commissioners, if there be any newspaper published in said county
149 or counties. Such notice shall state when and in what court said
150 petition was and is filed, with the general description of the
151 land included in the said proposed drainage district and the
152 boundaries of said drainage district, and when the said
153 petitioners will ask a hearing of said petition. If any of the
154 landowners in said district are nonresidents of said county or
155 counties or the municipality in which said proposed district will
156 lie, or nonresidents of this state, the petition shall be
157 accompanied by an affidavit giving the names and post office
158 address of said nonresidents, if known, and if unknown, stating
159 that upon diligent inquiry their places of residence and post
160 offices cannot be ascertained; and the clerk shall send a copy of
161 the notice which has been published as above provided by
162 registered mail to each of said nonresidents whose residence or
163 post office is known, which notice shall be mailed by said clerk
164 not later than five (5) days before the date set for hearing of
165 the petition. The certificate of the clerk, with registered

166 letter receipts attached, or the affidavit of any other credible
167 person affixed to copy of such notice shall be sufficient evidence
168 of the posting, mailing, and publication of such notice.

169 SECTION 8. Section 51-31-29, Mississippi Code of 1972, is
170 amended as follows:

171 51-31-29. Upon the day set for hearing said petition or a
172 day to which same may be continued by the court or chancellor, all
173 parties interested may appear and contest the same; and if the
174 contestants file a petition signed by one-third (1/3) of the
175 landowners in such proposed district owning more than one-half
176 (1/2) of the lands in said district, then said original petition
177 shall be dismissed. The court shall first determine whether the
178 petition filed by the contestants is signed by persons of lawful
179 age who represent one-third (1/3) of the landowners in such
180 proposed district owning more than one-half (1/2) of the lands in
181 said district. If it is so signed, the court or chancellor shall
182 enter an order dismissing the original petition. If it is not so
183 signed, then at the first hearing on the original petition the
184 only questions to be passed upon by the court shall be: first,
185 whether the petition is signed by the number of qualified signers
186 required by this chapter; second, whether the required notices by
187 publications, mail, and posting have been given; third, whether
188 the lands of said proposed drainage district or any part thereof
189 required a combined system of drainage; fourth, whether the
190 creation of the district would meet a public necessity and would
191 be conducive to the public welfare. If the court or chancellor
192 shall find in favor of the petitioners upon all of these points,
193 he shall enter an order to that effect, refer the said petition to
194 the drainage commissioners * * * for proceedings thereon in
195 compliance with this chapter, and fix a day upon which such
196 commissioners shall meet to consider the same, and investigate the
197 lands in the said proposed drainage district. All deeds made for
198 the purpose of defeating or aiding the prayer of such petition,

199 not made in good faith and for a valuable consideration, shall be
200 taken and held to be in fraud of the provisions of this chapter;
201 and the holders thereof shall not be considered as owners thereof
202 in construing the provisions hereof. Upon said first hearing if
203 the court or chancellor shall find that said petition is not
204 signed as required by this chapter or that notices have not been
205 given as required thereby, the court or chancellor may allow the
206 petitioners to amend the same or may continue said petition for
207 further hearing, with leave to the petitioners to give proper
208 affidavit of any two (2) or more signers of the said petition that
209 they have examined said petition, that they are acquainted with
210 the land and locality of such proposed district, and that such
211 petition is signed by the number of landowners required by this
212 chapter who are of lawful age. Such affidavit may be taken by the
213 court or chancellor as prima facie evidence of the facts therein
214 stated.

215 If the court or chancellor shall find against the petitioners
216 upon any one or more of the points above provided, then said
217 petition shall be dismissed; and in any dismissal under this
218 section, all costs shall be adjudged against the petitioners for
219 the organization of said proposed drainage district.

220 SECTION 9. Section 51-31-39, Mississippi Code of 1972, is
221 amended as follows:

222 51-31-39. If, after hearing all objections, if any, to the
223 report of the commissioners and all applications, if any, to annex
224 other lands to the proposed district by the owners of such lands,
225 the court or chancellor finds that a drainage district should be
226 organized, the map of the same shall be recorded and the order may
227 be entered according to the findings of the court or chancellor,
228 substantially as follows:

229 "The State of Mississippi

230 County of _____

231 _____ Term, A.D. 19____.

232 In the matter of the petition to organize _____ drainage
233 district in the county of _____ and State of Mississippi.

234 This day the report of the drainage commissioners * * *,
235 filed in this cause, having been heard, and it appearing to the
236 court or chancellor that due notice has been given "to all persons
237 interested" for the length of time and in the manner required by
238 law of the application to this court for the confirmation of said
239 report, and the court or chancellor having duly examined said
240 report and considered all objections to the same, it is ordered by
241 the court that the report of said commissioners (or if modified by
242 the court, say as modified by the court) be, and the same is,
243 hereby confirmed; and the court further finds that the work
244 proposed in said petition to be done will be beneficial for
245 agricultural and sanitary purposes to the owners of the lands
246 within said proposed district. And the court also finds that the
247 persons who have signed said petition are of lawful age and owners
248 of land in number and quantity as required by law. And it is
249 further hereby ordered and decreed by the court that said district
250 be, and the same is, hereby duly organized as a body politic and
251 corporate by the name and style of _____ drainage district in
252 the county or municipality of _____ and the State of
253 Mississippi."

254 But if the court, after hearing said report and objections,
255 finds that the work proposed in said petition and the report with
256 estimated costs by the drainage commissioners will not be
257 sufficiently beneficial and justifiable for agricultural and
258 sanitary purposes to the owners of the lands within said proposed
259 drainage district, then an order shall be entered on the minutes
260 of the court dismissing the petition and disallowing the
261 organization of the proposed drainage district; and all costs and
262 expenses shall be adjudged against the petitioners for the
263 proposed drainage district.

264 SECTION 10. Section 51-31-47, Mississippi Code of 1972, is

265 amended as follows:

266 51-31-47. When the commissioners shall have completed their
267 assessments of damages and benefits, they shall file the same with
268 the clerk of the chancery court; and the clerk is authorized to
269 set down and fix a time for the hearing of objections to such
270 assessments, at the request of said commissioners, at any time
271 that the court or chancellor in vacation may be able to hear the
272 same as herein provided. The clerk shall cause a notice to be
273 published at least once a week for two (2) successive weeks, of
274 the time set for hearing objections to such assessments, which
275 time for hearing shall not be less than fifteen (15) days nor
276 longer than thirty (30) days from the time of filing the same,
277 unless a longer time shall be ordered by the court or chancellor
278 or requested by the commissioners. Said publication shall be made
279 in any newspaper published in the county or municipality, if the
280 drainage district is managed by municipal drainage commissioners,
281 if there be one (1) published in the county or municipality where
282 the cause is pending; otherwise, by posting written notices in ten
283 (10) public places in the district, and shall be sufficient, and
284 the only notice required of the filing of said assessment roll and
285 the time set for hearing objections thereto.

286 SECTION 11. Section 51-31-53, Mississippi Code of 1972, is
287 amended as follows:

288 51-31-53. At the time of confirming the assessments of
289 benefits and damages and the estimated costs of the work proposed,
290 the court or chancellor may order the assessments to be paid in
291 installments, in such amounts and at such times as may be
292 convenient for the accomplishment of the work proposed or the
293 payment of bonds issued therefor; otherwise, the whole amount of
294 such assessments shall be payable on the confirmation of such
295 assessments. The assessments and installments thereof shall draw
296 interest at the rate of not exceeding six percent (6%) per annum,
297 payable annually, from the date of the confirmation; but if any

298 owner elects he may pay the whole amount of the assessment and
299 interest against any part of his property, or all of it, before it
300 becomes due and within thirty (30) days from the date of the
301 confirmation of the assessments and benefits and before the
302 issuance of bonds for the district, and all such property paid on
303 shall not be liable for the payment of such bonds and assessments
304 further. All assessments for benefit and assessments for doing
305 the work of the district shall be a lien upon the lands of the
306 district, assessed specifically against such lands which have not
307 had their assessments paid, and shall continue until such
308 assessments are levied and paid. In case any assessment and
309 accrued interest is not paid when due, the specific land against
310 which said assessment is made shall be advertised and sold by the
311 tax collector of the county or municipality, if the drainage
312 district is managed by municipal drainage commissioners, as he is
313 required to sell lands delinquent for state, county or municipal
314 taxes; and all the provisions of the laws of this state in
315 reference to the sale of lands to enforce the payment of state,
316 county and municipal taxes are hereby declared to be and hereby
317 are made a part of this chapter to enforce the payment of the
318 assessments herein authorized to be made. All drainage
319 assessments shall be collected by the tax collector * * * at the
320 same time and in the same manner as are state, county and
321 municipal taxes, and the same penalties shall accrue for the
322 nonpayment of drainage assessments as for nonpayment of state,
323 county and municipal taxes.

324 At the time of confirming such assessments, the court or
325 chancellor in vacation may authorize the levying of such portions
326 of such assessments as may be necessary to pay the principal and
327 interest on the bonds authorized to be issued, and to carry out
328 the purposes for which the said district was formed and organized.

329 SECTION 12. Section 51-31-63, Mississippi Code of 1972, is
330 amended as follows:

331 51-31-63. On or before the first Monday of September of each
332 year, the drainage commissioners shall levy a tax on the amount of
333 the original or supplemental assessment of benefits, which shall
334 be in the same proportion as the installment authorized and
335 directed by the court to become due that year, and shall certify
336 their levy to the governing authorities. It shall thereupon
337 become and be the duty of the said governing authorities to make a
338 levy in accordance with such assessment sufficient to meet the
339 bond obligations issued by the drainage commissioners and the
340 interest accruing thereon, with ten percent (10%) of the amount of
341 such annual payment added for contingent expenses and liabilities
342 in accordance with the decree of the chancellor. The ten percent
343 (10%) additional levy herein provided may be omitted in any one
344 (1) year when it shall appear that the contingent expense fund on
345 hand exceeds twenty percent (20%) of the total amount of bond and
346 interest obligations falling due during the fiscal year. The said
347 levy shall be apportioned and levied on each tract of land or
348 other property in the district in proportion to the benefits
349 assessed, and not in excess thereof. As soon as said levy is
350 made, the secretary of the commissioners, at the expense of the
351 district, shall prepare an assessment record of the district. It
352 shall be a copy of the "assessment roll" provided above, and may
353 contain any number of columns therein in which may be inscribed
354 the levy made each year. He shall place therein the amount of the
355 levy for the year, including interest accruing on the unpaid
356 installments, and the said record shall be certified by the board
357 of drainage commissioners, attested by the seal of the district,
358 and filed with the tax collector of the county in which the land
359 is located. The said secretary shall make a copy for each county
360 in which the lands of the district may be situated, but only the
361 lands situated in such county need be inscribed therein. At the
362 time of confirming such assessment as herein provided, it shall be
363 competent for the court or chancellor in vacation in such order to

364 provide for all details connected with the fixing of the date,
365 form, maturity, and amounts of any and all bonds that are ordered
366 to be issued, and the fixing of the installments for the payment
367 of such bonds. The court or chancellor in vacation may take the
368 matter of such details under advisement for such further orders
369 and decrees in vacation as may be necessary or advisable to
370 perfect the details of same.

371 SECTION 13. Section 51-31-65, Mississippi Code of 1972, is
372 amended as follows:

373 51-31-65. It shall be the duty of the governing authorities,
374 on the recommendation of the drainage commissioners, to make a
375 levy each year on the lands lying in their respective counties or
376 in the municipality, if the drainage district is managed by
377 municipal drainage commissioners in accordance with such
378 assessments and levies sufficient to meet bond obligations of any
379 district issued by authority of law.

380 SECTION 14. Section 51-31-71, Mississippi Code of 1972, is
381 amended as follows:

382 51-31-71. After the organization of any drainage district
383 under this chapter, and after the confirmation of the assessment
384 as in this chapter provided, and after laying out a system of main
385 drains for said drainage district, the said commissioners shall
386 advertise for bids for the construction of said ditches by
387 publishing a notice for three (3) weeks in some newspaper in the
388 county and municipality, if the drainage district is managed by
389 municipal drainage commissioners, in which such district is
390 organized, stating the time when and place where they will receive
391 bids for the construction of such work. The time fixed for
392 receiving and opening said bids shall not be less than twenty-two
393 (22) days from the time of the first publication. Said notice
394 shall specify the kind and nature of the work to be done, the
395 amount thereof as estimated by the engineer, and in what manner
396 payment thereof will be made. They shall meet at the time and

397 place designated in said notice and open said bids, and said
398 contracts shall be let to the lowest responsible bidder. The said
399 commissioners shall have the right to reject any and all bids if
400 they deem that the same are too high, and may adjourn said letting
401 to a future time and continue said advertisement until that time.

402 The commissioners shall take and file a certificate of
403 publication of such notice with the clerk; and upon the acceptance
404 of any bid for the construction of any work, they shall require
405 said bidder to enter into contract with them for the faithful
406 performance of said work according to the plans, specifications,
407 profile, and estimates of the engineer, and require said
408 contractor to enter into bonds for the faithful performance of
409 said work within the time and in the manner specified in said
410 contract.

411 SECTION 15. Section 51-31-73, Mississippi Code of 1972, is
412 amended as follows:

413 51-31-73. The commissioners may, after the organization of
414 said district, do any and all acts that may be necessary in and
415 about the surveying, laying out, constructing, repairing,
416 altering, enlarging, cleaning, protecting, and maintaining any
417 drain or ditch or other work for which they have been appointed.
418 They and their successors shall have charge of said ditch in
419 perpetuity, and shall annually see that the same is cleaned out
420 and all obstructions, brush, willow, or other growth removed
421 therefrom, to the end that said ditches shall be kept thoroughly
422 cleaned and in good repair so as to perfectly drain said lands.
423 For those purposes, the commissioners may borrow money in
424 anticipation of the collection of already levied taxes not to
425 exceed in any one (1) fiscal year one percent (1%) of the amount
426 of the benefits assessed against all of the real property in the
427 district, at an overall maximum interest rate to maturity not
428 greater than that allowed in Section 75-17-105. They may issue in
429 evidence thereof tax anticipation warrants, which warrants shall

430 be paid solely and only out of the first funds collected from
431 taxes levied prior to the borrowing of such funds and issuance of
432 such warrants; and they may make additional assessments from time
433 to time, as necessity may require, to pay for the expense of
434 maintaining, cleaning out, and keeping in repair the ditches of
435 said district and meeting the legal obligations of such district.
436 The additional assessment for maintaining, cleaning out, and
437 keeping in repair the ditches of said district and meeting the
438 legal obligations of such district shall be made by the
439 commissioners in the following manner: on or before the first
440 Monday in September of each year the drainage commissioners shall
441 assess on each tract of land or other property in the district, in
442 proportion to the original and supplemental benefits assessed for
443 construction, such an amount as is necessary to pay the expense of
444 maintaining, cleaning out, and keeping in repair the ditches of
445 said district and meeting the legal obligations of such district,
446 and shall certify their assessment to the governing authorities;
447 and it shall thereupon become and be the duty of the board of
448 supervisors to levy a tax in accordance with such assessment
449 sufficient to meet said expense of maintaining, clearing out, and
450 keeping in repair the ditches of said district. The said tax
451 levied shall be apportioned to and levied on each tract of land or
452 other property in said district in proportion to the original and
453 supplemental benefits assessed for construction, or as otherwise
454 provided by law. As soon as the said tax levy is made, the
455 secretary of the commission, at the expense of the district, shall
456 prepare an assessment record of the district, which may contain
457 any number of columns therein, in which may be inscribed the tax
458 levied each year. He shall place therein the amount of the levy
459 for the year, and the said record shall be certified by the
460 commissioners, attested by the seal of the district, and filed
461 with the tax collector of the county in which the land is located.
462 The said secretary shall make a copy for each county in which any

463 lands of the district may be situated, but only the lands situated
464 in the county need be inscribed therein. Any person aggrieved at
465 the action of the governing authorities in levying the tax herein
466 provided shall have the same right of appeal as is provided by law
467 for appealing from the action of said governing authorities in
468 levying county or municipal taxes. All taxes hereunder assessed
469 and levied shall be collected at the same time and in the same
470 manner as are state, county and municipal taxes, and the same
471 penalties shall accrue for the nonpayment thereof as for
472 nonpayment of state, county and municipal taxes. In the event a
473 drainage ditch shall be totally destroyed by the construction of
474 public levees, the drainage district commissioners shall strike
475 the land affected by such destruction from the assessment rolls of
476 the district; but such action shall in no way affect the lien of
477 the bondholders of the district upon such land.

478 SECTION 16. Section 51-31-79, Mississippi Code of 1972, is
479 amended as follows:

480 51-31-79. Where the lands of any drainage district lie in
481 two (2) or more counties of this state, the county drainage
482 commissioners of the county in which the greatest or greater
483 number of acres of land lies, and in which the suit is brought for
484 the organization of the drainage district, shall have jurisdiction
485 as county drainage commissioners under the chancellor or chancery
486 court of the entire drainage district the same as if the entire
487 drainage district lay in the county of their selection. The
488 municipal drainage commissioners shall have jurisdiction as
489 municipal drainage commissioners under the chancellor or chancery
490 court of the drainage district. In reporting to the governing
491 authorities levies of taxes to be made by the board for the
492 payment of bonds and other obligations of the district, the * * *
493 drainage commissioners having jurisdiction over such drainage
494 district shall make report to the governing authorities of each
495 county or municipality in which any of the lands of the drainage

496 district lie, showing all the lands and assessments thereon lying
497 in such county or municipality. The governing authorities of each
498 county or municipality in which such lands lie shall make the
499 required levies, and the tax collectors of the counties or
500 municipalities in which the lands lie shall collect the taxes thus
501 levied and account to the treasurer of the drainage district
502 therefor, as in other cases.

503 SECTION 17. Section 51-31-95, Mississippi Code of 1972, is
504 amended as follows:

505 51-31-95. If in the construction of such ditches the same
506 shall cross any public road, it shall be the duty of the drainage
507 commissioners to notify the governing authorities of the county or
508 municipality in which such public road is located, at some regular
509 meeting of said board held prior to a day which is thirty (30)
510 days next before the time fixed in such notice for the time at
511 which the proposed work shall be constructed across said public
512 road, stating in such notice the width and depth of such proposed
513 work. It shall be the duty of the governing authorities to cause
514 to be removed and constructed, at the expense of the county or
515 municipality, all bridges necessary to be removed or constructed,
516 same to be done at such time as is reasonable, with a view to the
517 convenience of the public and without unreasonable delay to the
518 prosecution of such work.

519 Contracts may be made by the governing authorities for such
520 removal and construction of such bridge or bridges, without first
521 advertising for bids where the cost of any one (1) bridge does not
522 exceed One Hundred Dollars (\$100.00).

523 SECTION 18. Section 51-31-103, Mississippi Code of 1972, is
524 amended as follows:

525 51-31-103. Where a county farm owned by any county lies
526 within any drainage district and would be benefited thereby, the
527 governing authorities are authorized in their discretion to pay
528 out of the general county fund the pro rata of tax for which such

529 county lands should be taxed if owned by individuals.

530 SECTION 19. Section 51-31-111, Mississippi Code of 1972, is
531 amended as follows:

532 51-31-111. The drainage commissioners of any county or
533 municipality in which a drainage district has been organized and
534 who have sold bonds for eighty percent (80%) of the assessment on
535 the lands in such district, and who have provided for the
536 collection of the remaining twenty percent (20%) of the assessment
537 on the lands in such district in cash within not less than four
538 (4) months, are authorized to issue and sell the bonds, notes, or
539 other objects of indebtedness of the drainage district for the
540 twenty percent (20%), or any part thereof, which was provided to
541 have been paid in cash and which has not yet been paid.

542 SECTION 20. Section 51-31-119, Mississippi Code of 1972, is
543 amended as follows:

544 51-31-119. When one-third (1/3) of the landowners owning a
545 majority of the acreage or a majority of the landowners owning a
546 one-third (1/3) of the acreage of real property within a proposed
547 subdrainage district, composed of lands wholly within a drainage
548 district or partly within and partly without such drainage
549 district, shall petition the chancery court, or chancellor in
550 vacation, and shall file a good bond to pay for the expense of the
551 survey of the proposed subdrainage district in case the district
552 is not formed, the said court or the chancellor in vacation shall
553 enter an order directing the drainage commissioners * * * to cause
554 a survey to be made and to ascertain the limits of the region
555 which would be benefited by a proposed system of improvements,
556 giving a general idea of its character, and the estimated costs of
557 drainage, and making such suggestions as to the size of the
558 drainage ditches and their location as the drainage commissioners
559 may deem advisable. They shall file their report with the clerk
560 of the chancery court of the county in which the greater portion
561 of the territory proposed to be included in said subdrainage

562 district is situate.

563 SECTION 21. Section 51-31-121, Mississippi Code of 1972, is
564 amended as follows:

565 51-31-121. Upon the filing of said report with the clerk, he
566 shall make an entry to that effect upon the minutes of said court
567 and shall set down and fix the term of court next thereafter
568 convening, or shall set down and fix a day in vacation, as he may
569 deem best, when the court or the chancellor in vacation shall hear
570 said matter. The clerk shall thereupon give notice by publication
571 for two (2) weeks, by two (2) insertions in some newspaper
572 published in the municipality or the county in which the greater
573 part of the land lies, notifying all persons interested to appear
574 at the term of court or day set in vacation and show cause, if
575 any, why said subdistrict should not be organized or bonds be
576 issued to pay for said work.

577 However, the day set for hearing shall not be more than sixty
578 (60) days after the first of said notices is published. The said
579 notice by publication shall be full and complete notice to any and
580 all persons interested, and shall confer full and complete power
581 and authority upon the court or chancellor in vacation to act in
582 said matter.

583 SECTION 22. Section 51-31-125, Mississippi Code of 1972, is
584 amended as follows:

585 51-31-125. When a subdrainage district has been established
586 as hereinbefore provided, the * * * drainage commissioners shall
587 be the commissioners of said subdrainage district; and proceedings
588 to organize subdrainage districts and to do improvements therein
589 shall conform substantially to the provision of this chapter with
590 reference to the organization, doing the improvements, and
591 operating other drainage districts authorized by this chapter.
592 Said commissioners are empowered and authorized to issue bonds of
593 such subdrainage districts, and such bonds shall be so designated.
594 The same proceedings, or as near as practicable the same, shall

595 be had in the issuance of bonds of a subdrainage district as are
596 required in the issuance of bonds of the drainage district in the
597 first instance, as provided in this chapter. The proceeds from
598 the sale of bonds of a subdrainage district shall be applied and
599 used exclusively for doing the work within or for the exclusive
600 benefit of said subdrainage district for the construction of
601 internal drains of said subdrainage district, and in carrying out
602 and perfecting its internal drains.

603 SECTION 23. Section 51-31-129, Mississippi Code of 1972, is
604 amended as follows:

605 51-31-129. All taxes levied under the terms of any drainage
606 law of the State of Mississippi shall be payable at the same time
607 the state, county and municipal taxes are payable, and if any
608 taxes so levied under this chapter are not paid at maturity, the
609 tax collector * * * where the land is situated shall, after having
610 advertised said lands for sale for the same length of time and in
611 the same manner as land delinquent for state, county and municipal
612 taxes are now required to be advertised, sell the lands so
613 delinquent for taxes thereon, together with all costs and five
614 percent (5%) damages on the amount of taxes for which the land was
615 sold. Said sale shall be separate and distinct from all other
616 sales for taxes, but shall be held at the same place and time
617 where sales of delinquent lands for state, county and municipal
618 taxes are held.

619 SECTION 24. Section 51-31-131, Mississippi Code of 1972, is
620 amended as follows:

621 51-31-131. When lands are offered for sale for unpaid
622 drainage district taxes and no person will bid therefor the amount
623 of taxes, damages, and costs due, the same shall be struck off to
624 the drainage district wherein the land lies, and otherwise dealt
625 with as lands which are sold to the state for delinquent state,
626 county and municipal taxes. The drainage commissioners shall be
627 authorized to pay the state, county and municipal taxes on lands

628 thus acquired by it, to redeem the same from state, county and
629 municipal tax sales, and to collect the money thus paid with the
630 same damage and interest allowed individuals in similar cases
631 under the general revenue laws of the state therein from the date
632 of such payment, upon the redemption of lands from the drainage
633 district sale.

634 SECTION 25. Section 51-31-133, Mississippi Code of 1972, is
635 amended as follows:

636 51-31-133. The lists of lands sold by the tax collector to
637 individuals and to the drainage district shall be made as required
638 to be made by the state, county and municipal collector for state,
639 county and municipal lands, and shall be filed with the clerk of
640 the chancery court within ten (10) days after the tax sale. Each
641 shall have the same force and effect, confer the same rights, and
642 be entitled to the same remedies for redemption and otherwise as
643 lists made for delinquent taxes by the state, county and municipal
644 collector for state and county lands. But such title shall be
645 subject to a title acquired under a sale for state and county
646 taxes.

647 SECTION 26. Section 51-31-139, Mississippi Code of 1972, is
648 amended as follows:

649 51-31-139. On petition of one-third (1/3) of the landowners
650 owning one-half (1/2) of the land or one-half (1/2) of the
651 landowners owning one-third (1/3) of the land located in any
652 drainage district, the chancery court, if it be satisfied that the
653 petition contains the percentage of the landowners as outlined
654 above, shall set a date and place for a hearing on the matter and
655 order notice given of the time and the place of said hearing, the
656 same to be set in vacation or term time according to the order of
657 the chancellor. The notice shall be given by three (3) weeks'
658 publication in a newspaper published or having general circulation
659 in the municipality or the county where the drainage district is
660 located, and shall be directed substantially to the landowners,

661 lienholders, bondholders, and all others interested in the
662 drainage district referred to. Said notice shall be complete on
663 the publication of the same in the said newspaper for three (3)
664 consecutive weekly issues, the first notice to be at least three
665 (3) weeks before the date of hearing. At the time and place fixed
666 for the hearing or at any other time or place to which the same
667 shall have been lawfully postponed by the chancellor, the said
668 chancery court, if satisfied that the aforesaid conditions have
669 been fulfilled and that all projects of said drainage district
670 have been completed, shall transfer all the duties, power, and
671 authority of any drainage commission or drainage commissioners and
672 impose the same upon the governing authorities shall have charge
673 of maintenance, repair, and upkeep of such completed construction
674 project and shall make report of same annually to the chancery
675 court of the county, but no additional compensation shall be
676 allowed the governing authorities for the discharge of services
677 hereby imposed. It is provided that on the making of the order of
678 transfer, as above outlined, the compensation and authority of any
679 drainage commissioner or set of drainage commissioners regarding
680 any such drainage district, as above outlined, shall immediately
681 cease on the signing of the decree of transfer above provided for.

682 It is distinctly provided that this section shall not apply
683 in any manner whatsoever to drainage districts lying in two (2) or
684 more counties of the state.

685 SECTION 27. Section 51-31-141, Mississippi Code of 1972, is
686 amended as follows:

687 51-31-141. Any district which has heretofore been organized,
688 including swamp land districts, or which may hereafter be
689 organized under other statutes may become a district under the
690 terms of this chapter as follows:

691 If a one-third (1/3) of the landowners owning a majority of
692 the acreage or a majority of the landowners owning a one-third
693 (1/3) of the acreage of real property within any such district

694 shall petition the chancery court or chancellor in vacation to
695 constitute them a drainage district under the terms hereof, the
696 clerk of the chancery court shall give notice of the application
697 by two (2) weeks' publication in some newspaper published and
698 having a bona fide circulation in the municipality or the county
699 or counties in which the lands of said district lie, stating the
700 time when said petition will be heard and the object of said
701 petition. All owners of real property within the district shall
702 have the right to appear and contest the said petition, or support
703 the same. The chancery court, or chancellor in vacation, shall
704 hear the evidence and shall either grant the petition or deny the
705 same, as he may deem it most advantageous to the property owners
706 of the district and to the public benefit. If he grants the
707 petition, the said district shall have all the rights and powers
708 and be subject to all the obligations and provisions provided by
709 the terms of this chapter. If the majority of the landholders or
710 the majority of the owners of the acreage therein petition for the
711 adoption of this chapter, the court or chancellor must make an
712 order declaring that such district shall henceforth be governed by
713 the terms of this chapter, and shall appoint commissioners
714 according to its terms, who shall carry into effect without delay
715 the proposed drainage improvements.

716 SECTION 28. This act shall take effect and be in force from
717 and after July 1, 1999.