

By: Representative Brown

To: Agriculture; County  
Affairs

HOUSE BILL NO. 1329  
(As Passed the House)

1 AN ACT TO AMEND SECTION 69-27-33, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THAT SOIL AND WATER CONSERVATION DISTRICT CLERKS, UPON  
3 AGREEMENT BY THE COMMISSIONERS AND THE COUNTY BOARD OF  
4 SUPERVISORS, SHALL BE INCLUDED IN THE COUNTY PAYROLL SYSTEM; AND  
5 FOR RELATED PURPOSES.

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

7 SECTION 1. Section 69-27-33, Mississippi Code of 1972, is  
8 amended as follows:

9 69-27-33. The governing body of the district shall consist  
10 of five (5) commissioners, elected or appointed as provided  
11 hereinabove. The commissioners shall be persons who are  
12 landowners and/or operators within the geographical areas of the  
13 district qualified to perform the specialized skilled services  
14 which will be required of them in the performance of their duties  
15 hereunder, and able to attend all meetings.

16 The commissioners shall designate a chairman annually. The  
17 term of office of each commissioner shall be three (3) years,  
18 except that the commissioners who are first appointed shall be  
19 designated to serve for terms of one (1) and two (2) years,  
20 respectively, from the date of their appointment. A commissioner  
21 shall hold office until his successor has been elected or  
22 appointed and has qualified. Vacancies shall be filled by  
23 election or appointment as in the case of the election or  
24 appointment of other commissioners, but in the event the unexpired  
25 terms remaining of the offices vacated are less than one (1) year,  
26 said vacancy shall be filled for the unexpired term by the other  
27 commissioners. The selection of successors for a full term shall

28 be made in the same manner in which the original retiring  
29 commissioners shall, respectively, have been selected. A majority  
30 of the commissioners shall constitute a quorum and the concurrence  
31 of a majority in any matter within their duties shall be required  
32 for its determination. A commissioner and any deputy commissioner  
33 shall receive no compensation for their services, but they shall  
34 be entitled to expenses, including travelling expenses,  
35 necessarily incurred in the discharge of their duties.

36 The commissioners may utilize the services of the county  
37 agricultural agents and the facilities of the county agricultural  
38 agents' offices insofar as practicable and feasible, and may, with  
39 the approval of the State Soil and Water Conservation Commission  
40 employ such other help as may be necessary. Employees hired  
41 pursuant to this section, upon agreement by the commissioners and  
42 the county board of supervisors, shall be considered as employees  
43 of the county or counties in which the district is located solely  
44 for the purpose of allowing such county or counties to include  
45 these employees in any group life and/or health insurance or  
46 workers' compensation insurance program maintained by the county  
47 or counties for its employees and to include these employees in  
48 the county payroll system. Upon such agreement, the county or  
49 counties shall be responsible for the payment and withholding  
50 functions for the commissioners and shall provide the employees  
51 with all required tax documents. If more than one (1) county  
52 desires to include these employees in a group life and/or health  
53 insurance or workers' compensation insurance program, the counties  
54 shall determine the program in which the employees shall be  
55 included and the amount of contributions that the other county or  
56 counties shall make to that program on behalf of the employees.  
57 Nothing in this section shall be construed to mean that these  
58 employees are to be considered as county employees for any purpose  
59 other than the purpose of including these employees in a county  
60 employee group life and/or health insurance or workers'  
61 compensation insurance program and the county's payroll system.  
62 The commissioners may call upon the Attorney General of the state  
63 for such legal services as they may require, or may use such other  
64 legal counsel as may be available. The commissioners may delegate

65 to their chairman, to one or more commissioners, or to one or more  
66 agents, or employees, such powers and duties as they may deem  
67 proper, and may appoint such deputy commissioners as they deem  
68 appropriate, not to exceed one (1) deputy commissioner for each  
69 supervisor district in the soil and water conservation district,  
70 to assist the commissioners in the performance of their duties;  
71 however, deputy commissioners shall not be entitled to vote on any  
72 matter coming before the commissioners. The State Soil and Water  
73 Conservation Commission shall establish and administer  
74 qualification standards and establish term of office for deputy  
75 commissioners. The commissioners shall furnish to the State Soil  
76 and Water Conservation Commission, upon request, copies of such  
77 ordinances, rules, regulations, orders, contracts, forms and other  
78 documents as they shall adopt or employ, and such other  
79 information concerning their activities as it may require in the  
80 performance of its duties under this article.

81 The commissioners may provide for the execution of surety  
82 bonds for all employees and officers who shall be entrusted with  
83 funds or property; shall provide for the keeping of a full and  
84 accurate record of all proceedings and of all resolutions,  
85 regulations and orders issued or adopted; and shall provide for an  
86 annual audit of the accounts of receipts and disbursements if  
87 total annual receipts or expenditures exceeds Sixty Thousand  
88 Dollars (\$60,000.00) and an annual financial statement if total  
89 annual receipts or expenditures is equal to or less than Sixty  
90 Thousand Dollars (\$60,000.00).

91 The commissioners may invite the legislative body of any  
92 municipality or county located near the territory comprised within  
93 the district to designate a representative to advise and consult  
94 with the commissioners of the district on all questions of program  
95 and policy which may affect the property, water supply, or other  
96 interests of such municipality or county.

97 SECTION 2. This act shall take effect and be in force from

98 and after July 1, 1999.