

By: Representative Reynolds

To: Local and Private
Legislation

HOUSE BILL NO. 1741

1 AN ACT TO AMEND CHAPTER 946, LOCAL AND PRIVATE LAWS OF 1995,
2 TO CLARIFY THE TAX LEVY OF THE SPECIAL DRAINAGE DISTRICT OF
3 TALLAHATCHIE COUNTY; AND FOR RELATED PURPOSES.

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

5 SECTION 1. Chapter 946, Local and Private Laws of 1995, is
6 amended as follows:

7 Section 1. The Board of Supervisors of Tallahatchie County
8 may create a special drainage district to serve areas of
9 Tallahatchie County, Mississippi, located in the Blue Cane
10 Community Area of Tallahatchie County and embracing the entire
11 Blue Cane Community Area or any part of the area as the board of
12 supervisors deems proper to be included in the special drainage
13 district.

14 Section 2. The special drainage district shall be governed
15 by a board of commissioners consisting of not less than three (3)
16 but not more than five (5) commissioners selected by the Board of
17 Supervisors of Tallahatchie County. The term of office of each
18 commissioner shall be four (4) years and until his or her
19 successor is selected and has qualified. However, the initial
20 terms shall expire at intervals to insure that not more than one
21 (1) commissioner's scheduled term of office expires in any one (1)
22 year. Any vacancy in the office of a commissioner may be filled
23 by the board of supervisors at any regular scheduled meeting of
24 the board.

25 Every resident citizen of Tallahatchie County who resides
26 within the drainage district, being over twenty-one (21) years of

27 age, of good reputation, and of sound mind and judgment shall be
28 eligible to hold the office of commissioner.

29 Section 3. The special drainage district shall have the
30 powers and duties granted to drainage districts pursuant to
31 Section 51-31-1, et seq., Mississippi Code of 1972. In addition,
32 the special drainage district shall have the authority to levy and
33 collect a tax, not to exceed two (2) mills, upon all taxable
34 property within the special drainage district, the avails of which
35 shall be used to support special drainage district purposes. Any
36 millage imposed pursuant to this section shall be included in the
37 ten percent (10%) increase limitation under Section 27-39-321.
38 However, the special drainage district shall not have to petition
39 the court for the authority to exercise its powers and duties as
40 provided in Section 51-31-1 et seq. Before any levy of any
41 assessment or tax is made throughout the entire district, or
42 before the issuance of any bonds, the board of commissioners must
43 have the approval of the Board of Supervisors of Tallahatchie
44 County. In addition, notice of the proposed levy of an assessment
45 or tax or the proposed issuance of bonds must be published at
46 least once a week for three (3) consecutive weeks in a newspaper
47 having general circulation in Tallahatchie County. If the board
48 of supervisors has approved the proposition and no petition
49 requesting an election is filed before the date the assessment or
50 tax is to be levied or before the date the bonds are to be issued,
51 then the proposition shall be authorized.

52 If at any time before the date the assessment or tax is to be
53 levied, or before the date the bonds are to be issued, a petition
54 signed by twenty percent (20%), or fifteen hundred (1,500),
55 whichever is less, of the qualified electors residing within the
56 district is filed with the board of supervisors requesting an
57 election to be held within the district upon the proposition, then
58 the board of supervisors shall adopt a resolution calling an
59 election to be held within the district. The election shall be
60 called by the board of supervisors upon at least three (3) weeks'
61 notice by publication of the proposition at least once a week for
62 three (3) consecutive weeks in a newspaper having general
63 circulation in Tallahatchie County.

64 The election to approve an assessment, tax or bonds shall be
65 held, as far as is practicable, in the same manner as other
66 elections are held in counties. At the election, all qualified
67 electors who reside in the drainage district may vote. When the
68 results of the election have been canvassed by the election
69 commissioners of the county and certified by them to the board of
70 supervisors, it shall be the duty of the board of supervisors to
71 determine and adjudicate whether or not a majority of the
72 qualified electors residing in the drainage district who voted in
73 the election voted in favor of the proposition or against the
74 proposition. If a majority of the qualified electors residing in
75 the drainage district who voted in the election vote in favor of
76 the proposition, then the proposition shall be authorized.

77 Before any assessments are made only to certain parts of the
78 district, the board of commissioners must have the approval of the
79 board of supervisors.

80 Section 4. The board of commissioners, on behalf of the
81 special drainage district, may apply for any grants or funding
82 available for flood control or drainage purposes for the area
83 included in the drainage district.

84 Section 5. The Board of Supervisors of Tallahatchie County
85 shall submit this act, immediately upon approval by the Governor,
86 or upon approval by the Legislature subsequent to a veto, to the
87 Attorney General of the United States or to the United States
88 District Court for the District of Columbia in accordance with the
89 provisions of the Voting Rights Act of 1965, as amended and
90 extended.

91 Section 6. This act shall take effect and be in force from
92 and after the date it is effectuated under Section 5 of the Voting
93 Rights Act of 1965, as amended and extended.

94 SECTION 2. This act shall take effect and be in force from
95 and after its passage.