

By: Representative Wallace

To: Municipalities; Ways and Means

HOUSE BILL NO. 434

1 AN ACT TO AUTHORIZE MUNICIPALITIES TO CREATE DRAINAGE
 2 DISTRICTS; TO REQUIRE A REFERENDUM ON THE QUESTION OF CREATING A
 3 MUNICIPAL DRAINAGE DISTRICT BEFORE SUCH A DISTRICT MAY BE CREATED;
 4 TO PROVIDE THAT THE GOVERNING AUTHORITIES OF A MUNICIPALITY
 5 CREATING SUCH A DRAINAGE DISTRICT SHALL MANAGE THE DRAINAGE
 6 DISTRICT; TO PROVIDE THE POWERS AND DUTIES OF SUCH DRAINAGE
 7 DISTRICTS; TO AUTHORIZE MUNICIPAL DRAINAGE DISTRICTS TO LEVY
 8 ASSESSMENTS ON PROPERTY IN A DISTRICT; TO REQUIRE A PETITION
 9 ELECTION ON THE ISSUE OF WHETHER OR NOT A MUNICIPAL DRAINAGE
 10 DISTRICT MAY LEVY ANY TAX OR ASSESSMENT ON PROPERTY; AND FOR
 11 RELATED PURPOSES.

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

13 SECTION 1. Each drainage district created under this act
 14 shall 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 act in its name may do and perform
 18 any and all things necessary and authorized by this act. All such
 19 acts may be done by the governing authorities in the name of the
 20 district.

21 SECTION 2. (1) The terms "benefits" and "betterments," as
 22 used in this act are interchangeable and shall be construed as
 23 synonymous. The terms "ditches" and "drains" shall be construed
 24 to also include levees and closed drains, such as tiling, as well
 25 as open ditches.

26 (2) For the purposes of this act, the following terms shall
 27 have the meanings ascribed in this section unless the context
 28 clearly requires otherwise:

29 (a) "Drainage district" or "district" means a municipal
 30 drainage district created under this act.



31 (b) "Governing authorities" means the governing
32 authorities of any municipality creating or proposing to create a
33 municipal drainage district under this act.

34 (c) "Municipality" means any municipality creating or
35 proposing to create a municipal drainage district under this act.

36 SECTION 3. A municipality may create a drainage district
37 under this act for storm water management purposes conducive to
38 public health in the manner provided in this act, and when
39 created, shall consist of a system of artificial main drains,
40 lateral drains or ditches, natural drains and water courses, or
41 levees. To the end that the purposes of the creation of such
42 districts according to this system may be attained, they shall
43 have and are given full power and authority to construct or to
44 cause to be constructed artificial main drains and ditches,
45 lateral drains and ditches, and tile drains over the lands of
46 others or over or on lands which may be acquired by such district,
47 and to alter, deepen, or improve any and all natural drains and
48 water courses as it may be necessary to alter, deepen, or improve
49 so that a complete system of such drains may exist in the
50 district. Such districts may also, in addition to the
51 construction of such drains, construct or erect over the land of
52 others, or over the lands to be acquired by the drainage district
53 for that purpose, such levees as may be necessary to protect or
54 reclaim any lands from overflow from any source.

55 SECTION 4. All drainage districts created under this act
56 shall severally exercise their respective powers and be managed by
57 the governing authorities of the municipality in which the
58 district is organized.

59 SECTION 5. Whenever the governing authorities of a
60 municipality desire to create a drainage district for the
61 construction of drains or ditches across the lands of others for
62 storm water management purposes, or to maintain and keep in repair
63 any such drains and ditches constructed, or to establish in such



64 district a combined system of drainage or protection from wash or
65 overflow, and to construct and maintain the same by special
66 assessment upon the property benefited thereby, the governing
67 authorities shall adopt a resolution declaring its desire so to
68 do, setting forth the proposed name of the drainage district, the
69 necessity for the drainage district, the description of the lands
70 to be included in the drainage district and the date on which the
71 drainage district is to be created. The governing authorities
72 shall file such resolution with the clerk of the municipality.

73 SECTION 6. Upon the resolution provided for in Section 5 of
74 this act, being filed in the office of the clerk of the
75 municipality, such resolution shall be published once each week
76 for at least three (3) consecutive weeks in at least one (1)
77 newspaper published in such municipality. The first publication
78 of such notice shall be made not less than twenty-one (21) days
79 before the date fixed in the resolution, and the last publication
80 shall be made not more than seven (7) days before such date. If
81 no newspaper is published in the municipality, then such notice
82 shall be given by publishing the resolution for the required time
83 in some newspaper having a general circulation in the
84 municipality. If, within the time of giving notice, twenty
85 percent (20%) or fifteen hundred (1500), whichever is less, of the
86 qualified electors of the municipality shall file a written
87 petition against the creation of the drainage district, then an
88 election on the question of the creation of the drainage district
89 shall be called. At the election, all qualified electors of the
90 municipality may vote, and the ballots used in such election shall
91 have printed thereon a brief statement setting forth the proposed
92 name of the drainage district, the necessity for the drainage
93 district, and the description of the lands to be included in the
94 drainage district, and the words "FOR THE CREATION OF (NAME OF
95 DRAINAGE DISTRICT)" and "AGAINST THE CREATION (NAME OF DRAINAGE
96 DISTRICT)," and the voters shall vote by placing a cross (X) or



97 check (✓) opposite their choice on the proposition. When the
98 results of the election shall have been canvassed by the election
99 commissioners of the municipality and certified, the drainage
100 district may be created if at least three-fifths (3/5) of the
101 qualified electors who voted in the election voted in favor of
102 creation of the drainage district. If at least three-fifths (3/5)
103 of the qualified electors who voted in the election voted in favor
104 of creation of the drainage district, the governing authorities
105 may create the drainage district by duly adopting and entering on
106 their minutes a resolution to that effect.

107 SECTION 7. The governing authorities shall meet and go upon
108 and examine lands in the drainage district and the lands over
109 which the work is proposed to be constructed, and determine:
110 first, the starting point, route, and termini of the proposed
111 work, the location and size of the main ditch to be constructed in
112 the drainage district, which in their opinion will successfully
113 drain such lands, and whether the drainage of the lands in the
114 proposed drainage district is possible or not, provided that any
115 ditch already constructed in the proposed drainage district may be
116 used as a "main," or part of a main ditch, if found expedient and
117 sufficient for the purposes of the district; second, the probable
118 cost of same, including expenses and court costs; third, what land
119 will be injured or damaged by the proposed work and the probable
120 aggregate amount of damages such lands will sustain by reason of
121 the laying out and construction of such ditch or ditches. In the
122 examination of the district and determination of the questions for
123 the governing authorities to determine, the governing authorities
124 are authorized to employ an engineer to go with them upon the
125 lands of the district and examine the lands, make a map and
126 profile thereof, and an estimate of the size and depth of the
127 ditch or ditches required for main outlets for the drains of the
128 lands, and the probable cost, and a profile thereof.



129 SECTION 8. Upon a resolution being duly adopted and entered
130 on the minutes of the governing authorities creating drainage
131 districts under this act, such drainage district are declared by
132 law to be created as drainage districts, by the name mentioned in
133 the resolution and are declared to be a body politic and corporate
134 by the name mentioned in the resolution, with the right to have
135 perpetual succession and to adopt and use a corporate seal. The
136 governing authorities and their successors in office shall, from
137 the entry of such resolution, constitute the corporate authorities
138 of the district and shall exercise the functions conferred upon
139 them by this act.

140 SECTION 9. If a district is created, all moneys that have
141 been advanced or expended in good faith in the organization of any
142 district, necessary for the preliminary work in organization, such
143 as surveys, attorneys' fees, and incidentals thereto, may be
144 repaid by the governing authorities. The governing authorities
145 are authorized to issue certificates of the district to raise
146 funds to have all necessary surveys made and to pay all necessary
147 expenses and costs incurred in the preliminary work prior to the
148 creation of the district, which certificates shall bear interest
149 at the rate of six percent (6%) from their dates, but no
150 certificate shall be made payable for a longer period than two (2)
151 years from its date. These certificates shall be paid as soon as
152 sufficient funds come into the hands of the governing authorities
153 to pay same.

154 SECTION 10. The governing authorities also shall proceed to
155 procure the right-of-way for the main ditch or ditches of the
156 district, as well as the right-of-way for any laterals, drains or
157 levees that may be decided upon, by agreements with the landowners
158 over or through whose lands the same is to be constructed. They
159 shall take releases of rights-of-way for the construction of such
160 ditch or ditches from the landowners and file same with the
161 chancery clerk of the county in which the municipality is located,



162 who shall record them. If the governing authorities are not able
163 to agree with any landowner as to the amount of damages such owner
164 should receive for the right-of-way over which such ditch or other
165 improvements or work shall be constructed, the governing
166 authorities shall appraise the lands needed for such purposes and
167 proceed as directed in Section 11 of this act.

168 SECTION 11. When the governing authorities have made their
169 appraisal of the land taken or to be taken, they shall certify
170 the same and file it with the clerk of the municipality. The
171 clerk shall thereupon set down and fix a time for the hearing of
172 objections to such appraisal.

173 SECTION 12. If at the hearing by the governing authorities,
174 no written objections are filed, the governing authorities may
175 adopt an order confirming the appraisal. Upon payment of such
176 amount to the clerk of the municipality for the entitled party,
177 the district may enter upon and take possession of the property
178 and appropriate it to the use of the district, and the title to
179 the easement thereof and thereover shall vest in the district.
180 The clerk shall receipt upon such order for the money paid, and
181 such decree with the receipt of the clerk shall be recorded in the
182 records of deeds of the county in which the municipality is
183 located. If written objections are filed on or before the time
184 set for the hearing, the governing authorities shall proceed to
185 hear the objections filed.

186 The governing authorities may, at such hearing, hear all
187 objections in entirety or in severalty, may adopt an order
188 confirming the entire report of the governing authorities, or may
189 adopt any number of orders confirming the report as to any land
190 taken. At the hearing, the governing authorities may make
191 alterations in the appraisal as may be deemed just and
192 equitable, by raising or lowering any appraisal; and payment of
193 such amount fixed by order of the governing authorities shall be
194 made to the clerk of the municipality as provided in this section.



195 The clerk shall receipt for same on the order, and the order with
196 receipt thereon shall be recorded.

197 SECTION 13. It shall be the duty of the governing
198 authorities to make a levy each year on the lands lying in the
199 municipality in accordance with such assessments and levies
200 sufficient to meet bond obligations of any district issued by
201 authority of law.

202 SECTION 14. If the governing authorities have underestimated
203 the amount or the cost of work necessary for any district, they
204 may order such additional work done or such additional costs paid
205 and may reassess the properties of the district.

206 SECTION 15. If the drainage district shall issue bonds for
207 any part of the money levied for the purpose of the district as
208 authorized in this act, such bonds may be sold on the market to
209 the best advantage but shall not be sold for less than par value,
210 unless a sale below par be approved by the governing authorities.
211 The whole amount realized from the sale of such bonds shall be
212 deposited in the treasury of the district.

213 SECTION 16. After the creation of any drainage district
214 under this act, and after the confirmation of the assessment as
215 provided in this act, and after laying out a system of main drains
216 for the drainage district, the governing authorities shall
217 advertise for bids for the construction of ditches by publishing a
218 notice for three (3) weeks in some newspaper in the municipality,
219 stating the time and place they will receive bids for the
220 construction of such work. The time fixed for receiving and
221 opening the bids shall not be less than twenty-two (22) days from
222 the time of the first publication. The notice shall specify the
223 kind and nature of the work to be done, the amount thereof as
224 estimated by the engineer, and in what manner payment will be
225 made. The governing authorities shall meet at the time and place
226 designated in the notice and open the bids, and the contracts
227 shall be let to the lowest responsible bidder. The governing



228 authorities shall have the right to reject any and all bids if
229 they deem that the bids are too high, and may adjourn such letting
230 to a future time and continue the advertisement until that time.

231 The governing authorities shall take and file a certificate
232 of publication of the notice with the clerk of the municipality.
233 Upon the acceptance of any bid for the construction of any work,
234 they shall require the bidder to enter into contract with them for
235 the faithful performance of the work according to the plans,
236 specifications, profile, and estimates of the engineer, and
237 require the contractor to enter into bonds for the faithful
238 performance of such work within the time and in the manner
239 specified in such contract.

240 SECTION 17. The governing authorities may, after the
241 creation of the district, do any and all acts that may be
242 necessary in and about the surveying, laying out, constructing,
243 repairing, altering, enlarging, cleaning, protecting, and
244 maintaining any drain or ditch or other work. They and their
245 successors shall have charge of such ditch or other work in
246 perpetuity, and shall annually see that the same is cleaned out
247 and all obstructions, brush, willow, or other growth removed, so
248 that such ditches or other work shall be kept thoroughly cleaned
249 and in good repair so as to perfectly drain the lands in the
250 district. For those purposes, the governing authorities may
251 borrow money in anticipation of the collection of already levied
252 taxes at an overall maximum interest rate to maturity not greater
253 than that allowed in Section 75-17-105. The governing authorities
254 may issue in evidence thereof tax anticipation warrants, which
255 warrants shall be paid solely and only out of the first funds
256 collected from taxes levied before the borrowing of the funds and
257 issuance of the warrants. The governing authorities may make
258 additional assessments from time to time, as necessity may
259 require, to pay for the expense of maintaining, cleaning out and
260 keeping in repair the ditches of the district and meeting the



261 legal obligations of such district. The additional assessment for
262 maintaining, cleaning out and keeping in repair the ditches of the
263 district and meeting the legal obligations of such district shall
264 be made by the governing authorities as provided in this section.
265 On or before the first Monday in September of each year the
266 governing authorities shall assess on each tract of land or other
267 property in the district, such an amount as is necessary to pay
268 the expense of maintaining, cleaning out and keeping in repair the
269 ditches of the district and meeting the legal obligations of the
270 district, and it shall become and be the duty of the governing
271 authorities to levy a tax in accordance with such assessment
272 sufficient to meet such expense of maintaining, cleaning out and
273 keeping in repair the ditches of the district. As soon as the tax
274 levy is made, the clerk of the municipality, at the expense of the
275 district, shall prepare an assessment record of the district,
276 which may contain any number of columns, in which may be inscribed
277 the tax levied each year. He shall place the amount of the levy
278 for the year, and the record shall be certified by the governing
279 authorities, attested by the seal of the district, and filed with
280 the tax collector of the municipality, or such other taxing
281 district which the municipality may be a part of. The clerk of
282 the municipality shall make a copy of the assessment record for
283 the municipality. Any person aggrieved at the action of the
284 governing authorities in levying the tax provided under this
285 section shall have the right to appeal to the circuit court as
286 provided in Section 27-35-119. All taxes assessed and levied
287 under this act shall be collected at the same time and in the same
288 manner as ad valorem taxes, and the same penalties shall accrue
289 for the nonpayment thereof as for nonpayment of ad valorem taxes.

290 SECTION 18. If any damages shall be allowed to any landowner
291 for the construction of ditches across his lands, actual damages
292 shall be allowed. Such damages shall be paid in cash by giving to



293 the party entitled an order for the amount thereof on the district
294 treasurer, who shall pay the same on presentation.

295 SECTION 19. At the end of the fiscal year after the creation
296 of the drainage district and annually, the governing authorities
297 shall make a report showing the amount of money levied for main
298 district purposes, the amount of orders issued, the purposes for
299 which issued, to whom payable, the amount of money on hand, and
300 the amounts levied and expended for each and every subdistrict or
301 lateral drain laid out and established by them. If at any time it
302 appears that there are not sufficient funds to pay for any work
303 done or contemplated, the governing authorities may make a levy
304 for the amount required to finish paying for the work already done
305 or to perform the contemplated work. Any person aggrieved at the
306 action of the governing authorities shall have the right to appeal
307 to the circuit court as provided in Section 27-35-119.

308 SECTION 20. The governing authorities shall have the right
309 and authority to go upon any and all of the lands lying within the
310 district for the purpose of examining such lands and making plans,
311 surveys, profiles and estimates of the kind, character and cost of
312 the proposed system of drains, and may go upon such lands at any
313 time for the purpose of removing obstructions, cleaning out and
314 keeping in repair the ditches. No landowner shall have any power
315 or authority to prevent, hinder or delay the governing authorities
316 in the discharge of their lawful duties in their behalf. If such
317 landowner or any other person shall undertake to interfere with,
318 hinder, obstruct or delay the governing authorities in the
319 discharge of their duties, the governing authorities may file
320 their complaint in the chancery court or before the chancellor in
321 vacation. The court or chancellor shall cite the party to appear
322 and show cause, if any he has, why he should not be fined for the
323 hindrance or obstruction, and the court or chancellor may fine the
324 party not more than Twenty-five Dollars (\$25.00) per day for every



325 day's hindrance caused by him to the governing authorities for
326 contempt of the chancery court.

327 SECTION 21. In laying out such proposed work and drains and
328 ditches, the governing authorities shall have the right to take
329 and use any ditches previously constructed in any part of the
330 district by any landowner owning the same. If any such ditches
331 existing prior to the creation of such district shall be of any
332 value to the district, the governing authorities shall have the
333 power to allow the landowner reasonable compensation for the value
334 thereof, which shall be put down on the assessment roll as a
335 credit for ditches already constructed.

336 SECTION 22. After the creation of any drainage district
337 under this act, if any other or different drainage district lying
338 adjacent to or above such drainage district, or any district not
339 heretofore organized shall be organized and drain the water from
340 their ditches into the ditches or drains of the lower drainage
341 district from the lands lying above or adjacent and draining into
342 such drainage district so organized, the governing authorities
343 shall ask, demand and receive from the upper district or adjacent
344 district just compensation for an outlet for the waters of the
345 upper or adjacent district. If the governing authorities of the
346 two (2) districts cannot agree upon the amount to be paid by the
347 district, then the same shall be submitted by petition to the
348 chancery court or chancellor in vacation having jurisdiction of
349 the lower district. Such court or chancellor shall hear the
350 petition on proper notice and shall apportion the cost or amount
351 to be paid, if any, by the upper or adjacent district. This
352 section shall apply to all natural drains which may have been
353 heretofore or which shall hereafter be improved, cleaned out,
354 dredged and used as a drainage canal or main outlet for any
355 drainage district.

356 SECTION 23. If in the creation of any drainage district and
357 thereafter in the construction of ditches, drains or other



358 improvements, it shall be necessary to cross under or through any
359 railroad or the right-of-way thereof, the same may be accomplished
360 as provided in this section. Upon filing of the report of the
361 governing authorities as to assessments, they shall make a special
362 report showing the proposed plans, manner and character of the
363 work as proposed in passing through the right-of-way, together
364 with an estimate of the costs of same, including all damages that
365 will be sustained by the railroad by virtue of the construction of
366 the proposed work. Upon the hearing of the governing authorities'
367 report, it shall be the duty of the railroad company to appear and
368 show cause why the report should not be confirmed, as other
369 interested parties are required to appear. In such showing it
370 shall be the duty of the railroad company to file with the
371 governing authorities, on or before the time set for the hearing,
372 its estimate of the costs of the proposed work, including all
373 damage that will be sustained by it by doing the proposed work.
374 After hearing all evidence offered, the governing authorities may
375 make such alterations to the costs and damages to the railroad.
376 Any railroad aggrieved at the action of the governing authorities
377 shall have the right to appeal to the circuit court as provided in
378 Section 23-35-119. An appeal shall not prevent the governing
379 authorities constructing the work as proposed through the railroad
380 right-of-way, whenever in their discretion it is necessary to do
381 such work. Before beginning the construction of the work through
382 the right-of-way, the governing authorities shall pay to the
383 railroad company, or the municipal clerk for it, the amount of
384 damages determined by the district to be paid the railroad.

385 SECTION 24. When it shall become necessary, in the course of
386 the construction of the work being done by the governing
387 authorities, to pass through any railroad right-of-way in the
388 manner and according to plans filed as provided in this act, it
389 shall be the duty of the governing authorities to give notice in
390 writing to such railroad company of its desire to cross such



391 right-of-way with its construction work on some approximate date,
392 which shall not be less than sixty (60) days from the date of the
393 notice. The notice shall be served upon any agent or employee of
394 the railroad company upon whom, under the laws of the state,
395 service of process may be had; and the governing authorities shall
396 at the same time pay or tender to the railroad company all costs
397 and damages as may have been determined should be paid by the
398 drainage district to the railroad, as provided in this act. It
399 shall thereupon be the duty of the railroad company within a
400 reasonable time to complete the construction work across its
401 right-of-way, according to the plans and specifications under the
402 supervision of the engineer employed by the governing authorities,
403 or to permit the same to be done by the governing authorities.
404 Should the railroad company fail, neglect or refuse to do and
405 perform in good faith such work within the time fixed by the
406 governing authorities for the performance thereof, or to permit
407 same to be done, it shall be liable to the drainage district and
408 all persons for any damage it or they may sustain by reason of
409 such failure, and the railroad company may be compelled to perform
410 such work by mandatory injunction issued at the instance of the
411 governing authorities. This section shall not be so construed as
412 to prohibit the governing authorities from acquiring such
413 right-of-way by the regular eminent domain proceeding if they so
414 elect, or as otherwise provided in this chapter.

415 SECTION 25. If, in the organization of any drainage district
416 under this act, it shall appear that any railroad company will be
417 benefited by the construction of the proposed work, the governing
418 authorities shall have the right to assess such railroad an amount
419 as they may deem the railroad or railroad company benefited. Such
420 assessment shall be made at the time of assessing the lands of the
421 district, and such railroads shall have the right to appear and
422 make objections as landowners in the district at the time of
423 hearing objections to such assessments.



424 In determining the amount of such benefits, the governing
425 authorities may take into consideration the improvements that
426 might be made by the railroad of a permanent character, and the
427 increased revenue to be gained by the improvement of the lands in
428 the district for agriculture and sanitation, if any can be shown
429 by the construction of such proposed work.

430 SECTION 26. If in the construction of ditches the same shall
431 cross any public road, it shall be the duty of the governing
432 authorities to cause to be removed and constructed, at the expense
433 of the municipality, all bridges necessary to be removed or
434 constructed, at a reasonable time, with a view to the convenience
435 of the public and without unreasonable delay to the prosecution of
436 such work.

437 SECTION 27. Any person who shall wrongfully or purposely
438 fill up, cut, injure, destroy or in any manner injure or impair
439 the usefulness of any drain, ditch or other work constructed under
440 drainage laws shall be guilty of a misdemeanor, may be fined in
441 any sum not exceeding One Hundred Dollars (\$100.00), and shall be
442 liable for double the expense occasioned by repairing the same or
443 removing such obstruction, to be recovered at the suit of the
444 proper drainage district.

445 SECTION 28. The proper chancery court of the county in which
446 a municipality is located shall have jurisdiction of all suits
447 brought against a drainage district, by a drainage district and
448 between drainage districts suing unless otherwise provided.

449 SECTION 29. The governing authorities of any municipality in
450 which a drainage district has been created and who have sold bonds
451 for eighty percent (80%) of the assessment on the lands in such
452 district, and who have provided for the collection of the
453 remaining twenty percent (20%) of the assessment on the lands in
454 such district in cash within not less than four (4) months, are
455 authorized to issue and sell the bonds, notes or other objects of
456 indebtedness of the drainage district for the twenty percent



457 (20%), or any part thereof, which was provided to have been paid
458 in cash and which has not yet been paid.

459 SECTION 30. The bonds, notes or other objects of
460 indebtedness issued under Section 29 of this act shall bear
461 interest not exceeding six percent (6%) per annum and shall be
462 nontaxable.

463 SECTION 31. Before the sale of any such bonds, notes, or
464 other objects of indebtedness provided for in Sections 29 and 30
465 of this act, the governing authorities shall publish notice to all
466 parties interested for at least ten (10) days of their intention
467 to issue such additional bonds. Any bonds, notes or other
468 evidences of indebtedness issued and sold by the governing
469 authorities shall be a lien on the lands assessed in the drainage
470 district and shall be noncontestable.

471 SECTION 32. All proceedings under this act are declared to
472 be proceedings in rem. The notices for the organization of a
473 drainage district under this act and all subsequent notices
474 provided for under this act shall be sufficient as notices for the
475 purposes stated, the organization of a district, and the issuance
476 of district bonds as provided under this act.

477 SECTION 33. All taxes levied under this act shall be payable
478 at the same time ad valorem taxes are payable, and if any taxes so
479 levied under this act are not paid at maturity, the tax collector
480 of the municipality, or such other taxing district which the
481 municipality may be a part of, where the land is situated shall,
482 after having advertised such lands for sale for the same length of
483 time and in the same manner as land delinquent for ad valorem
484 taxes are now required to be advertised, sell the lands so
485 delinquent for taxes thereon, together with all costs and five
486 percent (5%) damages on the amount of taxes for which the land was
487 sold. Such sale shall be separate and distinct from all other
488 sales for ad valorem taxes, but shall be held at the same place



489 and time where sales of lands delinquent for ad valorem taxes are
490 held.

491 SECTION 34. When lands are offered for sale for unpaid
492 drainage district taxes and no person will bid therefor the amount
493 of taxes, damages and costs due, such lands shall be struck off to
494 the drainage district and otherwise dealt with as lands which are
495 sold to the state for delinquent ad valorem taxes. The governing
496 authorities shall be authorized to pay the ad valorem taxes on
497 lands thus acquired by it, to redeem the same from ad valorem tax
498 sales, and to collect the money thus paid with the same damage and
499 interest allowed individuals in similar cases under the general
500 revenue laws of the state therein from the date of such payment,
501 upon the redemption of lands from the drainage district sale.

502 SECTION 35. The lists of lands sold by the tax collector of
503 the municipality, or such other taxing district which the
504 municipality may be a part of, to individuals and to the drainage
505 district shall be made as required to be made by the state and
506 county collector for lands sold for ad valorem taxes, and shall be
507 filed with the clerk of the chancery court within ten (10) days
508 after the tax sale. Each list shall have the same force and
509 effect, confer the same rights and be entitled to the same
510 remedies for redemption and otherwise as lists made for delinquent
511 taxes by the state and county collector for state and county
512 lands. But such title shall be subject to a title acquired under
513 a sale for ad valorem taxes.

514 SECTION 36. A list of conveyances of lands sold to drainage
515 districts for drainage district taxes or to individuals shall be
516 recorded in a well-bound and indexed book, which shall be kept in
517 the office of the chancery clerk of the county in which the
518 drainage district is located. It shall be the same book in which
519 other tax sales to individuals are recorded, and shall have the
520 same effect as notice.



521 SECTION 37. After two (2) years' time for redemption has
522 expired, the governing authorities may take possession of land
523 sold to the district for the district, and lease or sell any lands
524 which it has acquired at tax sale to any person in the manner that
525 the governing authorities think is to the best interests of the
526 district.

527 SECTION 38. The Attorney General of the State of Mississippi
528 shall submit this act, immediately upon approval by the Governor,
529 or upon approval by the Legislature subsequent to a veto, to the
530 Attorney General of the United States or to the United States
531 District Court for the District of Columbia in accordance with the
532 provisions of the Voting Rights Act of 1965, as amended and
533 extended.

534 SECTION 39. This act shall take effect and be in force from
535 and after the date it is effectuated under Section 5 of the Voting
536 Rights Act of 1965, as amended and extended.

