

By: Representative Ford

To: Conservation and Water Resources

HOUSE BILL NO. 451

1 AN ACT TO AMEND SECTION 51-35-305, MISSISSIPPI CODE OF 1972,
2 TO EXTEND THE DATE OF REPEAL FROM JULY 1, 2001, TO JULY 1, 2002,
3 ON THE AUTHORITY TO ORGANIZE FLOOD AND DRAINAGE CONTROL DISTRICTS;
4 AND FOR RELATED PURPOSES.

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

6 SECTION 1. Section 51-35-305, Mississippi Code of 1972, is
7 amended as follows:

8 **[Until Laws, 1999, Chapter 510, Section 3, is effectuated**
9 **under Section 5 of the Voting Rights Act of 1965, this section**
10 **will read as follows:]**

11 51-35-305. Flood and drainage control districts may now or
12 hereafter be organized in this state under the provisions of this
13 article, in the manner hereinafter provided, whenever any part of
14 such district lies wholly or partially in or adjacent to any part
15 of a municipality having a population of 100,000 or more
16 inhabitants at the time of the filing of the petition to create
17 such district. For the purposes of determining population of any
18 municipality, the last completed census prior to the filing of
19 such petition shall be presumed to be the population of such
20 municipality at the time of the filing of such petition. Each
21 flood and drainage control district shall be an agency of the
22 state and a body politic and corporate, and may be composed of one
23 or more entire municipalities or a part or parts thereof, one or
24 more entire counties or a part or parts thereof, or any
25 combination of counties and municipalities or a part or parts
26 thereof.

27 **[From and after the date Laws, 1999, Chapter 510, Section 3,**
28 **is effectuated under Section 5 of the Voting Rights Act of 1965,**
29 **this section will read as follows:]**

30 51-33-305. (1) Flood and drainage control districts may now
31 or hereafter be organized in this state under the provisions of
32 this article, in the manner hereinafter provided, whenever any
33 part of such district lies wholly or partially in or adjacent to
34 any part of a municipality having a population of ten thousand
35 (10,000) or more inhabitants at the time of the filing of the
36 petition to create such district. For the purposes of determining
37 population of any municipality, the last completed census prior to
38 the filing of such petition shall be presumed to be the population
39 of such municipality at the time of the filing of such petition.
40 Each flood and drainage control district shall be an agency of the
41 state and a body politic and corporate, and may be composed of one
42 or more entire municipalities or a part or parts thereof, one or
43 more entire counties or a part or parts thereof, or any
44 combination of counties and municipalities or a part or parts
45 thereof.

46 (2) This section shall stand repealed on July 1, 2002.

47 SECTION 2. The Attorney General of the State of Mississippi
48 shall submit this act, immediately upon approval by the Governor,
49 or upon approval by the Legislature subsequent to a veto, to the
50 Attorney General of the United States or to the United States
51 District Court for the District of Columbia in accordance with the
52 provisions of the Voting Rights Act of 1965, as amended and
53 extended.

54 SECTION 3. This act shall take effect and be in force from
55 and after the date it is effectuated under Section 5 of the Voting
56 Rights Act of 1965, as amended and extended.