

By: Representative Eaton

To: County Affairs; Ways and Means

HOUSE BILL NO. 1260

1 AN ACT TO CREATE A NEW CODE SECTION THAT AUTHORIZES THE
2 TRANSFER OF POWERS, DUTIES AND RESPONSIBILITIES FROM CERTAIN
3 DISSOLVED DRAINAGE DISTRICTS TO THE COUNTY SOIL AND WATER
4 CONSERVATION DISTRICTS; AND FOR RELATED PURPOSES.

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

6 SECTION 1. The duties, powers, and responsibilities of a
7 drainage district with water impoundment structures constructed
8 with financing from the United States under Public Law 534 or
9 Public Law 566, or both, may be transferred to the county soil and
10 water conservation district if it becomes apparent that such
11 drainage district should be dissolved, but future oversight,
12 maintenance and operation are required for the existing
13 structures.

14 SECTION 2. (1) A drainage district may be dissolved and its
15 powers, duties and responsibilities transferred to the county soil
16 and water conservation district by:

17 (a) The commissioners of the drainage district
18 determining and spreading on the district's minutes that it is in
19 the best interest of the residents and landowners of the drainage
20 district that the district be dissolved and its powers, duties and
21 responsibilities be transferred to the county soil and water
22 conservation district. In any drainage district in which there
23 are not any active drainage district commissioners, or in which
24 the drainage district has ceased to function, the county soil and
25 water conservation district commissioners and the county board of
26 supervisors may begin the dissolution and transfer. If the
27 dissolution of the drainage district and transfer of powers occurs

28 without a resolution from the drainage district commissioners, the
29 chancery court, in its proceedings under subsection (1)(e), must
30 determine and state that there is not an active drainage district
31 or there are not any drainage district commissioners, or both.

32 (b) The commissioners of the county soil and water
33 conservation district determining, and spreading on the district's
34 minutes, that it is in the best interest of the residents and
35 landowners of the drainage district that the drainage district be
36 dissolved and its powers, duties and responsibilities be
37 transferred to the county soil and water conservation district.
38 Then, the county soil and water conservation district must decide
39 if it is willing to accept those powers, duties and
40 responsibilities.

41 (c) The county board of supervisors agreeing, and
42 spreading on the county's minutes that the drainage district
43 should be dissolved and its powers, duties and responsibilities be
44 transferred to the county soil and water conservation district.
45 If the county supervisors agree to transfer the drainage district
46 to the county soil and water conservation district, they must
47 register their support of by one (1) of the following methods of
48 funding the operation and maintenance of the existing water
49 impoundment structures:

50 (i) Continuation of existing ad valorem tax
51 assessments on benefited acres with the ad valorem taxes being
52 used by the county soil and water conservation district solely for
53 the operation and maintenance of existing water impoundment
54 structures transferred from the drainage district.

55 (ii) If there has not been an ad valorem tax
56 assessment or if the assessment has expired, the establishment of
57 ad valorem tax assessments on benefited acres and collection of
58 the ad valorem taxes solely for the operation and maintenance of
59 the existing water impoundment structures transferred from the
60 drainage district. The ad valorem assessment and collection of

61 taxes shall comply with the procedures authorized in Sections
62 51-29-45 through 51-29-57.

63 (iii) If there has not been an ad valorem tax
64 assessment or if it has expired, the county board of supervisors
65 may agree to provide funds, through county appropriation, to the
66 county soil and water conservation district for the operation and
67 maintenance of the transferred water impoundment structures.

68 (d) Upon completion of the requirements of subsections
69 (1)(a) through (c), the commissioners of the drainage district or
70 the commissioners of the county soil and water conservation
71 district, or both, shall petition the chancery court of the county
72 in which the drainage district was originally established for the
73 dissolution of the drainage district and the transference of its
74 powers, duties and responsibilities to the soil and water
75 conservation district. The petition must be accompanied by copies
76 of the minutes reflecting the actions of the drainage district,
77 the soil and water conservation district and the county board of
78 supervisors. After the petition is filed, it shall be the duty of
79 the clerk of the court to give notice of the filing by publishing
80 the notice in a newspaper published in the county for three (3)
81 consecutive weeks or by publishing the notice in a newspaper
82 published in the counties in which the lands of the drainage
83 district lie. The notice shall be addressed to all persons
84 interested in the drainage district and shall require them to
85 appear before the chancery court at a place within the district of
86 the chancery court on a day certain but not earlier than twenty
87 (20) days or more than sixty (60) days after the date of the first
88 publication of the notice, and show cause, if any, of why the
89 petition should not be granted.

90 (e) On the date set by the court, the chancellor shall
91 review the petition, minutes of the respective districts and board
92 of supervisors, and any other evidence or testimony the court
93 finds necessary, and if the court determines:

94 (i) Subsections (1)(a) through (c) of this section
95 have been complied with; and

96 (ii) It is in the best interest of the landowners
97 and residents of the drainage district to dissolve the drainage
98 district and transfer the drainage districts powers, duties and
99 responsibilities to the county soil and water conservation
100 district, the court shall enter its order:

101 1. Dissolving the drainage district.

102 2. Transferring all the powers, duties and
103 responsibilities of the drainage district to the county soil and
104 water conservation district.

105 3. Provide funding for the future operation
106 and maintenance of the existing water impoundment structures by
107 either:

108 a. Transferring existing authority to
109 assess benefited acres for ad valorem taxation;

110 b. Authorizing the county soil and water
111 conservation district to assess ad valorem taxes on benefited
112 acres in the manner authorized for drainage districts in Sections
113 51-29-45 through 51-29-57; or

114 c. Recognizing that the county board of
115 supervisors will determine and provide funding amounts for the
116 operation and maintenance of the water impoundment structures by
117 the county soil and water conservation district.

118 4. Transferring all assets of the drainage
119 district, real or personal, or both, and any other assets, where
120 ever they are situated, to the county soil and water conservation
121 district.

122 (2) If a drainage district's boundaries cross county lines:

123 (a) Subsections (1)(b) and (c) must be completed by the
124 county soil and water conservation district and the county board
125 of supervisors for each county in which the drainage district has

126 existing water impoundment structures constructed with financing
127 from the United States under Public Law 534 or Public Law 566; and

128 (b) The chancery court's division of powers and duties,
129 responsibilities, together with the funding responsibilities for
130 operation and maintenance of existing structures, shall be in
131 accordance with the agreement of all county soil and water
132 conservation districts and county board of supervisors within
133 whose boundaries the drainage district's structures lie.

134 SECTION 3. Sections 1 and 2 of this act shall be codified in
135 Title 51, Chapter 33 of the Mississippi Code of 1972.

136 SECTION 4. This act shall take effect and be in force from
137 and after July 1, 2001.