

By: Representative Simpson

To: County Affairs

HOUSE BILL NO. 1503

1 AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF CERTAIN
2 DRAINAGE DISTRICTS THAT ENCOMPASS ONLY ONE COUNTY, SUBJECT TO
3 AGREEMENT BY THE BOARD OF SUPERVISORS OF THE COUNTY WHERE THE
4 DRAINAGE DISTRICT IS LOCATED, TO TRANSFER THE DISTRICT AND ALL
5 POWERS, DUTY AND AUTHORITY OF THE DISTRICT TO THE BOARD OF
6 SUPERVISORS; TO REQUIRE THE BOARD OF SUPERVISORS TO CONTINUE TO
7 MAINTAIN, REPAIR AND PROVIDE FOR THE UPKEEP OF THE DISTRICT AND
8 ALL PROJECTS COMPLETED OR IN PROGRESS AT THE TIME OF THE TRANSFER
9 AND TO SELECT A METHOD FOR FUNDING OPERATION AND MAINTENANCE OF
10 EXISTING WATER IMPOUNDMENT STRUCTURES; TO REQUIRE APPROVAL OF THE
11 TRANSFER BY THE CHANCERY COURT OF THE COUNTY WHERE THE DRAINAGE
12 DISTRICT IS LOCATED; AND FOR RELATED PURPOSES.

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

14 **SECTION 1.** (1) If the board of commissioners of any
15 drainage district that is created under Chapter 29 or Chapter 31
16 of Title 51, Mississippi Code of 1972, and that encompasses only
17 one (1) county, agree with the board of supervisors of that
18 county, the district may transfer all power, duty and authority of
19 the commission and the district to the board of supervisors of the
20 county in which the district lies. In such event, the board of
21 supervisors shall thereafter assume all duties and powers of the
22 board of commissioners for the maintenance, repair and upkeep of
23 the district and all projects completed or in progress at the time
24 of the transfer, and shall make a report thereof annually to the
25 chancery court of the county. The board of supervisors shall not
26 be entitled to any additional compensation for taking over and
27 assuming the duties of the commissioners and the district and all
28 power and duties of the board of commissioners of the district,
29 including the right to receive compensation, shall cease upon the
30 transfer taking place.

31 (2) In order to effectuate transfer of a drainage district
32 under subsection (1) of this section, the board of supervisors of

33 the county and the board of commissioners of the drainage district
34 shall adopt and enter upon their respective official minutes an
35 order providing for transfer of the district, and all powers,
36 duties and responsibilities with regard to the district, to the
37 board of supervisors of the county. Such orders shall describe,
38 in detail, the manner in which transfer of the district shall take
39 place, including the date and time thereof. In addition, in order
40 for the transfer to take place, the board of supervisors must
41 agree to one (1) of the following methods for funding operation
42 and maintenance of existing water impoundment structures:

43 (a) Continuation of existing ad valorem tax assessments
44 on benefited or affected acres with the ad valorem taxes being
45 used by the county solely for the operation and maintenance of
46 existing water impoundment structures transferred from the
47 drainage district.

48 (b) If there has not been an ad valorem tax assessment
49 or if the assessment has expired, the establishment of ad valorem
50 tax assessments on benefited or affected acres and collection of
51 the ad valorem taxes solely for the operation and maintenance of
52 the existing water impoundment structures transferred from the
53 drainage district. The ad valorem assessment and collection of
54 taxes shall comply with the procedures authorized in Sections
55 51-29-45 through 51-29-57.

56 (c) If there has not been an ad valorem tax assessment,
57 or if it has expired, the county board of supervisors may agree to
58 provide funds, through county appropriation for the operation and
59 maintenance of the transferred water impoundment structures.

60 (3) Upon completion of the requirements of subsection (2) of
61 this section, the commissioners of the drainage district or the
62 board of supervisors, or both, shall petition the chancery court
63 of the county where the district is located for the dissolution of
64 the drainage district and the transference of its powers, duties
65 and responsibilities to the board of supervisors. The petition

66 must be accompanied by copies of the minutes reflecting the
67 actions of the drainage district and the county board of
68 supervisors. After the petition is filed, the clerk of the court
69 shall give notice of the filing by publishing the notice in a
70 newspaper published in the county for three (3) consecutive weeks.
71 The notice shall be addressed to all persons interested in the
72 drainage district and shall require them to appear before the
73 chancery court at a place within the district of the chancery
74 court on a day certain but not earlier than twenty (20) days or
75 more than sixty (60) days after the date of the first publication
76 of the notice, and show cause, if any, of why the petition should
77 not be granted.

78 (4) On the date set by the court, the chancellor shall
79 review the petition, minutes of the respective district and board
80 of supervisors, and any other evidence or testimony the court
81 finds necessary, and if the court determines:

82 (a) Subsection (2) of this section has been complied
83 with; and

84 (b) It is in the best interest of the landowners and
85 residents of the drainage district to dissolve the drainage
86 district and transfer the drainage district's powers, duties and
87 responsibilities to the county, the court shall enter its order:

88 (i) Dissolving the drainage district.

89 (ii) Transferring all the powers, duties and
90 responsibilities of the drainage district to the county board of
91 supervisors.

92 (iii) Provide funding for the future operation and
93 maintenance of the existing water impoundment structures by:

94 1. Transferring existing authority to assess
95 benefited or affected acres for ad valorem taxation;

96 2. Authorizing the board of supervisors to
97 assess ad valorem taxes on benefited or affected acres in the

98 manner authorized for drainage districts in Sections 51-29-45
99 through 51-29-57; or

100 3. Recognizing that the county board of
101 supervisors will determine and provide funding amounts for the
102 operation and maintenance of the water impoundment structures.

103 (iv) Transferring all assets of the drainage
104 district, real or personal, or both, and any other assets,
105 wherever they are situated, to the county.

106 **SECTION 2.** Section 1 of this act shall be codified in
107 Chapter 33 or Title 51, Mississippi Code of 1972.

108 **SECTION 3.** This act shall take effect and be in force from
109 and after July 1, 2005.