

By: Representative Rogers (14th)

To: Local and Private
Legislation

HOUSE BILL NO. 1723

1 AN ACT TO AUTHORIZE THE BOARD OF ALDERMEN OF NEW ALBANY,
2 MISSISSIPPI, TO LEVY AN ASSESSMENT, IN ADDITION TO ANY OTHER
3 ASSESSMENTS AND COURT COSTS, IN CERTAIN CASES FOR THE PURPOSE OF
4 FUNDING A DRUG ABUSE RESISTANCE EDUCATION PROGRAM OR SIMILAR
5 PROGRAM IN THE LOCAL SCHOOL DISTRICTS, OR FOR OTHER DRUG-RELATED
6 LAW ENFORCEMENT PURPOSES, TO PROVIDE FOR A REVERSE REFERENDUM ON
7 THE QUESTIONS OF IMPOSING SUCH ADDITIONAL ASSESSMENT; AND FOR
8 RELATED PURPOSES.

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

10 **SECTION 1.** (1) The Board of Aldermen of New Albany,
11 Mississippi ("board of aldermen"), in its discretion, by
12 resolution duly adopted and entered on its minutes, may levy an
13 assessment, in addition to any other assessments and courts costs,
14 in the municipal court situated within the city as follows: Upon
15 each person convicted under the Controlled Substances Law; upon
16 each person convicted under the Mississippi Implied Consent Law;
17 and upon those convicted of all other traffic violations, the
18 amount of Five Dollars (\$5.00).

19 (2) The resolution adopted by the board of aldermen shall
20 include a statement of the board's intent to levy the additional
21 assessments, the purpose therefor and the date on which the court
22 will begin to levy the additional court costs.

23 (3) The avails of any additional assessments levied under
24 subsection (1) of this section shall be used to fund the
25 implementation of a Drug Abuse Resistance Education Program or
26 similar program designed to deter the abuse of drugs in the city
27 school district or for other drug related law enforcement
28 purposes, as specified in the resolution.

29 (4) Upon the adoption of the resolution stating its intent
30 to levy the additional assessment and the approval of such

31 additional assessments by a majority of the qualified electors of
32 New Albany, Mississippi, as provided in Section 2 of this act, the
33 board of aldermen shall provide for the creation of a special city
34 fund in which all assessments collected under subsection (1) of
35 this section shall be deposited. Monies in the special fund shall
36 be used for the sole purpose of defraying the cost of the Drug
37 Abuse Resistance Educational Program or similar program or other
38 drug-related law enforcement efforts.

39 (5) The clerk of the municipal court shall deposit and
40 account for the additional assessment collected under subsection
41 (1) of this section in the same manner as fines collected in that
42 court.

43 **SECTION 2.** Before the assessments authorized by this act may
44 be levied, the board of aldermen shall adopt a resolution
45 declaring its intention to levy the assessment, setting forth the
46 amount of such assessment and establishing the date on which the
47 assessments initially shall be levied. Notice of the proposed
48 assessments shall be published once each week for at least three
49 (3) consecutive weeks in a newspaper having a general circulation
50 in New Albany, Mississippi. The first publication of the notice
51 shall be made not less than twenty-one (21) days before the date
52 fixed in the resolution on which the assessments initially are to
53 be levied, and the last publication of the notice shall be made
54 not more than seven (7) days before such date. If, within the
55 time giving notice, twenty percent (20%) or one thousand five
56 hundred (1,500), whichever is less, of the qualified electors of
57 New Albany, Mississippi, file a written petition against the levy
58 of such assessments, then the assessments shall not be levied
59 unless authorized by a majority of the qualified electors of New
60 Albany, Mississippi, voting at an election to be called and held
61 for that purpose.

62 **SECTION 3.** The Board of Aldermen of New Albany, Mississippi,
63 shall submit this act, immediately upon approval by the Governor,

64 or upon approval by the Legislature subsequent to a veto, to the
65 Attorney General of the United States or to the United States
66 District Court for the District of Columbia in accordance with the
67 provisions of the Voting Rights Act of 1965, as amended and
68 extended.

69 **SECTION 4.** This act shall take effect and be in force from
70 and after the date it is effectuated under Section 5 of the Voting
71 Rights Act of 1965, as amended and extended.