

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.