

By: Representative McLeod

To: Conservation and Water Resources

HOUSE BILL NO. 1117

1 AN ACT TO CREATE NEW SECTION 51-15-108, MISSISSIPPI CODE OF
2 1972, TO ALLOW COUNTIES OUTSIDE THE PAT HARRISON WATERWAY DISTRICT
3 TO JOIN THE DISTRICT BY MEETING CERTAIN REQUIREMENTS; TO AMEND
4 SECTIONS 51-15-103 AND 51-15-107, WHICH INCLUDE PROVISIONS
5 RELATING TO REQUIREMENTS FOR COUNTIES WHO DESIRE TO JOIN THE PAT
6 HARRISON WATERWAY DISTRICT, TO CONFORM TO THE PRECEDING
7 PROVISIONS; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** The following shall be codified as Section
10 51-15-108, Mississippi Code of 1972:

11 51-15-108. (1) A county that is not a part of the Pat
12 Harrison Waterway District and is described in subsection (2) of
13 this section may join the district by filing a petition, as
14 provided in Section 51-15-107, in the Chancery Court of Forrest
15 County, Mississippi, and conforming to the requirements as
16 provided in Sections 51-15-103 through 51-15-118.

17 (2) A county in which the Pascagoula River, Leaf River,
18 Chickasawhay River or Tallahala Creek are located, or a county
19 having tributaries to such streams or that borders on such
20 streams, may join the Pat Harrison Waterway District.



21 **SECTION 2.** Section 51-15-103, Mississippi Code of 1972, is
22 amended as follows:

23 51-15-103. (1) The Pat Harrison Waterway Commission
24 may * * * be organized in this state in the manner provided for
25 under the provisions of this article * * *. This water management
26 district shall be an agency of the state and a body politic and
27 corporate, and may be composed and is composed of the following
28 counties * * *: Clarke, Covington, Forrest, George, Greene,
29 Jackson, Jasper, Jones, Lamar, Lauderdale, Newton, Perry, Smith,
30 Stone and Wayne.

31 (2) A county that desires to be included in the Pat Harrison
32 Waterway District, after the original formation of the district,
33 may join the district in the manner provided for in Section
34 51-15-108.

35 **SECTION 3.** Section 51-15-107, Mississippi Code of 1972, is
36 amended as follows:

37 51-15-107. (1) The Pat Harrison Waterway Commission, acting
38 through its members who favor bringing the counties they represent
39 into the Pat Harrison Waterway District, or other counties having
40 Pascagoula River, Leaf River, Chickasawhay River, or Tallahala
41 Creek tributaries, shall petition the chancery court of Forrest
42 County, Mississippi, to organize and establish the Pat Harrison
43 Waterway District, and shall set forth in the petition:

44 (* * * a) The counties to be included in the Pat
45 Harrison Waterway District * * *;



46 (* * *b) The necessity and desirability for the
47 developments and construction of suitable facilities * * *; and

48 (* * *c) A general description of the purposes of the
49 contemplated works, and a general description of the plan.

50 The petition shall be filed with as many copies as there are
51 parties defendant.

52 The board of water commissioners of the State of Mississippi
53 shall be made a party defendant, and the chancery clerk shall
54 furnish the board * * * with a copy of the petition with attached
55 exhibits. Each county named in the petition shall be joined as a
56 party defendant by service of process on the president of the
57 board of supervisors thereof, and the chancery clerk shall furnish
58 a copy of the petition to each such president. * * * A
59 municipality that is located in a county * * * to be included in
60 the district, having a population * * * of ten thousand (10,000)
61 or more * * * according to the most recent federal decennial
62 census, shall be made a party defendant.

63 * * * Landowners who are located in the counties to be
64 included in * * * the district are not required to be made * * *
65 party defendants, or be named in the petition. The chancellor of
66 the Chancery Court of Forrest County, Mississippi, shall have
67 jurisdiction of the entire waterway district for the purposes of
68 this article * * * , and this jurisdiction may be exercised * * *
69 in term time or in vacation, as provided in this article.



70 (2) A county that desires to be included in the Pat Harrison
71 Waterway District, after the original formation of the district,
72 may join the district in the manner provided for in Section
73 51-15-108.

74 **SECTION 4.** This act shall take effect and be in force from
75 and after July 1, 2018.

