

By: Hudson, Green, Holloway, Moak, Moore  
(100th), Nettles

To: Conservation and  
Water Resources

HOUSE BILL NO. 785

1 AN ACT TO AMEND SECTION 51-11-9, MISSISSIPPI CODE OF 1972, TO  
2 AUTHORIZE ANY MEMBER COUNTY TO WITHDRAW FROM THE PEARL RIVER BASIN  
3 DEVELOPMENT DISTRICT; TO REQUIRE A WITHDRAWING COUNTY TO PAY ITS  
4 PORTION OF BONDS, CONTRACTUAL OBLIGATIONS, OTHER INDEBTEDNESS AND  
5 LIABILITIES AND BUDGETED EXPENSES; AND FOR RELATED PURPOSES.

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

7 SECTION 1. Section 51-11-9, Mississippi Code of 1972, is  
8 amended as follows:[BD1]

9 51-11-9. (1) Within twenty (20) days after the passage of  
10 this chapter, the Department of Environmental Quality, the  
11 Mississippi Commission on Wildlife, Fisheries and Parks, the  
12 Forestry Commission, and the State Board of Health of the State of  
13 Mississippi shall appoint their respective members to the proposed  
14 district board of directors as provided in Section 51-11-5. These  
15 four appointive members, upon taking the oath as provided, shall  
16 meet in the office of the Department of Environmental Quality in  
17 Jackson, Mississippi, within ten (10) days, and adopt by a  
18 majority vote a resolution setting forth their intentions of  
19 creating the district and shall forthwith send a certified copy of  
20 said resolution to:

21 (a) The Governor;

22 (b) Executive officers of the Department of

23 Environmental Quality, Mississippi Commission on Wildlife,  
24 Fisheries and Parks, Forestry Commission, and State Board of  
25 Health; and

26 (c) The president of the board of supervisors and the  
27 chancery clerk of each county which is part of the Pearl River  
28 Basin. After receipt of said resolution, each of the four (4)  
29 state agencies hereinabove named may adopt its own resolution  
30 favorable or unfavorable to the creation of said district; and the  
31 respective boards of supervisors may, at their next regular  
32 meeting or at any subsequent meeting, likewise adopt a resolution  
33 favorable or unfavorable to creating said district. All said  
34 resolutions adopted shall be certified by adopting body's  
35 secretary, clerk, or executive officer, and certified copies shall  
36 be filed with each state agency and political subdivision named in  
37 this section.

38 (2) The board of supervisors of any county which is part of  
39 the Pearl River Basin and which desires to become a member of the  
40 district shall, upon receipt of the certified resolution to be  
41 adopted by the four initial directors, declare said board's  
42 intentions by adopting a resolution expressing its desire to have  
43 said district created and stating that its county desires to be a  
44 member thereof and that said board desires and intends to levy a  
45 special ad valorem tax not to exceed one-half (1/2) mill on all  
46 taxable property within said county for the use and benefit of the  
47 Pearl River Basin Development District, if and in the event that  
48 other funds of that county are not available and appropriated to  
49 pay for that county's required contribution to said district. The  
50 said resolution shall be published once each week for three (3)  
51 consecutive weeks in some newspaper published in the county and  
52 having a general circulation therein. If within twenty-one (21)  
53 days after the date of the first publication of said resolution no

54 petition signed by twenty percent (20%) of the qualified electors  
55 of the county is filed with the board of supervisors requesting  
56 the calling of an election on the question of the county's  
57 participation in the district and the levying of the special ad  
58 valorem tax not to exceed one-half (1/2) mill as aforesaid, then  
59 the board of supervisors may proceed to have the county made a  
60 member of said district and to levy the special ad valorem tax not  
61 to exceed one-half (1/2) mill if and when required; but if within  
62 twenty-one (21) days after the date of the first publication of  
63 said resolution a petition is filed, signed by at least twenty  
64 percent (20%) of the qualified electors of said county, requesting  
65 an election on the proposition of said county's becoming a member  
66 of the proposed district and the levying of the special ad valorem  
67 tax not to exceed one-half (1/2) mill as herein provided, then  
68 said election shall be held and conducted as now provided by law  
69 for such election. If such an election is held and a majority of  
70 those voting therein vote for the proposition, the board shall, by  
71 appropriate resolution, bring the county into the district and  
72 levy the special ad valorem tax not to exceed one-half (1/2) mill  
73 as provided by this chapter, if required. If the majority of  
74 those voting in such election shall vote against the proposition,  
75 then the county shall not become a member of the district nor levy  
76 the one-half (1/2) mill tax, and no further election shall be so  
77 conducted until the lapse of two (2) years after the last  
78 election.

79 (3) Whenever an aggregate of six (6) counties shall have  
80 become members of the Pearl River Basin Development District in  
81 the manner provided in this section, the said district shall be

82 created as an agency of the state and a body politic and corporate  
83 with all the powers granted to it by statute; at which time the  
84 Governor shall appoint the four (4) directors to be appointed by  
85 him.

86 (4) Any eligible county may become a member of the district  
87 subsequent to its creation, in the manner that the original  
88 counties became members. New member counties shall have the same  
89 power and authority and be entitled to equal consideration of the  
90 district's board of directors, not inconsistent with the purpose  
91 of this chapter.

92 (5) Beginning July 1, 2000, the board of supervisors of any  
93 county that is included in the Pearl River Basin Development  
94 District may elect to withdraw that county from the district by  
95 notifying the district in writing before March 15 of the fiscal  
96 year preceding the fiscal year in which the county proposes to  
97 withdraw. The withdrawing county shall be responsible for paying  
98 its portion of any district bonds, contractual obligations, and  
99 any other indebtedness and liabilities of the district that are  
100 outstanding on the date of the county's withdrawal from the  
101 district and the withdrawing county's portion of budgeted  
102 expenditures of the current fiscal year of the district. The  
103 withdrawing county's portion of the liabilities, obligations and  
104 indebtedness shall be determined through an independent audit  
105 conducted by a certified public accountant mutually agreed upon  
106 between the withdrawing county and the district. The board of  
107 supervisors of the withdrawing county shall provide the sum that  
108 is required by this section either by appropriation from any  
109 available funds of the county or by levy. The board of

110 supervisors may borrow funds as needed to satisfy the withdrawing  
111 county's portion of the liabilities, obligations, indebtedness and  
112 expenses of the district as required by this section.

113 SECTION 2. This act shall take effect and be in force from  
114 and after July 1, 2000.