5/1 3:30p

Chapter No. 920
12/HR12/R2042
EW / KB

HOUSE BILL NO. 1545

Originated in House _____ Clerk

HOUSE BILL NO. 1545

AN ACT TO AMEND CHAPTER 946, LOCAL AND PRIVATE LAWS OF 1995, AS AMENDED BY CHAPTER 1040, LOCAL AND PRIVATE LAWS OF 1999, TO REVISE THE ELIGIBILITY REQUIREMENTS TO HOLD THE OFFICE OF A COMMISSIONER FOR THE SPECIAL DRAINAGE DISTRICT OF TALLAHATCHIE COUNTY, MISSISSIPPI; AND FOR RELATED PURPOSES.

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

SECTION 1. Chapter 946, Local and Private Laws of 1995, as amended by Chapter 1040, Local and Private Laws of 1999, is amended as follows:

Section 1. The Board of Supervisors of Tallahatchie County may create a special drainage district to serve areas of Tallahatchie County, Mississippi, located in the Blue Cane Community Area of Tallahatchie County and embracing the entire Blue Cane Community Area or any part of the area as the board of supervisors deems proper to be included in the special drainage district.

Section 2. The special drainage district shall be governed by a board of commissioners consisting of not less than three (3) but not more than five (5) commissioners selected by the Board of Supervisors of Tallahatchie County. The term of office of each commissioner shall be four (4) years and until his or her successor is selected and has qualified. However, the initial terms shall expire at intervals to insure that not more than one (1) commissioner's scheduled term of office expires in any one (1) year. Any vacancy in the office of a commissioner may be filled by the board of supervisors at any regular scheduled meeting of the board.

Every resident citizen of Tallahatchie County who resides or who owns property within the special drainage district, being over twenty-one (21) years of age, of good reputation, and of sound mind and judgment shall be eligible to hold the office of commissioner.

Section 3. The special drainage district shall have the powers and duties granted to drainage districts pursuant to Section 51-31-1, et seq., Mississippi Code of 1972. In addition, the special drainage district shall have the authority to levy and collect a tax, not to exceed two (2) mills, upon all taxable property within the special drainage district, the avails of which shall be used to support special drainage district purposes. Any millage imposed pursuant to this section shall be included in the ten percent (10%) increase limitation under Section 27-39-321, Mississippi Code of 1972. However, the special drainage district shall not have to petition the court for the authority to exercise its powers and duties as provided in Section 51-31-1, et seq., Mississippi Code of 1972. Before any levy of any assessment or tax is made throughout the entire district, or before the issuance of any bonds, the board of commissioners must have the approval of the Board of Supervisors of Tallahatchie County. In addition, notice of the proposed levy of an assessment or tax or the proposed issuance of bonds must be published at least once a week for three (3) consecutive weeks in a newspaper having general circulation in Tallahatchie County. If the board of supervisors has approved the proposition and no petition requesting an election is filed before the date the assessment or tax is to be levied or before the date the bonds are to be issued, then the proposition shall be authorized.

If at any time before the date the assessment or tax is to be levied, or before the date the bonds are to be issued, a petition signed by twenty percent (20%), or one thousand five hundred (1,500), whichever is less, of the qualified electors residing

within the district is filed with the board of supervisors requesting an election to be held within the district upon the proposition, then the board of supervisors shall adopt a resolution calling an election to be held within the district. The election shall be called by the board of supervisors upon at least three (3) weeks' notice by publication of the proposition at least once a week for three (3) consecutive weeks in a newspaper having general circulation in Tallahatchie County.

The election to approve an assessment, tax or bonds shall be held, as far as is practicable, in the same manner as other elections are held in counties. At the election, all qualified electors who reside in the drainage district may vote. When the results of the election have been canvassed by the election commissioners of the county and certified by them to the board of supervisors, it shall be the duty of the board of supervisors to determine and adjudicate whether or not a majority of the qualified electors residing in the drainage district who voted in the election voted in favor of the proposition or against the proposition. If a majority of the qualified electors residing in the drainage district who voted in the election vote in favor of the proposition, then the proposition shall be authorized.

Before any assessments are made only to certain parts of the district, the board of commissioners must have the approval of the board of supervisors.

Section 4. The board of commissioners, on behalf of the special drainage district, may apply for any grants or funding available for flood control or drainage purposes for the area included in the drainage district.

Section 5. The Board of Supervisors of Tallahatchie County shall submit this act, immediately upon approval by the Governor, or upon approval by the Legislature subsequent to a veto, to the Attorney General of the United States or to the United States District Court for the District of Columbia in accordance with the

provisions of the Voting Rights Act of 1965, as amended and extended.

Section 6. This act shall take effect and be in force from and after the date it is effectuated under Section 5 of the Voting Rights Act of 1965, as amended and extended.

* * *

SECTION 2. This act shall take effect and be in force from and after its passage.

PASSED BY THE HOUSE OF REPRESENTATIVES
April 9, 2012

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
April 23, 2012

PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR

GOVERNOR

5/1/12
3:30 pm