

By: Senator(s) Carter

To: Municipalities

SENATE BILL NO. 2079

1 AN ACT TO AMEND SECTION 21-19-13, MISSISSIPPI CODE OF 1972,
2 TO GRANT ADDITIONAL MUNICIPALITIES THE AUTHORITY TO CLEAR DRAINAGE
3 DITCHES ON PUBLIC OR PRIVATE PROPERTY; TO AMEND SECTION 51-35-305,
4 MISSISSIPPI CODE OF 1972, TO GRANT ADDITIONAL MUNICIPALITIES THE
5 AUTHORITY TO ORGANIZE FLOOD AND DRAINAGE CONTROL DISTRICTS; AND
6 FOR RELATED PURPOSES.

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

8 SECTION 1. Section 21-19-13, Mississippi Code of 1972, is
9 amended as follows:

10 21-19-13. The governing authorities of municipalities shall
11 have the power to establish, alter and change the channels of
12 streams or other water courses, and to bridge the same, whenever
13 so to do will promote the health, comfort and convenience of the
14 inhabitants of such municipality. However, when the cost thereof
15 will exceed an amount equal to one-fourth (1/4) of the taxes of
16 the preceding year levied for general revenue purposes, the work
17 shall not be authorized until the ordinance providing therefor
18 shall be submitted to and ratified by a majority of the legal
19 voters of the municipality. Whenever a majority of the legal
20 voters of any municipality shall authorize the work as aforesaid,
21 the bonds to raise money for such work shall be issued by such
22 municipality in accordance with the provisions of this title.

23 The governing authorities of any municipality with a
24 population of ten thousand (10,000) or more according to the most
25 recent federal census shall also have the power and authority to
26 incur costs and pay necessary expenses in providing labor,
27 materials and supplies to clean or clear drainage ditches, creeks
28 or channels, whether on public or private property, and to incur

29 costs and pay necessary expenses in providing labor, materials and
30 supplies in order to prevent erosion where such erosion has been
31 caused or will be caused by such drainage ditches, creeks or
32 channels. This paragraph shall not impose any obligation or duty
33 upon the municipality and shall not create any additional rights
34 for the benefit of any owner of public or private property.

35 SECTION 2. Section 51-35-305, Mississippi Code of 1972, is
36 amended as follows:

37 51-35-305. Flood and drainage control districts may now or
38 hereafter be organized in this state under the provisions of this
39 article, in the manner hereinafter provided, whenever any part of
40 such district lies wholly or partially in or adjacent to any part
41 of a municipality having a population of ten thousand (10,000) or
42 more inhabitants at the time of the filing of the petition to
43 create such district. For the purposes of determining population
44 of any municipality, the last completed census prior to the filing
45 of such petition shall be presumed to be the population of such
46 municipality at the time of the filing of such petition. Each
47 flood and drainage control district shall be an agency of the
48 state and a body politic and corporate, and may be composed of one
49 or more entire municipalities or a part or parts thereof, one or
50 more entire counties or a part or parts thereof, or any
51 combination of counties and municipalities or a part or parts
52 thereof.

53 SECTION 3. This act shall take effect and be in force from
54 and after its passage.