

By: Senator(s) Carter

To: Municipalities

SENATE BILL NO. 2079  
(As Passed the Senate)

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.