

*****Adopted*****

AMENDMENT No. 1 TO AMENDMENT No. 1 PROPOSED TO

House Bill NO. 794

By Senator(s) Burton, Carter

1 **AMEND by striking lines 95 and 96 and insert the following in**
2 **lieu thereof:**

3 SECTION 2. Section 21-19-13, Mississippi Code of 1972, is
4 amended as follows:

5 21-19-13. (1) The governing authorities of municipalities
6 shall have the power to establish, alter and change the channels
7 of streams or other water courses, and to bridge the same,
8 whenever so to do will promote the health, comfort and convenience
9 of the inhabitants of such municipality. * * *

10 (2) The governing authorities of any municipality with a
11 population of ten thousand (10,000) or more according to the most
12 recent federal census shall also have the power and authority to
13 incur costs and pay necessary expenses in providing labor,
14 materials and supplies to clean or clear drainage ditches, creeks
15 or channels, whether on public or private property, and to incur
16 costs and pay necessary expenses in providing labor, materials and
17 supplies in order to prevent erosion where such erosion has been
18 caused or will be caused by such drainage ditches, creeks or
19 channels. This paragraph shall not impose any obligation or duty
20 upon the municipality and shall not create any additional rights
21 for the benefit of any owner of public or private property.

22 (3) No additional taxes shall be imposed for the works
23 authorized under subsections (1) and (2) of this section until the

24 governing authorities shall adopt a resolution declaring its
25 intention to levy the taxes and establishing the amount of the tax
26 levies and the date on which the taxes initially will be levied
27 and collected. This date shall be the first day of a month but
28 not earlier than the first day of the second month from the date
29 of adoption of the resolution. Notice of the proposed tax levies
30 shall be published once each week for at least three (3) weeks in
31 a newspaper having a general circulation in the municipality. The
32 first publication of the notice shall be made not less than
33 twenty-one (21) days before the date fixed in the resolution on
34 which the governing authorities propose to levy the taxes, and the
35 last publication of the notice shall be made not more than seven
36 (7) days before that date. If, within the time of giving notice,
37 fifteen percent (15%) or two thousand five hundred (2,500),
38 whichever is less, of the qualified electors of the municipality
39 file a written petition against the levy of the taxes, then the
40 taxes shall not be levied unless authorized by a majority of the
41 qualified electors of the municipality voting at an election to be
42 called and held for that purpose.

43 SECTION 3. Section 51-35-305, Mississippi Code of 1972, is
44 amended as follows:

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

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57 or more entire municipalities or a part or parts thereof, one or
58 more entire counties or a part or parts thereof, or any
59 combination of counties and municipalities or a part or parts
60 thereof.

61 SECTION 4. The Attorney General of the State of Mississippi
62 is hereby directed to submit this act, immediately upon approval
63 by the Governor, or upon approval by the Legislature subsequent to
64 a veto, to the Attorney General of the United States or to the
65 United States District Court for the District of Columbia in
66 accordance with the provisions of the Voting Rights Act of 1965,
67 as amended and extended.

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

71 **FURTHER, AMEND the title on line 6 after the semicolon,**
72 **insert the following:**

73 TO AMEND SECTION 21-19-13, MISSISSIPPI CODE OF 1972, TO GRANT
74 ADDITIONAL MUNICIPALITIES THE AUTHORITY TO CLEAR DRAINAGE DITCHES
75 ON PUBLIC OR PRIVATE PROPERTY; TO IMPOSE RESTRICTIONS UNDER
76 CERTAIN CIRCUMSTANCES; TO AMEND SECTION 51-35-305, MISSISSIPPI
77 CODE OF 1972, TO GRANT ADDITIONAL MUNICIPALITIES THE AUTHORITY TO
78 ORGANIZE FLOOD AND DRAINAGE CONTROL DISTRICTS;