

By: Representative Ford

To: Conservation and Water Resources

HOUSE BILL NO. 446
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 21-19-13, MISSISSIPPI CODE OF 1972,
2 WHICH AUTHORIZES GOVERNING AUTHORITIES OF MUNICIPALITIES TO CHANGE
3 THE CHANNELS OF STREAMS AND TO CLEAN DRAINAGE DITCHES; TO EXTEND
4 THE DATE OF REPEALER; TO REQUIRE THREE-FIFTHS OF THOSE VOTING TO
5 APPROVE A TAX LEVY FOR DRAINAGE; AND FOR RELATED PURPOSES.

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

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

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

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

26 (3) No additional taxes shall be imposed for the works
27 authorized under subsections (1) and (2) of this section until the
28 governing authorities shall adopt a resolution declaring its

29 intention to levy the taxes and establishing the amount of the tax
30 levies and the date on which the taxes initially will be levied
31 and collected. This date shall be the first day of a month but
32 not earlier than the first day of the second month from the date
33 of adoption of the resolution. Notice of the proposed tax levies
34 shall be published once each week for at least three (3) weeks in
35 a newspaper having a general circulation in the municipality. The
36 first publication of the notice shall be made not less than
37 twenty-one (21) days before the date fixed in the resolution on
38 which the governing authorities propose to levy the taxes, and the
39 last publication of the notice shall be made not more than seven
40 (7) days before that date. If, within the time of giving notice,
41 fifteen percent (15%) or two thousand five hundred (2,500),
42 whichever is less, of the qualified electors of the municipality
43 file a written petition against the levy of the taxes, then the
44 taxes shall not be levied unless authorized by three-fifths (3/5)
45 of the qualified electors of the municipality voting at an
46 election to be called and held for that purpose.

47 (4) This section shall stand repealed on July 1, 2005.

48 SECTION 2. This act shall take effect and be in force from
49 and after July 1, 2001.