To: Conservation and Water Resources

MISSISSIPPI LEGISLATURE REGULAR SESSION 2001
By: Representative Ford

HOUSE BILL NO. 446
(As Sent to Governor)

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

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

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

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

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

(3) No additional taxes shall be imposed for the works authorized under subsections (1) and (2) of this section until the governing authorities shall adopt a resolution declaring its
intention to levy the taxes and establishing the amount of the tax
levies and the date on which the taxes initially will be levied
and collected. This date shall be the first day of a month but
not earlier than the first day of the second month from the date
of adoption of the resolution. Notice of the proposed tax levies
shall be published once each week for at least three (3) weeks in
a newspaper having a general circulation in the municipality. The
first publication of the notice shall be made not less than
twenty-one (21) days before the date fixed in the resolution on
which the governing authorities propose to levy the taxes, and the
last publication of the notice shall be made not more than seven
(7) days before that date. If, within the time of giving notice,
fifteen percent (15%) or two thousand five hundred (2,500),
whichever is less, of the qualified electors of the municipality
file a written petition against the levy of the taxes, then the
taxes shall not be levied unless authorized by three-fifths (3/5)
of the qualified electors of the municipality voting at an
election to be called and held for that purpose.

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

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