

By: Senator(s) Chamberlin, Farris, Chaney

To: County Affairs;
Environment Prot, Cons and
Water Res

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2308

1 AN ACT TO EMPOWER THE BOARD OF SUPERVISORS WITH DRAINAGE
2 POWERS SIMILAR TO DRAINAGE POWERS OF MUNICIPALITIES; AND FOR
3 RELATED PURPOSES.

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

5 **SECTION 1.** (1) The board of supervisors of any county shall
6 have the power to establish, alter and change the channels of
7 streams or other water courses, and to bridge the same, whenever
8 so to do will promote the health, comfort and convenience of the
9 inhabitants of such county.

10 (2) The board of supervisors of any county shall also have
11 the power and authority to incur costs and pay necessary expenses
12 in providing labor, materials and supplies to clean or clear
13 drainage ditches, creeks or channels, whether on public or private
14 property, and to incur costs and pay necessary expenses in
15 providing labor, materials and supplies in order to prevent
16 erosion where such erosion has been caused or will be caused by
17 such drainage ditches, creeks or channels. This section shall not
18 impose any obligation or duty upon the county and shall not create
19 any additional rights for the benefit of any owner of public or
20 private property.

21 (3) No additional taxes shall be imposed for the works
22 authorized under subsections (1) and (2) of this section until the
23 board of supervisors shall adopt a resolution declaring its
24 intention to levy the taxes and establishing the amount of the tax
25 levies and the date on which the taxes initially will be levied
26 and collected. This date shall be the first day of a month but
27 not earlier than the first day of the second month from the date



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

42 (4) This section shall stand repealed on July 1, 2004.

43 **SECTION 2.** This act shall take effect and be in force from
44 and after July 1, 2002.

