

By: Senator(s) Chamberlin, Farris, Chaney

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

SENATE BILL NO. 2308  
(As Sent to Governor)

1 AN ACT TO AUTHORIZE THE BOARD OF SUPERVISORS OF ANY COUNTY,  
2 ON PUBLIC OR PRIVATE PROPERTY, TO ALTER AND CHANGE THE CHANNELS OF  
3 STREAMS OR OTHER WATER COURSES, TO CONSTRUCT, RECONSTRUCT AND  
4 REPAIR BRIDGES OVER STREAMS AND WATER COURSES, AND TO INCUR COSTS  
5 AND PAY NECESSARY EXPENSES IN PROVIDING LABOR, MATERIALS AND  
6 SUPPLIES TO CLEAN OR CLEAR DRAINAGE DITCHES, CREEKS OR CHANNELS  
7 AND IN PREVENTING EROSION, IN ACQUIRING PROPERTY AND OBTAINING  
8 EASEMENTS NECESSARY TO PERFORM SUCH WORK AND IN REIMBURSING  
9 LANDOWNERS FOR DAMAGES AND INJURY RESULTING FROM SUCH WORK; TO  
10 PROVIDE THAT BEFORE SUCH WORK MAY BE PERFORMED OR EXPENSES  
11 INCURRED ON PRIVATE PROPERTY, THE BOARD OF SUPERVISORS MUST MAKE A  
12 FINDING THAT THE WORK IS NECESSARY FOR THE PUBLIC HEALTH, SAFETY  
13 AND WELFARE, MUST GIVE NOTICE TO PROPERTY OWNERS AFFECTED BY THE  
14 WORK, AND MUST CONSTRUCT OR INSTALL CULVERTS OR BRIDGES TO PROVIDE  
15 LANDOWNERS INGRESS AND EGRESS TO PROPERTY TO WHICH THE LANDOWNER  
16 HAD ACCESS BEFORE PERFORMANCE OF THE WORK; TO REQUIRE THE COUNTY  
17 TO REIMBURSE LANDOWNERS FOR ALL DAMAGES OR INJURY RESULTING FROM  
18 WORK PERFORMED BY THE COUNTY; MUST NOT RECEIVE OBJECTION BY THE  
19 OWNERS OF SUCH PROPERTY; TO AUTHORIZE A COUNTY TO LEVY TAXES FOR  
20 THE PURPOSE OF DEFRAYING EXPENSES INCURRED BY THE COUNTY UNDER  
21 THIS ACT UNLESS DISAPPROVED BY THE COUNTY ELECTORS UPON AN  
22 ELECTION PETITIONED FOR SUCH PURPOSES; AND FOR RELATED PURPOSES.

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

24 **SECTION 1.** (1) The board of supervisors of any county,  
25 whenever the board determines that the health, comfort and  
26 convenience of the inhabitants of the county will be promoted,  
27 may:

28 (a) Alter and change the channels of streams or other  
29 water courses;

30 (b) Construct, reconstruct and repair bridges over  
31 streams and water courses; and

32 (c) Incur costs and pay necessary expenses for:

33 (i) Providing labor, materials and supplies to  
34 clean or clear drainage ditches, creeks or channels and to prevent  
35 erosion of such ditches, creeks or channels;

36 (ii) Acquiring property and obtaining easements  
37 necessary to perform work under this section; and



38 (iii) Reimbursing landowners for damages and injury  
39 resulting from work performed by the county under this section.

40 (2) The work performed and the expenses incurred under  
41 subsection (1) of this section may take place on public or private  
42 property. However, if the work is to be performed or the expenses  
43 to be incurred will take place on private property, the board of  
44 supervisors must:

45 (a) Make a finding, as evidenced by entry upon its  
46 minutes, that such work and/or expenses are necessary in order to  
47 promote the public health, safety and welfare of the citizens of  
48 the county;

49 (b) Give notice, in writing, to all owners of property  
50 that will be affected by the work for such period of time as is  
51 reasonable to allow such owners to express any objections;

52 (c) Not receive written objection to the work by any  
53 owners of property that will be affected by the work within the  
54 period of time allowed to express objections; and

55 (d) Unless otherwise agreed, in writing, by the county  
56 and the landowner, construct or install a culvert or bridge, at  
57 the county's expense, at an appropriate location or locations to  
58 provide the landowner ingress and egress to all of the property to  
59 which the landowner had access immediately before performance of  
60 the work by the county.

61 (3) The county shall reimburse landowners for all damages or  
62 injury resulting from work performed by the county under this  
63 section.

64 (4) The provisions of this section do not impose any  
65 obligation or duty upon a county to perform any work or to incur  
66 any expenditures not otherwise required by law to be performed or  
67 incurred by a county, nor do the provisions of this section create  
68 any rights or benefits for the owner of any public or private  
69 property in addition to any rights or benefits as may be otherwise  
70 provided by law.



71 (5) No additional taxes may be imposed for the work  
72 authorized under subsection (1) of this section until the board of  
73 supervisors adopts a resolution declaring its intention to levy  
74 the taxes and establishing the amount of the tax levies and the  
75 date on which the taxes initially will be levied and collected.  
76 This date shall be the first day of the month, but not earlier  
77 than the first day of the second month, from the date of adoption  
78 of the resolution. Notice of the proposed tax levy must be  
79 published once each week for at least three (3) consecutive weeks  
80 in a newspaper having a general circulation in the county. The  
81 first publication of the notice shall be made not less than  
82 twenty-one (21) days before the date fixed in the resolution on  
83 which the board of supervisors proposes to levy the taxes, and the  
84 last publication of the notice shall be made not more than seven  
85 (7) days before that date. If, within the time of giving notice,  
86 fifteen percent (15%) or two thousand five hundred (2,500),  
87 whichever is less, of the qualified electors of the county file a  
88 written petition against the levy of the taxes, then the taxes  
89 shall not be levied unless authorized by three-fifths (3/5) of the  
90 qualified electors of the county voting at an election to be  
91 called and held for that purpose.

92 (6) This section shall stand repealed on July 1, 2004.

93 **SECTION 2.** The Attorney General of the State of Mississippi  
94 shall submit this act, immediately upon approval by the Governor,  
95 or upon approval by the Legislature subsequent to a veto, to the  
96 Attorney General of the United States or to the United States  
97 District Court for the District of Columbia in accordance with the  
98 provisions of the Voting Rights Act of 1965, as amended and  
99 extended.

100 **SECTION 3.** This act shall take effect and be in force from  
101 and after the date it is effectuated under Section 5 of the Voting  
102 Rights Act of 1965, as amended and extended.

