

By: Representative Holland

To: Municipalities

HOUSE BILL NO. 598

1 AN ACT TO AMEND SECTION 21-19-13, MISSISSIPPI CODE OF 1972,
2 TO REMOVE THE MINIMUM TEN THOUSAND POPULATION REQUIREMENT BEFORE
3 THE GOVERNING AUTHORITIES OF ANY MUNICIPALITY ARE ALLOWED TO INCUR
4 COSTS AND PAY NECESSARY EXPENSES IN PROVIDING LABOR, MATERIALS AND
5 SUPPLIES TO CLEAN OR CLEAR DRAINAGE DITCHES, CREEKS OR CHANNELS;
6 TO REMOVE THE REPEALER ON THE AUTHORITY OF GOVERNING AUTHORITIES;
7 AND FOR RELATED PURPOSES.

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

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

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

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

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

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

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49 **SECTION 2.** This act shall take effect and be in force from
50 and after July 1, 2004.