

By: Senator(s) Nunnelee

To: Environment Prot, Cons
and Water Res

SENATE BILL NO. 2537

1 AN ACT TO AMEND SECTION 21-19-13, MISSISSIPPI CODE OF 1972,
2 TO REMOVE THE REPEALER ON THE AUTHORITY OF MUNICIPALITIES TO ALTER
3 AND IMPROVE WATER COURSES WITHIN THE MUNICIPALITY; TO REMOVE THE
4 RESTRICTION ON THE POPULATION OF THE MUNICIPALITY BEFORE THE
5 GOVERNING AUTHORITIES MAY INCUR COSTS AND PAY EXPENSES IN CLEANING
6 DRAINAGE DITCHES; AND FOR RELATED PURPOSES.

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

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

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

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

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