

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.

47 \* \* \*

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