

By: Senator(s) Nunnelee

To: Environment Prot, Cons
and Water Res

SENATE BILL NO. 2538

1 AN ACT TO AMEND SECTION 19-5-92.1, MISSISSIPPI CODE OF 1972,
2 TO DELETE THE DATE OF REPEAL FOR THE AUTHORITY OF THE BOARD OF
3 SUPERVISORS TO ALTER CHANNELS OF STREAMS AND WATER COURSES,
4 CONSTRUCTION AND REPAIR OF BRIDGES, EROSION PREVENTION, PROPERTY
5 ACQUISITION AND EASEMENTS, COMPENSATION TO LANDOWNERS AND
6 FINANCING; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 19-5-92.1, Mississippi Code of 1972, is
9 amended as follows:

10 19-5-92.1. (1) The board of supervisors of any county,
11 whenever the board determines that the health, comfort and
12 convenience of the inhabitants of the county will be promoted,
13 may:

14 (a) Alter and change the channels of streams or other
15 water courses;

16 (b) Construct, reconstruct and repair bridges over
17 streams and water courses; and

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

19 (i) Providing labor, materials and supplies to
20 clean or clear drainage ditches, creeks or channels and to prevent
21 erosion of such ditches, creeks or channels;

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

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

26 (2) The work performed and the expenses incurred under
27 subsection (1) of this section may take place on public or private
28 property. However, if the work is to be performed or the expenses

29 to be incurred will take place on private property, the board of
30 supervisors must:

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

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

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

41 (d) Unless otherwise agreed, in writing, by the county
42 and the landowner, construct or install a culvert or bridge, at
43 the county's expense, at an appropriate location or locations to
44 provide the landowner ingress and egress to all of the property to
45 which the landowner had access immediately before performance of
46 the work by the county.

47 (3) The county shall reimburse landowners for all damages or
48 injury resulting from work performed by the county under this
49 section.

50 (4) The provisions of this section do not impose any
51 obligation or duty upon a county to perform any work or to incur
52 any expenditures not otherwise required by law to be performed or
53 incurred by a county, nor do the provisions of this section create
54 any rights or benefits for the owner of any public or private
55 property in addition to any rights or benefits as may be otherwise
56 provided by law.

57 (5) No additional taxes may be imposed for the work
58 authorized under subsection (1) of this section until the board of
59 supervisors adopts a resolution declaring its intention to levy
60 the taxes and establishing the amount of the tax levies and the
61 date on which the taxes initially will be levied and collected.

62 This date shall be the first day of the month, but not earlier
63 than the first day of the second month, from the date of adoption
64 of the resolution. Notice of the proposed tax levy must be
65 published once each week for at least three (3) consecutive weeks
66 in a newspaper having a general circulation in the county. The
67 first publication of the notice shall be made not less than
68 twenty-one (21) days before the date fixed in the resolution on
69 which the board of supervisors proposes to levy the taxes, and the
70 last publication of the notice shall be made not more than seven
71 (7) days before that date. If, within the time of giving notice,
72 fifteen percent (15%) or two thousand five hundred (2,500),
73 whichever is less, of the qualified electors of the county file a
74 written petition against the levy of the taxes, then the taxes
75 shall not be levied unless authorized by three-fifths (3/5) of the
76 qualified electors of the county voting at an election to be
77 called and held for that purpose.

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