

By: Representative Warren

To: County Affairs

HOUSE BILL NO. 635

1 AN ACT TO AMEND SECTION 19-5-92.1, MISSISSIPPI CODE OF 1972,  
2 TO EXTEND THE DATE OF REPEAL FOR THE PROVISION OF LAW THAT  
3 PROVIDES FOR THE AUTHORITY OF THE BOARD OF SUPERVISORS TO CHANGE  
4 THE STREAMS AND WATER COURSES WITHIN A COUNTY; AND FOR RELATED  
5 PURPOSES.

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

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

9 19-5-92.1. (1) The board of supervisors of any county,  
10 whenever the board determines that the health, comfort and  
11 convenience of the inhabitants of the county will be promoted,  
12 may:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

77 (6) This section shall stand repealed on June 30, 2008.

78 **SECTION 2.** This act shall take effect and be in force from  
79 and after July 1, 2006.