

By: Senator(s) Moffatt

To: Environment Prot, Cons  
and Water Res

SENATE BILL NO. 2796

1 AN ACT TO AMEND SECTION 19-5-92.1, MISSISSIPPI CODE OF 1972,  
2 TO REMOVE THE REPEALER ON THE AUTHORITY OF A COUNTY TO PERFORM  
3 ALTERATION AND EROSION CONTROL ALONG STREAMS; AND FOR RELATED  
4 PURPOSES.

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

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

8 19-5-92.1. (1) The board of supervisors of any county,  
9 whenever the board determines that the health, comfort and  
10 convenience of the inhabitants of the county will be promoted,  
11 may:

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

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

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

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

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

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

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

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

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

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

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

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

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

55           (5) No additional taxes may be imposed for the work  
56 authorized under subsection (1) of this section until the board of  
57 supervisors adopts a resolution declaring its intention to levy  
58 the taxes and establishing the amount of the tax levies and the  
59 date on which the taxes initially will be levied and collected.  
60 This date shall be the first day of the month, but not earlier  
61 than the first day of the second month, from the date of adoption

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

76 \* \* \*

77 **SECTION 2.** This act shall take effect and be in force from  
78 and after its passage.