

By: Representative Ford

To: Conservation and Water Resources

HOUSE BILL NO. 446

1 AN ACT TO AMEND SECTION 21-19-13, MISSISSIPPI CODE OF 1972,  
2 WHICH AUTHORIZES GOVERNING AUTHORITIES OF MUNICIPALITIES TO CHANGE  
3 THE CHANNELS OF STREAMS AND TO CLEAN DRAINAGE DITCHES, TO EXTEND  
4 THE DATE OF REPEALER FROM JULY 1, 2001, TO JULY 1, 2002; AND FOR  
5 RELATED PURPOSES.

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

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

9 21-19-13. (1) The governing authorities of municipalities  
10 shall have the power to establish, alter and change the channels  
11 of streams or other water courses, and to bridge the same,  
12 whenever so to do will promote the health, comfort and convenience  
13 of the inhabitants of such municipality.

14 (2) The governing authorities of any municipality with a  
15 population of ten thousand (10,000) or more according to the most  
16 recent federal census shall also have the power and authority to  
17 incur costs and pay necessary expenses in providing labor,  
18 materials and supplies to clean or clear drainage ditches, creeks  
19 or channels, whether on public or private property, and to incur  
20 costs and pay necessary expenses in providing labor, materials and  
21 supplies in order to prevent erosion where such erosion has been  
22 caused or will be caused by such drainage ditches, creeks or  
23 channels. This paragraph shall not impose any obligation or duty  
24 upon the municipality and shall not create any additional rights  
25 for the 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 a majority of the  
45 qualified electors of the municipality voting at an election to be  
46 called and held for that purpose.

47 (4) This section shall stand repealed on July 1, 2002.

48 SECTION 2. This act shall take effect and be in force from  
49 and after July 1, 2001.

