

By: Representative Robinson (84th)

To: Constitution

HOUSE CONCURRENT RESOLUTION NO. 50

1 A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO THE
2 MISSISSIPPI CONSTITUTION OF 1890, TO CREATE A NEW SECTION TO
3 REQUIRE A SPECIAL ELECTION TO BE HELD IN THE PROPOSED ANNEXED AREA
4 OF A COUNTY BEFORE THE GOVERNING AUTHORITIES OF A MUNICIPALITY OF
5 THE COUNTY MAY ENLARGE THE CORPORATE BOUNDARIES OF THE
6 MUNICIPALITY; TO PRESCRIBE THE PROCEDURE FOR CONDUCTING SUCH AN
7 ELECTION; AND FOR RELATED PURPOSES.

8 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF
9 MISSISSIPPI, That the following amendment to the Mississippi
10 Constitution of 1890 is proposed to the qualified electors of the
11 state:

12 Amend the Mississippi Constitution of 1890 by creating a new
13 section to read as follows:

14 "Section _____. (1) If the governing authorities of any
15 municipality desire to enlarge the boundaries thereof by adding
16 adjacent unincorporated territory, the governing authorities of
17 such municipality shall pass a resolution defining with certainty
18 the territory proposed to be included in the corporate limits, and
19 also defining the entire boundary as changed. The resolution
20 shall describe in general terms the proposed improvements to be
21 made in the annexed territory, the manner and extent of the
22 improvements, and the approximate time within which the
23 improvements are to be made. The resolution also shall contain a
24 statement of the municipal or public services that such
25 municipality proposes to render in the annexed territory.

26 (2) After the passage of the resolution, the board of
27 supervisors of the county in which the territory proposed to be
28 annexed is located shall hold a special election on the question

of the proposed annexation. The election shall be held within sixty (60) days after passage of the municipal resolution. Notice of the election shall be published in a newspaper having a general circulation in the territory of the county proposed to be annexed once a week for three (3) consecutive weeks before the election, and the first publication shall be made not less than twenty-one (21) days before the election. The election shall be held in the same manner as are other county elections. Only those electors residing in the proposed annexed area may vote in the election. A majority of those voting in the election must vote in favor of the proposed annexation in order for the annexation to be approved. The results of the election shall be certified by the election commissioners of the county and shall be the final decision on the issue of annexation. If there are no qualified electors residing in the area proposed to be annexed, then no election shall take place and the annexation proceedings shall take place in accordance with the laws and statutes that were in effect immediately before the adoption of this amendment.

(3) No election may be held on the question of annexation in a county or municipality more often than once each three (3) years.

(4) The provisions of this section shall be self-executing and shall govern the manner and procedure for authorizing annexation of additional territory by a municipality notwithstanding the provisions of any general law or statute to the contrary.

(5) The provisions of this section shall be applicable to any municipal annexation proceedings begun on or after January 1, 2000, as well as to such proceedings that began before such date which may be still pending in any judicial proceeding or appeal of such proceeding."

BE IT FURTHER RESOLVED, That this proposed amendment shall be submitted by the Secretary of State to the qualified electors at an election to be held on the first Tuesday after the first Monday of November of 1999, as provided by Section 273 of the Constitution and by general law.

BE IT FURTHER RESOLVED, That the explanation of this proposed

66 amendment for the ballot shall read as follows: "This proposed
67 constitutional amendment provides that before the governing
68 authorities of a municipality may enlarge the corporate limits of
69 the municipality, a special election must be held approving the
70 annexation in the territory proposed to be annexed. The amendment
71 also prescribes the procedure for conducting the election."

72 BE IT FURTHER RESOLVED, That the Attorney General of the
73 State of Mississippi shall submit this resolution, immediately
74 upon adoption by the Legislature, to the Attorney General of the
75 United States or to be the United States District Court for the
76 District of Columbia, in accordance with the provisions of the
77 Voting Rights Act of 1965, as amended and extended.