

By: Senator(s) Woodfield, Gollott

To: Municipalities;
Elections

SENATE BILL NO. 2323

1 AN ACT TO AMEND SECTIONS 21-1-27 AND 21-1-39, MISSISSIPPI
2 CODE OF 1972, TO PROVIDE FOR MUNICIPAL ANNEXATION BY SPECIAL
3 ELECTION; TO REPEAL SECTIONS 21-1-29, 21-1-31, 21-1-33, 21-1-35
4 AND 21-1-37, MISSISSIPPI CODE OF 1972, CONCERNING THE CHANCERY
5 COURT AND ITS DECREE IN MUNICIPAL ANNEXATION CASES; AND FOR
6 RELATED PURPOSES.

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

8 SECTION 1. Section 21-1-27, Mississippi Code of 1972, is
9 amended as follows:

10 21-1-27. The limits and boundaries of existing cities, towns
11 and villages shall remain as now established until altered in the
12 manner hereinafter provided. When any municipality shall desire
13 to enlarge or contract the boundaries thereof by adding thereto
14 adjacent unincorporated territory or excluding therefrom any part
15 of the incorporated territory of such municipality, the governing
16 authorities of such municipality shall pass an ordinance defining
17 with certainty the territory proposed to be included in or
18 excluded from the corporate limits, and also defining the entire
19 boundary as changed. In the event the municipality desires to
20 enlarge such boundaries, such ordinance shall in general terms
21 describe the proposed improvements to be made in the annexed
22 territory, the manner and extent of such improvements, and the
23 approximate time within which such improvements are to be made;
24 such ordinance shall also contain a statement of the municipal or
25 public services which such municipality proposes to render in such
26 annexed territory. In the event the municipality shall desire to
27 contract its boundaries, such ordinance shall contain a statement
28 of the reasons for such contraction and a statement showing

29 whereby the public convenience and necessity would be served
30 thereby.

31 If twenty percent (20%) of the registered voters residing
32 within a municipality petition the governing body of such
33 municipality for a referendum on the question of such annexation
34 or contraction of the municipal boundaries within ninety (90) days
35 after public notice of the adoption of such ordinance, the
36 governing body of such municipality shall hold a referendum of all
37 registered voters residing within the municipality on the question
38 of such annexation or contraction. Such public notice shall
39 provide for public hearings and shall be given in the same manner
40 and for the same length of time as provided in Section 21-1-15,
41 Mississippi Code of 1972, for the creation of municipal
42 corporations. Approval of the ordinance shall be by a majority
43 vote of the qualified electors voting in such referendum, which
44 shall be held within sixty (60) days from the date of filing and
45 certification of the petition provided for herein on the question
46 of such annexation or contraction. The referendum shall be held
47 in the same manner as other municipal elections.

48 If twenty percent (20%) of the registered voters residing
49 within the area to be annexed by a municipality petition the
50 governing body of the county in which the area to be annexed is
51 located for a referendum on the question of such annexation within
52 ninety (90) days after public notice of the adoption of such
53 ordinance, such governing body shall hold a referendum of all
54 registered voters residing within the area to be annexed on the
55 question of such annexation. Such public notice shall provide for
56 public hearings and shall be given in the same manner and for the
57 same length of time as provided in Section 21-1-15, Mississippi
58 Code of 1972, for the creation of municipal corporations.
59 Approval of the ordinance shall be by a majority vote of the
60 qualified electors voting in such referendum, which shall be held
61 within sixty (60) days from the date of filing and certification
62 of the petition provided for herein on the question of such
63 annexation. The referendum shall be held in the same manner as
64 other county elections.

65 If a referendum on the annexation is required in both the

66 municipality and in the county in which the area to be annexed is
67 located, the ordinance will take effect only upon a majority vote
68 approval in each of the referendums.

69 SECTION 2. Section 21-1-39, Mississippi Code of 1972, is
70 amended as follows:

71 21-1-39. Whenever the corporate limits of any municipality
72 shall be enlarged or contracted as * * * provided in Section
73 21-1-27, Mississippi Code of 1972, the governing body of the
74 municipality, after the expiration of ten (10) days from the date
75 of the determination of the results of the final referendum as
76 provided for in Section 21-1-27, Mississippi Code of 1972, unless
77 such referendum be challenged, shall forward to the Secretary of
78 State a certified copy of the adopted ordinance, which shall be
79 filed in the office of the Secretary of State and shall remain a
80 permanent record thereof. * * *

81 SECTION 3. Any action on an ordinance proposing the
82 enlargement or contraction of municipal boundaries which is
83 pending before a court on the effective date of this act as a
84 result of any prior law shall be withdrawn, and an election as
85 provided in Section 21-1-27, Mississippi Code of 1972, may be
86 held.

87 SECTION 4. Sections 21-1-29, 21-1-31, 21-1-33, 21-1-35 and
88 21-1-37, Mississippi Code of 1972, concerning the chancery court
89 and its decree in municipal annexation cases, are hereby repealed.

90 SECTION 5. The Attorney General of the State of Mississippi
91 is hereby directed to submit this act, immediately upon approval
92 by the Governor, or upon approval by the Legislature subsequent to
93 a veto, to the Attorney General of the United States or to the
94 United States District Court for the District of Columbia in
95 accordance with the provisions of the Voting Rights Act of 1965,
96 as amended and extended.

97 SECTION 6. This act shall take effect and be in force from
98 and after the date it is effectuated under Section 5 of the Voting

99 Rights Act of 1965, as amended and extended.