

By: Farris

To: Judiciary

SENATE BILL NO. 3079

1 AN ACT TO AMEND SECTION 21-1-33, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE HEARING OF THE PETITION FOR ANNEXATION OR DEANNEXATION
3 IN CHANCERY COURT; AND FOR RELATED PURPOSES.

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

5 SECTION 1. Section 21-1-33, Mississippi Code of 1972, is
6 amended as follows:[CSQ1]

7 21-1-33. (1) A bifurcated hearing shall be held before the
8 chancellor. The municipality seeking to annex must show by a
9 preponderance of evidence that it adequately provides all
10 municipal services to all areas within municipal limits at the
11 time of the filing of the petition and that there exist valid
12 reasons for annexation other than for a mere tax base increase.
13 If the municipality meets this burden of proof, the trial may
14 proceed to the second stage.

15 (2) If the chancellor finds from the evidence presented at
16 such hearing that the proposed enlargement or contraction is
17 reasonable and is required by the public convenience and necessity
18 and, in the event of an enlargement of a municipality, that
19 reasonable public and municipal services will be rendered in the
20 annexed territory within a reasonable time, the chancellor shall
21 enter a decree approving, ratifying and confirming the proposed
22 enlargement or contraction, and describing the boundaries of the
23 municipality as altered. The chancellor's order shall further set
24 out with specificity a timetable for the city to accomplish what
25 it claims it can accomplish for the newly annexed area. If at the
26 end of the period set out in the order the protestors can show by

27 a preponderance of the evidence that the city has not provided the
28 promised services, then the chancellor must set the annexation
29 aside. If the protestors fail, the chancellor shall confirm the
30 annexation.

31 (3) * * * The chancellor shall have the right and the power
32 to modify the proposed enlargement or contraction by decreasing
33 the territory to be included in or excluded from such
34 municipality, as the case may be.

35 (4) If the chancellor shall find from the evidence that the
36 proposed enlargement or contraction, as the case may be, is
37 unreasonable and is not required by the public convenience and
38 necessity, then he shall enter a decree denying such enlargement
39 or contraction.

40 (5) * * * The decree of the chancellor shall become
41 effective only upon the chancellor's confirmation or, in event an
42 appeal is taken therefrom, within ten days from the final
43 determination of such appeal. In any proceeding under this
44 section the burden shall be upon the municipal authorities to show
45 that the proposed enlargement or contraction is reasonable.

46 SECTION 2. This act shall take effect and be in force from
47 and after July 1, 2000.