

By: Representative Denny

To: Municipalities;
Constitution

HOUSE CONCURRENT RESOLUTION NO. 53

1 A CONCURRENT RESOLUTION PROPOSING TO AMEND THE MISSISSIPPI
2 CONSTITUTION OF 1890 BY CREATING A NEW SECTION AND AMENDING
3 SECTIONS 135 AND 170 TO REQUIRE THE LEGISLATURE TO ENACT
4 LEGISLATION PROVIDING FOR THE MERGER OR CONSOLIDATION OF COUNTIES
5 WITH INCORPORATED MUNICIPALITIES LOCATED THEREIN; AND FOR RELATED
6 PURPOSES.

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

11 I.

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

14 "Section ____ . The Legislature shall enact such legislation
15 as may be necessary to provide for the merger or consolidation, in
16 whole or in part, of any county in this state with incorporated
17 municipalities located within the county. The legislation shall
18 prescribe the powers and duties, including powers and duties
19 relating to taxation and finance, that may be exercised under the
20 consolidated government, and the number, qualifications and manner
21 of selecting the governing authorities and other public officials
22 of the consolidated government. The legislation also shall
23 prescribe the manner and procedure by which the qualified electors
24 of the county and the qualified electors of the municipality or
25 municipalities in the county for which merger or consolidation
26 with the county is proposed, separately may elect to approve or
27 disapprove the merger or consolidation. The legislation shall
28 require that in order for any merger or consolidation to be
29 authorized, two (2) separate elections must be held in which a



30 majority of those voting in each election approves the proposed
31 merger or consolidation, with one (1) of the elections to be held
32 for participation in by the electors residing within the territory
33 of the county located outside the corporate limits of the
34 municipality or municipalities for which consolidation with the
35 county is proposed, and with the other election to be held for
36 participation in by the electors residing within the corporate
37 limits of the municipality or municipalities for which
38 consolidation with the county is proposed."

39 II.

40 Amend Section 135, Mississippi Constitution of 1890, to read
41 as follows:

42 "Section 135. Effective January 1, 1964, there shall be a
43 sheriff, coroner, assessor, tax collector and surveyor for each
44 county to be selected as elsewhere provided herein, who shall hold
45 their office for four (4) years and who shall be eligible to
46 immediately succeed themselves in office, provided, however, if
47 the offices of sheriff and tax collector are combined the holder
48 thereof shall not be eligible to immediately succeed himself in
49 office. The Legislature may combine any one or more of said
50 offices in any county or counties and shall fix their
51 compensation. The duties heretofore imposed on the county
52 treasurer shall be discharged by some person or persons selected
53 as required by law.

54 Any county that has consolidated its government with the
55 municipalities of the county in accordance with legislation
56 enacted pursuant to the authority granted by this Constitution
57 shall not be required to maintain the various offices for the
58 county as provided in this section but shall establish such
59 offices for the consolidated government and require the
60 officeholders thereof to meet such qualifications, exercise such
61 powers and duties and receive such compensation as provided for in
62 the legislation authorizing the consolidated government."



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III.

Amend Section 170, Mississippi Constitution of 1890, to read as follows:

"Section 170. Each county shall be divided into five (5) districts, a resident freeholder of each district shall be selected, in the manner prescribed by law, and the five (5) so chosen shall constitute the board of supervisors of the county, a majority of whom may transact business. The board of supervisors shall have full jurisdiction over roads, ferries, and bridges, to be exercised in accordance with such regulations as the Legislature may prescribe, and perform such other duties as may be required by law; provided, however, that the Legislature may have the power to designate certain highways as "state highways," and place such highways under the control and supervision of the State Highway Commission, for construction and maintenance. The clerk of the chancery court shall be the clerk of the board of supervisors.

Any county which has consolidated its government with the municipalities of the county in accordance with legislation enacted pursuant to the authority granted by this Constitution shall not be required to be divided into districts for the election of supervisors as provided in this section but shall establish such offices for the consolidated government and require the officeholders thereof to meet such qualifications and exercise such powers and duties as provided for in the legislation authorizing the consolidated government."

BE IT FURTHER RESOLVED, That these proposed amendments 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 2002, as provided by Section 273 of the Constitution and by general law, with the amendments in this resolution being voted on as one (1) amendments since the proposed amendments pertain to one (1) subject.

96 BE IT FURTHER RESOLVED, That the explanation of this proposed
97 amendment for the ballot shall read as follows: "This proposed
98 constitutional amendment requires the Legislature to enact laws
99 that will authorize the merger or consolidation of counties with
100 incorporated municipalities in the county. The Legislature is
101 also required to prescribe the manner in which voters in the
102 county may elect to approve or disapprove any such consolidation,
103 what offices shall be created for a consolidated government and
104 the powers and duties of the consolidated government."

105 BE IT FURTHER RESOLVED, That the Attorney General of the
106 State of Mississippi shall submit this resolution, immediately
107 upon adoption by the Legislature, to the Attorney General of the
108 United States or to the United States District Court for the
109 District of Columbia, in accordance with the provisions of the
110 Voting Rights Act of 1965, as amended and extended.

