

By: Senator(s) Farris

To: Judiciary

SENATE BILL NO. 2607

1 AN ACT TO AMEND SECTION 21-1-33, MISSISSIPPI CODE OF 1972, TO  
2 REVISE THE HEARING PROCEDURE FOR THE PETITION FOR ANNEXATION OR  
3 DEANNEXATION 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:

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 (10) 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, 2002.

