

**Adopted
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

Senate Bill No. 2198

BY: Committee

**Amend by striking all after the enacting clause and inserting
in lieu thereof the following:**

11 **SECTION 1.** Section 21-1-27, Mississippi Code of 1972, is
12 amended as follows:
13 21-1-27. (1) The limits and boundaries of existing cities,
14 towns and villages shall remain as now established until altered
15 in the manner hereinafter provided. When any municipality shall
16 desire to enlarge or contract the boundaries thereof by adding
17 thereto adjacent unincorporated territory or excluding therefrom
18 any part of the incorporated territory of such municipality, the
19 governing authorities of such municipality shall pass an ordinance
20 defining with certainty the territory proposed to be included in



21 or excluded from the corporate limits, and also defining the
22 entire boundary as changed. In the event the municipality desires
23 to enlarge such boundaries, such ordinance shall in general terms
24 describe the proposed improvements to be made in the annexed
25 territory, the manner and extent of such improvements, and the
26 approximate time within which such improvements are to be made;
27 such ordinance shall also contain a statement of the municipal or
28 public services which such municipality proposes to render in such
29 annexed territory. In the event the municipality shall desire to
30 contract its boundaries, such ordinance shall contain a statement
31 of the reasons for such contraction and a statement showing
32 whereby the public convenience and necessity would be served
33 thereby.

34 (2) (a) When any municipality having a population in excess
35 of forty thousand (40,000) wherein is located a state-supported
36 university and in which U.S. Highways 49 and 11 intersect and
37 which has boundaries that lie within two (2) counties desires to
38 enlarge its boundaries by adding adjacent unincorporated territory
39 after January 1, 2016, the governing authorities of the
40 municipality shall pass, in addition to the requirements provided
41 in subsection (1), an ordinance:

42 (i) Certifying that more than fifty percent (50%)
43 of the people who reside in the unincorporated area of the census
44 block within the territory proposed to be annexed shall be
45 included in the proposed annexation; or



46 (ii) Certifying that upon approval of the
47 annexation, the municipality shall cede any authority to provide
48 zoning and subdivision regulation to the board of supervisors of
49 the county in which the territory is located, if fifty percent
50 (50%) or fewer people who reside in the unincorporated area of the
51 census block within such territory is not included in the proposed
52 annexation. If such authority is ceded, as provided under this
53 subparagraph, then the governing authorities of the municipality
54 is authorized to advise the board of supervisors of the county
55 concerning such regulation; however, the ultimate authority
56 regarding the regulation shall lie with the board of supervisors
57 of the county.

58 This subsection (2) shall stand repealed from and after July
59 1, 2019.

60 (3) For the purposes of this section, "census block" refers
61 to certain geographic areas as designated by the latest federal
62 decennial census preceding any annexation under this section.

63 This subsection (3) shall stand repealed from and after July
64 1, 2019.

65 **SECTION 2.** Section 21-1-33, Mississippi Code of 1972, is
66 amended as follows:

67 21-1-33. (1) If the chancellor finds from the evidence
68 presented at * * * the hearing that the proposed enlargement or
69 contraction is reasonable and is required by the public
70 convenience and necessity and, in the event of an enlargement of a



71 municipality, that reasonable public and municipal services will
72 be rendered in the annexed territory within a reasonable time and
73 that the governing authority of the municipality complied with the
74 provisions of Section 21-1-27, the chancellor shall enter a decree
75 approving, ratifying and confirming the proposed enlargement or
76 contraction, and describing the boundaries of the municipality as
77 altered. In so doing the chancellor shall have the right and the
78 power to modify the proposed enlargement or contraction by
79 decreasing the territory to be included in or excluded from * * *
80 the municipality, as the case may be.

81 (2) If the chancellor shall find from the evidence that the
82 proposed enlargement or contraction, as the case may be, is
83 unreasonable and is not required by the public convenience and
84 necessity, or in the event of an enlargement of a municipality,
85 that the governing authority of the municipality failed to comply
86 with the provisions of Section 21-1-27, then he shall enter a
87 decree denying * * * the enlargement or contraction.

88 (3) In any event, the decree of the chancellor shall become
89 effective after the passage of ten (10) days from the date thereof
90 or, in event an appeal is taken therefrom, within ten (10) days
91 from the final determination of * * * the appeal. In any
92 proceeding under this section the burden shall be upon the
93 municipal authorities to show that the proposed enlargement or
94 contraction is reasonable.



95 **SECTION 3.** The following positions that are employees of a
96 county or municipality where the county or municipality has an
97 existing agreement with the Public Employees' Retirement System to
98 cover those employees, shall be members of the retirement system,
99 notwithstanding any other provision of law or any regulation to
100 the contrary: youth court referee, public defender, county board
101 attorney, municipal judge, municipal prosecutor and municipal
102 attorney.

103 **SECTION 4.** This act shall take effect and be in force from
104 and after July 1, 2016, except for Section 3, which shall take
105 effect and be in force from and after the passage of this act.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTION 21-1-27, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT THE GOVERNING AUTHORITIES OF CERTAIN MUNICIPALITIES
3 SHALL CEDE CONTROL OVER ZONING AND SUBDIVISION REGULATIONS TO THE
4 BOARD OF SUPERVISORS OF THE COUNTY IN WHICH THE TERRITORY TO BE
5 ANNEXED IS LOCATED IF A CERTAIN NUMBER OF PEOPLE RESIDING IN THE
6 TERRITORY ARE NOT INCLUDED IN THE PROPOSED ANNEXATION; TO AMEND
7 SECTION 21-1-33, MISSISSIPPI CODE OF 1972, TO CONFORM; TO CREATE A
8 NEW SECTION TO PROVIDE THAT CERTAIN COUNTY OR MUNICIPAL POSITIONS
9 SHALL BE UNDER THE RETIREMENT SYSTEM; AND FOR RELATED PURPOSES.

