

By: Representative Hopkins

To: Ways and Means

HOUSE BILL NO. 1379

1 AN ACT TO AMEND SECTION 21-1-27, MISSISSIPPI CODE OF 1972, TO  
 2 REQUIRE THAT AN ELECTION BE HELD IN ANY PART OF A COUNTY THAT IS  
 3 THE SUBJECT OF AN ANNEXATION OR REMOVAL ORDINANCE; TO PROVIDE THAT  
 4 THE COSTS OF THE ELECTION SHALL BE PAID BY THE GOVERNING  
 5 AUTHORITIES OF THE MUNICIPALITY THAT IS SEEKING THE ANNEXATION OR  
 6 REMOVAL OF THE PROPOSED TERRITORY IN THE COUNTY; TO REPEAL SECTION  
 7 21-1-29, MISSISSIPPI CODE OF 1972, WHICH REQUIRES AN ENLARGEMENT  
 8 OR CONTRACTION PETITION TO BE FILED IN CHANCERY COURT; TO AMEND  
 9 SECTION 21-1-31, MISSISSIPPI CODE OF 1972, TO REQUIRE THE  
 10 MUNICIPAL AUTHORITIES TO PAY ATTORNEY'S FEES AND ALL COSTS OF  
 11 COURT WHEN APPEALING THE ELECTION RESULTS; TO AMEND SECTION  
 12 21-1-33, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE CHANCELLOR  
 13 MAY CONSIDER ELECTION RESULTS AS EVIDENCE; TO AMEND SECTIONS  
 14 21-1-35 AND 21-1-43, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE  
 15 PRECEDING SECTIONS; AND FOR RELATED PURPOSES.

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

17 **SECTION 1.** Section 21-1-27, Mississippi Code of 1972, is  
 18 amended as follows:

19 21-1-27. (1) The limits and boundaries of existing cities,  
 20 towns and villages shall remain as now established until altered  
 21 in the manner \* \* \* provided in this chapter. When any  
 22 municipality \* \* \* desires to enlarge or contract \* \* \* its  
 23 boundaries \* \* \* by adding \* \* \* to its boundaries, adjacent  
 24 unincorporated territory, or excluding \* \* \* from any part of the



25 incorporated territory of \* \* \* the municipality, the governing  
26 authorities of \* \* \* the municipality shall pass an ordinance  
27 defining with certainty the territory proposed to be included in  
28 or excluded from the corporate limits, and also defining the  
29 entire boundary as changed. \* \* \* If the municipality desires to  
30 enlarge \* \* \* its boundaries, \* \* \* the ordinance shall in general  
31 terms describe the proposed improvements to be made in the annexed  
32 territory, the manner and extent of \* \* \* the improvements, and  
33 the approximate time within which such improvements are to be  
34 made; such ordinance shall also contain a statement of the  
35 municipal or public services \* \* \* that the municipality proposes  
36 to render in \* \* \* the annexed territory. \* \* \* If the  
37 municipality \* \* \* desires to contract its boundaries, \* \* \* the  
38 ordinance shall contain a statement of the reasons for \* \* \* the  
39 contraction and a statement showing \* \* \* how the public  
40 convenience and necessity would be served thereby.

41 (2) After the passage of the ordinance, the board of  
42 supervisors of the county in which the territory proposed to be  
43 annexed or removed is located shall hold an election in the  
44 territory on the question of the proposed annexation or removal.  
45 The costs of the election shall be paid by the municipal governing  
46 authorities seeking the annexation or removal. Only those persons  
47 residing in the area to be annexed or removed shall be allowed to  
48 vote in the election. The election shall be held within sixty  
49 (60) days after passage of the ordinance. Notice of the election



50 shall be published in a newspaper having a general circulation in  
51 the territory proposed to be annexed or removed once a week for  
52 three (3) consecutive weeks before the election date, and the  
53 first publication shall be made not less than twenty-one (21) days  
54 before the election date. The election shall be held in the same  
55 manner as are other county elections. The results of the election  
56 shall be certified by the election commissioners of the county and  
57 shall be considered as the final decision on the issue of  
58 annexation or removal unless the governing authorities of such  
59 municipality appeal the election decision to the chancery court of  
60 the county in which such municipality is located.

61       **SECTION 2.** Section 21-1-29, Mississippi Code of 1972, which  
62 provides for an enlargement or contraction petition to be filed in  
63 chancery court, is repealed.

64       **SECTION 3.** Section 21-1-31, Mississippi Code of 1972, is  
65 amended as follows:

66       21-1-31. Upon \* \* \* appeal by the municipal authorities, to  
67 the chancery court, the chancellor shall fix a date certain,  
68 either in term time or in vacation, when a hearing on \* \* \* the  
69 election results defeating the proposed enlargement or contraction  
70 will be held, and notice thereof shall be given in the same manner  
71 and for the same length of time as is provided in Section 21-1-15  
72 with regard to the creation of municipal corporations, and all  
73 parties interested in, affected by, or being aggrieved by \* \* \*  
74 the proposed enlargement or contraction shall have the right to



75 appear at such hearing and present their objection to such  
76 proposed enlargement or contraction. \* \* \* The municipal  
77 authorities shall be required to pay all attorney's fees and all  
78 costs involved with the hearing.

79 **SECTION 4.** Section 21-1-33, Mississippi Code of 1972, is  
80 amended as follows:

81 21-1-33. (1) If the chancellor finds from the evidence  
82 including, but not limited to, the results of any election held  
83 under Section 21-1-27, presented at the hearing that the proposed  
84 enlargement or contraction is reasonable and is required by the  
85 public convenience and necessity and, in the event of an  
86 enlargement of a municipality, that reasonable public and  
87 municipal services will be rendered in the annexed territory  
88 within a reasonable time and that the governing authority of the  
89 municipality complied with the provisions of Section 21-1-27, the  
90 chancellor \* \* \* may enter a decree approving, ratifying and  
91 confirming the proposed enlargement or contraction, and describing  
92 the boundaries of the municipality as altered. In so doing the  
93 chancellor shall have the right and the power to modify the  
94 proposed enlargement or contraction by decreasing the territory to  
95 be included in or excluded from the municipality, as the case may  
96 be.

97 (2) If the chancellor \* \* \* finds from the evidence that the  
98 proposed enlargement or contraction, as the case may be, is  
99 unreasonable and is not required by the public convenience and



100 necessity, or in the event of an enlargement of a municipality,  
101 that the governing authority of the municipality failed to comply  
102 with the provisions of Section 21-1-27, then he or she shall enter  
103 a decree denying the enlargement or contraction.

104 (3) In any event, the decree of the chancellor shall become  
105 effective after the passage of ten (10) days from the date thereof  
106 or, in the event an appeal is taken therefrom, within ten (10)  
107 days from the final determination of the appeal. In any  
108 proceeding under this section the burden shall be upon the  
109 municipal authorities to show that the proposed enlargement or  
110 contraction is reasonable.

111 **SECTION 5.** Section 21-1-35, Mississippi Code of 1972, is  
112 amended as follows:

113 21-1-35. \* \* \* In the event of an appeal from the judgment  
114 of the chancellor, the costs incurred in the appeal shall be taxed  
115 against the appellant if the judgment be affirmed, and against the  
116 appellee if the judgment be reversed.

117 **SECTION 6.** Section 21-1-43, Mississippi Code of 1972, is  
118 amended as follows:

119 21-1-43. Any two (2) or more cities or towns being adjacent  
120 or situated sufficiently near to each other may combine into and  
121 become one (1) municipality in the same manner as is provided for  
122 the enlargement or contraction of municipal boundaries. It shall  
123 be necessary for the governing authorities of each municipality to  
124 adopt the ordinance with regard \* \* \* to the consolidation and an



125 election held in the same manner as is provided in Section 21-1-27  
126 with regard to the enlargement or contraction of municipal  
127 boundaries. \* \* \* The ordinance \* \* \* shall state the name that  
128 shall be given to the municipality to be formed. In the event of  
129 the consolidation of two (2) or more municipalities into one (1)  
130 as \* \* \* provided in this section, the decree of the chancellor  
131 shall correctly classify the municipality so formed in accordance  
132 with the facts, based upon the total population of all of such  
133 municipalities as shown by the latest available federal decennial  
134 census. When \* \* \* the consolidation shall have become final and  
135 operative, all of \* \* \* the municipalities shall be merged into  
136 one (1) under the name set forth in the ordinances adopted by the  
137 governing authorities of the municipalities so consolidated. The  
138 governing authorities of all the municipalities so consolidated  
139 shall become members of the governing authority of the  
140 municipality so formed until the next regular election, when the  
141 proper number of members of the governing authority shall be  
142 elected as provided by law, and the mayor or chief executive  
143 officer of the largest municipality, according to population,  
144 shall become the mayor or chief executive officer of the  
145 municipality so formed. The assessments and levies for ad valorem  
146 taxation in force at the time of the consolidation of \* \* \* the  
147 municipalities for the territory of each municipality shall be the  
148 assessment and levy upon which taxes shall be collected for the  
149 then current fiscal year, but in all other respects the existing



150 laws and ordinances of the largest municipality, according to  
151 population, shall be operative throughout the enlarged limits.

152 Nothing in this section shall authorize the combination of  
153 two (2) or more villages unless \* \* \* those villages shall have a  
154 combined population of five hundred (500) or more, according to  
155 the latest available federal decennial census.

156 **SECTION 7.** Any action taken on an ordinance proposing the  
157 enlargement or contraction of municipal boundaries that is pending  
158 before a court on the effective date of this act as a result of  
159 any prior law shall be withdrawn and an election as provided in  
160 Section 21-1-27 may be held.

161 **SECTION 8.** This act shall take effect and be in force from  
162 and after July 1, 2023.

