

By: Representatives Hale, Keen, McCray

To: County Affairs;  
Accountability, Efficiency,  
Transparency

HOUSE BILL NO. 1133

1 AN ACT TO AMEND SECTION 21-1-27, MISSISSIPPI CODE OF 1972, TO  
2 PROVIDE FOR AN ELECTION ON THE QUESTION OF MUNICIPAL ANNEXATION IN  
3 BOTH THE MUNICIPALITY AND THE TERRITORY PROPOSED TO BE ANNEXED  
4 WHEN THE GOVERNING AUTHORITIES OF A MUNICIPALITY DESIRE TO ENLARGE  
5 ITS BOUNDARIES; TO AMEND SECTIONS 21-1-29, 21-1-31, 21-1-33,  
6 21-1-35, 21-1-37 AND 21-1-39, MISSISSIPPI CODE OF 1972, TO REMOVE  
7 THE QUESTION OF MUNICIPAL ANNEXATION FROM CHANCERY COURT  
8 PROCEEDINGS; TO AMEND SECTIONS 21-1-33 AND 21-1-47, MISSISSIPPI  
9 CODE OF 1972, TO CONFORM TO THE PRECEDING SECTIONS; AND FOR  
10 RELATED PURPOSES.

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

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

14 21-1-27. (1) (a) The limits and boundaries of existing  
15 cities, towns and villages shall remain as now established until  
16 altered in the manner hereinafter provided. When any  
17 municipality \* \* \* desires to enlarge or contract \* \* \* its  
18 boundaries \* \* \* by adding \* \* \* adjacent unincorporated territory  
19 or excluding \* \* \* from its boundaries any part of the  
20 incorporated territory of \* \* \* the municipality, the governing  
21 authorities of such municipality shall pass an ordinance defining  
22 with certainty the territory proposed to be included in or



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

36 (b) If twenty percent (20%) of the qualified electors  
37 residing in the territory proposed to be annexed by a municipality  
38 petitions the governing body of the municipality for an election  
39 on the question of the proposed annexation, within sixty (60) days  
40 after public notice of the adoption of the annexation ordinance,  
41 the appropriate election officials shall hold separate elections  
42 in the municipality and in the territory proposed to be annexed on  
43 the question of the proposed annexation. The elections shall be  
44 held within sixty (60) days after certification of the petition by  
45 the municipal clerk. Notice of the elections shall be published  
46 once a week for three (3) consecutive weeks before the election  
47 date in a newspaper having a general circulation in the county or



48 counties in which the municipality and the territory proposed to  
49 be annexed are located. The first publication shall be made not  
50 less than twenty-one (21) days before the election date. The  
51 elections shall be held in the same manner as are other elections.  
52 The annexation shall not be permitted or approved unless both the  
53 electors in the municipality and in the territory proposed to be  
54 annexed approve the annexation by majority vote of those electors  
55 voting in the election. If fewer than a majority of the qualified  
56 electors voting in each election vote against the ordinance, the  
57 ordinance shall be approved. If a majority of the qualified  
58 electors voting in each election vote against the ordinance, the  
59 ordinance shall not be approved. If approved in the elections,  
60 the ordinance shall become effective ten (10) days after the date  
61 of the final determination of the results of the elections or on a  
62 later date that is specified in the ordinance. If a petition for  
63 the election is not filed, the ordinance shall become effective  
64 sixty (60) days after public notice of the adoption of the  
65 ordinance or on a later date that is specified in the ordinance.  
66 If the ordinance is not approved in the elections, the  
67 municipality shall not adopt another ordinance proposing the  
68 annexation of any of the same territory for a period of five (5)  
69 years from the date of the election.

70 (2) [Repealed]

71 (3) [Repealed]



72           **SECTION 2.** Section 21-1-29, Mississippi Code of 1972, is  
73 amended as follows:

74           21-1-29. When any \* \* \* ordinance \* \* \* proposing to  
75 contract the municipal boundaries is passed by the municipal  
76 authorities, \* \* \* the municipal authorities shall file a petition  
77 in the chancery court of the county in which \* \* \* the  
78 municipality is located \* \* \*. The petition shall recite the fact  
79 of the adoption of \* \* \* the ordinance and shall pray that  
80 the \* \* \* contraction of the municipal boundaries \* \* \* be  
81 ratified, approved and confirmed by the court. There shall be  
82 attached to \* \* \* the petition, as exhibits \* \* \*, a certified  
83 copy of the ordinance adopted by the municipal authorities and a  
84 map or plat of the municipal boundaries as they will exist \* \* \*  
85 if the contraction becomes effective.

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

88           21-1-31. Upon the filing of \* \* \* the petition and upon  
89 application therefor by the petitioner, the chancellor shall fix a  
90 date certain, either in term time or in vacation, when a hearing  
91 on \* \* \* the petition will be held, and notice \* \* \* of the  
92 hearing shall be given in the same manner and for the same length  
93 of time as is provided in Section 21-1-15 with regard to the  
94 creation of municipal corporations \* \* \*. All parties interested  
95 in, affected by, or being aggrieved by \* \* \* the contraction shall



96 have the right to appear at such hearing and present their  
97 objection to \* \* \* the contraction. \* \* \*

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

100 21-1-33. (1) If the chancellor finds from the evidence  
101 presented at the hearing that the proposed \* \* \* contraction is  
102 reasonable and is required by the public convenience and  
103 necessity \* \* \* and that the governing authority of the  
104 municipality complied with the provisions of Section 21-1-27, the  
105 chancellor shall enter a decree approving, ratifying and  
106 confirming the proposed \* \* \* contraction, and describing the  
107 boundaries of the municipality as altered. In so doing, the  
108 chancellor shall have the right and the power to modify the  
109 proposed \* \* \* contraction by decreasing the territory to be \* \* \*  
110 or excluded from the municipality, as the case may be.

111 (2) If the chancellor shall find from the evidence that  
112 the \* \* \* contraction \* \* \* is unreasonable and is not required by  
113 the public convenience and necessity, or in the event \* \* \* the  
114 governing authority of the municipality failed to comply with the  
115 provisions of Section 21-1-27, then he shall enter a decree  
116 denying the \* \* \* contraction.

117 (3) In any event, the decree of the chancellor shall become  
118 effective after the passage of ten (10) days from the date \* \* \*  
119 of the decree or, in the event an appeal is taken therefrom,  
120 within ten (10) days from the final determination of the appeal.



121 In any proceeding under this section the burden shall be upon the  
122 municipal authorities to show that the proposed \* \* \* contraction  
123 is reasonable.

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

126 21-1-35. \* \* \* If no objection is made to the petition for  
127 the \* \* \* contraction of the municipal boundaries, the  
128 municipality shall be taxed with all costs of the proceedings.

129 \* \* \* If the objection is made, \* \* \* the costs may be taxed  
130 in \* \* \* the manner \* \* \* the chancellor shall determine to be  
131 equitable pursuant to the Mississippi Rules of Civil Procedure.

132 \* \* \* If there is an appeal from the judgment of the chancellor,  
133 the costs incurred in the appeal shall be taxed against the  
134 appellant if the judgment \* \* \* is affirmed, and against the  
135 appellee if the judgment \* \* \* is reversed.

136 **SECTION 6.** Section 21-1-37, Mississippi Code of 1972, is  
137 amended as follows:

138 21-1-37. If the municipality or any other interested person  
139 who was a party to the proceedings in the chancery court \* \* \* is  
140 aggrieved by the decree of the chancellor regarding contraction of  
141 the municipal boundaries, then \* \* \* the municipality or other  
142 person may prosecute an appeal \* \* \* from the chancellor's decree  
143 within the time and in the manner and with like effect as is  
144 provided in Section 21-1-21 in the case of appeals from the decree



145 of the chancellor with regard to the creation of a municipal  
146 corporation.

147 **SECTION 7.** Section 21-1-39, Mississippi Code of 1972, is  
148 amended as follows:

149 21-1-39. (1) Whenever the corporate limits of any  
150 municipality \* \* \* are contracted, as herein provided, the  
151 chancery clerk shall forward, after the expiration of ten (10)  
152 days from the date of \* \* \* the decree if no appeal be taken  
153 therefrom, \* \* \* to the Secretary of State a certified copy  
154 of \* \* \* the decree, which shall be filed in the Office of the  
155 Secretary of State and shall remain a permanent record thereof.

156 \* \* \* If an appeal \* \* \* is taken from \* \* \* the decree and \* \* \*  
157 the decree is affirmed, then the certified copy \* \* \* of the  
158 decree shall be forwarded to the Secretary of State within ten  
159 (10) days after receipt of the mandate from the Supreme Court  
160 notifying the clerk of \* \* \* the affirmance.

161 (2) Whenever the corporate limits of any municipality are  
162 enlarged as provided in Section 21-1-27, the governing body of the  
163 municipality, after the annexation ordinance has become effective,  
164 shall forward to the Secretary of State a certified copy of the  
165 ordinance, which shall be filed in the Office of the Secretary of  
166 State and shall remain a permanent record thereof.

167 **SECTION 8.** Any action on an ordinance proposing the  
168 enlargement of municipal boundaries that is pending before a court  
169 on the effective date of this act as a result of any prior law



170 shall be withdrawn, and an election as provided in Section 21-1-27  
171 may be held.

172         **SECTION 9.** Section 21-1-33, Mississippi Code of 1972, is  
173 amended as follows:

174         21-1-33. (1) If the chancellor finds from the evidence  
175 presented at the hearing that the proposed \* \* \* contraction is  
176 reasonable and is required by the public convenience and necessity  
177 and \* \* \* the chancellor shall enter a decree approving, ratifying  
178 and confirming the proposed \* \* \* contraction, and describing the  
179 boundaries of the municipality as altered. In so doing the  
180 chancellor shall have the right and the power to modify the  
181 proposed \* \* \* contraction by decreasing the territory to be \* \* \*  
182 excluded from the municipality \* \* \*.

183         (2) If the chancellor shall find from the evidence that the  
184 proposed \* \* \* contraction \* \* \* is unreasonable and is not  
185 required by the public convenience and necessity \* \* \* and that  
186 the governing authority of the municipality failed to comply with  
187 the provisions of Section 21-1-27, then he or she shall enter a  
188 decree denying the \* \* \* contraction.

189         (3) In any event, the decree of the chancellor shall become  
190 effective after the passage of ten (10) days from the date thereof  
191 or, in the event an appeal is taken therefrom, within ten (10)  
192 days from the final determination of the appeal. In any  
193 proceeding under this section the burden shall be upon the





194 municipal authorities to show that the proposed \* \* \* contraction  
195 is reasonable.

196 **SECTION 10.** Section 21-1-47, Mississippi Code of 1972, is  
197 amended as follows:

198 21-1-47. Upon the filing of such a petition, all of the  
199 proceedings of this chapter with regard to proceedings in the  
200 chancery court upon petitions for the creation \* \* \* and  
201 contraction of municipalities shall apply in like manner thereto.  
202 Notice of the filing of such petition and the time for the hearing  
203 shall be given in the manner and for the length of time as is  
204 required in cases of proceedings for the creation \* \* \* or  
205 contraction of a municipality. Any parties to the proceedings  
206 aggrieved by the decree of the chancellor may appeal therefrom in  
207 the same manner and within the same time as is provided in cases  
208 of decrees on petitions involving the creation \* \* \* or  
209 contraction of a municipal corporation. In all proceedings under  
210 this section, however, the municipal corporation involved shall be  
211 made a party to such proceedings and shall be served with process  
212 in the manner provided by law at least thirty (30) days prior to  
213 the date of the hearing. If the chancellor finds from the  
214 evidence that the proposed \* \* \* exclusion is reasonable and is  
215 required by the public convenience and necessity, then he or she  
216 shall enter a decree declaring the territory in question to  
217 be \* \* \* excluded from the municipality, \* \* \* which decree shall  
218 contain an adjudication of the boundaries of the municipality as



219 altered. In so doing, the chancellor shall have the right and  
220 power to modify the proposed \* \* \* contraction by decreasing the  
221 territory \* \* \* excluded from the municipality \* \* \*. If the  
222 chancellor shall find from the evidence that the proposed \* \* \*  
223 exclusion \* \* \* is unreasonable and is not required by the public  
224 convenience and necessity, then he or she shall enter a decree  
225 denying same. In any event, the decree of the chancellor shall  
226 become effective after the passage of ten (10) days from the date  
227 thereof or, in the event an appeal is taken therefrom, within ten  
228 (10) days from the final determination of such appeal. In all  
229 cases where territory is \* \* \* excluded from a municipality under  
230 the provisions hereof, a certified copy of the decree of the  
231 chancellor shall be sent to the Secretary of State and a map or  
232 plat of the boundaries of the municipality as altered shall be  
233 filed with the chancery clerk, all as provided in Sections 21-1-39  
234 and 21-1-41.

235       **SECTION 11.** This act shall take effect and be in force from  
236 and after July 1, 2024.

