

By: Representative Ladner

To: Municipalities

HOUSE BILL NO. 395

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

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

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 * * *
16 desires to enlarge or contract * * * its boundaries * * * by
17 adding * * * adjacent unincorporated territory or excluding * * *
18 from its boundaries any part of the incorporated territory
19 of * * * the municipality, the governing authorities of such
20 municipality shall pass an ordinance defining with certainty the
21 territory proposed to be included in or excluded from the



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

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



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

67 * * *

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

70 21-1-29. When any * * * ordinance * * * proposing to
71 contract the municipal boundaries is passed by the municipal



72 authorities, * * * the municipal authorities shall file a petition
73 in the chancery court of the county in which * * * the
74 municipality is located * * *. The petition shall recite the fact
75 of the adoption of * * * the ordinance and shall pray that
76 the * * * contraction of the municipal boundaries * * * be
77 ratified, approved and confirmed by the court. There shall be
78 attached to * * * the petition, as exhibits * * *, a certified
79 copy of the ordinance adopted by the municipal authorities and a
80 map or plat of the municipal boundaries as they will exist * * *
81 if the contraction becomes effective.

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

84 21-1-31. Upon the filing of * * * the petition and upon
85 application therefor by the petitioner, the chancellor shall fix a
86 date certain, either in term time or in vacation, when a hearing
87 on * * * the petition will be held, and notice * * * of the
88 hearing shall be given in the same manner and for the same length
89 of time as is provided in Section 21-1-15 with regard to the
90 creation of municipal corporations * * *. All parties interested
91 in, affected by, or being aggrieved by * * * the contraction shall
92 have the right to appear at such hearing and present their
93 objection to * * * the contraction. * * *

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



96 21-1-33. (1) If the chancellor finds from the evidence
97 presented at the hearing that the proposed * * * contraction is
98 reasonable and is required by the public convenience and
99 necessity * * * and that the governing authority of the
100 municipality complied with the provisions of Section 21-1-27, the
101 chancellor shall enter a decree approving, ratifying and
102 confirming the proposed * * * contraction, and describing the
103 boundaries of the municipality as altered. In so doing, the
104 chancellor shall have the right and the power to modify the
105 proposed * * * contraction by decreasing the territory to be * * *
106 or excluded from the municipality, as the case may be.

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

113 (3) In any event, the decree of the chancellor shall become
114 effective after the passage of ten (10) days from the date * * *
115 of the decree or, in the event an appeal is taken therefrom,
116 within ten (10) days from the final determination of the appeal.
117 In any proceeding under this section the burden shall be upon the
118 municipal authorities to show that the proposed * * * contraction
119 is reasonable.



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

122 21-1-35. * * * If no objection is made to the petition for
123 the * * * contraction of the municipal boundaries, the
124 municipality shall be taxed with all costs of the proceedings.

125 * * * If the objection is made, * * * the costs may be taxed
126 in * * * the manner * * * the chancellor shall determine to be
127 equitable pursuant to the Mississippi Rules of Civil Procedure.

128 * * * If there is an appeal from the judgment of the chancellor,
129 the costs incurred in the appeal shall be taxed against the
130 appellant if the judgment * * * is affirmed, and against the
131 appellee if the judgment * * * is reversed.

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

134 21-1-37. If the municipality or any other interested person
135 who was a party to the proceedings in the chancery court * * * is
136 aggrieved by the decree of the chancellor regarding contraction of
137 the municipal boundaries, then * * * the municipality or other
138 person may prosecute an appeal * * * from the chancellor's decree
139 within the time and in the manner and with like effect as is
140 provided in Section 21-1-21 in the case of appeals from the decree
141 of the chancellor with regard to the creation of a municipal
142 corporation.

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



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

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

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

SECTION 8. Any action on an ordinance proposing the enlargement of municipal boundaries that is pending before a court on the effective date of this act as a result of any prior law shall be withdrawn, and an election as provided in Section 21-1-27 may be held.

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



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

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

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

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



194 21-1-47. Upon the filing of such a petition, all of the
195 proceedings of this chapter with regard to proceedings in the
196 chancery court upon petitions for the creation * * * and
197 contraction of municipalities shall apply in like manner thereto.
198 Notice of the filing of such petition and the time for the hearing
199 shall be given in the manner and for the length of time as is
200 required in cases of proceedings for the creation * * * or
201 contraction of a municipality. Any parties to the proceedings
202 aggrieved by the decree of the chancellor may appeal therefrom in
203 the same manner and within the same time as is provided in cases
204 of decrees on petitions involving the creation * * * or
205 contraction of a municipal corporation. In all proceedings under
206 this section, however, the municipal corporation involved shall be
207 made a party to such proceedings and shall be served with process
208 in the manner provided by law at least thirty (30) days prior to
209 the date of the hearing. If the chancellor finds from the
210 evidence that the proposed * * * exclusion is reasonable and is
211 required by the public convenience and necessity, then he or she
212 shall enter a decree declaring the territory in question to
213 be * * * excluded from the municipality, * * * which decree shall
214 contain an adjudication of the boundaries of the municipality as
215 altered. In so doing, the chancellor shall have the right and
216 power to modify the proposed * * * contraction by decreasing the
217 territory * * * excluded from the municipality * * *. If the
218 chancellor shall find from the evidence that the proposed * * *



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

231 **SECTION 11.** This act shall take effect and be in force from
232 and after July 1, 2025.

