

***** Pending *****

COMMITTEE AMENDMENT NO 1 PROPOSED TO

House Bill No. 318

BY: Committee

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

8 **SECTION 1.** Section 17-1-17, Mississippi Code of 1972, is
9 amended as follows:
10 17-1-17. Zoning regulations, restrictions and boundaries
11 may, from time to time, be amended, supplemented, changed,
12 modified or repealed upon at least fifteen (15) days' notice of a
13 hearing on such amendment, supplement, change, modification or
14 repeal, said notice to be given in an official paper or a paper of
15 general circulation in such municipality or county specifying a
16 time and place for said hearing. The governing authorities or any
17 municipal agency or commission, which by ordinance has been
18 theretofore so empowered, may provide in such notice that the same
19 shall be held before the city engineer or before an advisory
20 committee of citizens as hereinafter provided and if the hearing
21 is held before the said engineer or advisory committee it shall
22 not be necessary for the governing body to hold such hearing but
23 may act upon the recommendation of the city engineer or advisory
24 committee. Provided, however, that any party aggrieved with the
25 recommendation of the city engineer or advisory committee shall be
26 entitled to a public hearing before the governing body of the

city, with due notice thereof after publication for the time and as provided in this section. The governing authorities of a municipality which had a population in excess of one hundred forty thousand (140,000) according to the 1960 census, or of a municipality which is the county seat of a county bordering on the Gulf of Mexico and the State of Alabama or of a municipality which had a population in excess of forty thousand (40,000) according to the 1970 census and which is within a county bordering on the Gulf of Mexico may enact an ordinance restricting such hearing to the record as made before the city engineer or advisory committee of citizens as hereinabove provided.

In case of a protest against such change signed by the owners of twenty percent (20%) or more, either of the area of the lots included in such proposed change, or of those immediately adjacent to the rear thereof, extending one hundred sixty (160) feet therefrom or of those directly opposite thereto, extending one hundred sixty (160) feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of two-thirds (2/3) of * * * the members of the legislative body of such municipality or county who are not required by law or ethical considerations to recuse themselves.

SECTION 2. The Attorney General of the State of Mississippi shall submit this act, immediately upon approval by the Governor, or upon approval by the Legislature subsequent to a veto, to the Attorney General of the United States or to the United States District Court for the District of Columbia in accordance with the provisions of the Voting Rights Act of 1965, as amended and extended.

SECTION 3. This act shall take effect and be in force from and after the date it is effectuated under Section 5 of the Voting Rights Act of 1965, as amended and extended.

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

1 AN ACT TO AMEND SECTION 17-1-17, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT AMENDMENTS TO ZONING ORDINANCES SHALL NOT BECOME
3 EFFECTIVE EXCEPT BY TWO-THIRDS VOTE OF THE MEMBERS OF THE
4 LEGISLATIVE BODY OF THE MUNICIPALITY OR COUNTY WHO ARE NOT
5 REQUIRED BY LAW OR ETHICAL CONSIDERATIONS TO RECUSE THEMSELVES;
6 AND FOR RELATED PURPOSES.