

By: Representatives Hamilton (109th),
Staples, Turner

To: Municipalities

HOUSE BILL NO. 761

1 AN ACT TO AMEND SECTION 21-1-27, MISSISSIPPI CODE OF 1972, TO
2 PROHIBIT THE USE OF MUNICIPAL FUNDS IN PROCEEDINGS CONCERNING
3 MUNICIPAL ANNEXATION; TO AMEND SECTIONS 21-1-35 AND 21-1-37,
4 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED
5 PURPOSES.

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

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

9 21-1-27. The limits and boundaries of existing cities, towns
10 and villages shall remain as now established until altered in the
11 manner * * * provided in this section. When any
12 municipality * * * desires to enlarge or contract its
13 boundaries * * * by adding to its boundaries adjacent
14 unincorporated territory or excluding from its boundaries any part
15 of the incorporated territory of the municipality, the governing
16 authorities of the municipality shall pass an ordinance defining
17 with certainty the territory proposed to be included in or
18 excluded from the corporate limits, and also defining the entire
19 boundary as changed. If the municipality desires to enlarge its
20 boundaries, the ordinance shall in general terms describe the
21 proposed improvements to be made in the annexed territory, the
22 manner and extent of the improvements, and the approximate time
23 within which the improvements are to be made; the ordinance also
24 shall * * * contain a statement of the municipal or public
25 services which the municipality proposes to render in the annexed
26 territory. However, municipal funds shall not be used in any
27 proceedings to enlarge the boundaries of the municipality. If the
28 municipality * * * desires to contract its boundaries, the

29 ordinance shall contain a statement of the reasons for the
30 contraction and a statement showing how the public convenience and
31 necessity would be served by the contraction.

32 **SECTION 2.** Section 21-1-35, Mississippi Code of 1972, is
33 amended as follows:

34 21-1-35. If no objection is made to the petition for
35 the * * * contraction of the municipal boundaries, the
36 municipality shall be taxed with all costs of the proceedings. If
37 objection is made, the costs may be taxed in a manner as the
38 chancellor shall determine to be equitable pursuant to the
39 Mississippi Rules of Civil Procedure. If there is an appeal from
40 the judgment of the chancellor, the costs incurred in the appeal
41 shall be taxed against the appellant if the judgment is affirmed,
42 and against the appellee if the judgment is reversed.

43 **SECTION 3.** Section 21-1-37, Mississippi Code of 1972, is
44 amended as follows:

45 21-1-37. If the municipality or any other interested person
46 who was a party to the proceedings in the chancery court is
47 aggrieved by the decree of the chancellor regarding the
48 contraction of the municipal boundaries, then the municipality or
49 other person may prosecute an appeal from the chancellor's decree
50 within the time and in the manner and with like effect as is
51 provided in Section 21-1-21 in the case of appeals from the decree
52 of the chancellor with regard to the creation of a municipal
53 corporation.

54 **SECTION 4.** The Attorney General of the State of Mississippi
55 shall submit this act, immediately upon approval by the Governor,
56 or upon approval by the Legislature subsequent to a veto, to the
57 Attorney General of the United States or to the United States
58 District Court for the District of Columbia in accordance with the
59 provision of the Voting Rights Act of 1965, as amended and
60 extended.

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