

AMENDMENT NO. \_\_\_\_\_

<b>FILED</b>
Date _____
Time _____
Clerk _____
Comm. Amdt. _____
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\_\_\_\_\_  
**Signature of Sponsor**

**AMEND Senate Bill No. 3278**

**House Bill No. 3295\***

by deleting Section 9(a) and by substituting instead the following:

(a)(1) After the effective date of this act but before the adoption of its growth plan by the committee, a municipality may annex territory by ordinance as provided by §6-51-102 if the county concurs in the annexation by adopting a resolution within thirty (30) days of the final passage of the annexation ordinance.

(2) If the county fails to concur in the annexation by adopting a resolution within the thirty (30) day period, the municipality may file a petition in the chancery court of the county where the territory is located stating that the failure to adopt the ordinance will:

- (A) Materially retard the prosperity of the municipality and the territory; or
- (B) Endanger the safety and welfare of the inhabitants and the property.

(3) The burden of proof shall be on the municipality seeking to annex the territory. If the court with a jury finds that the ordinance by a preponderance of the evidence satisfies the requirements of this subsection (a), the annexation ordinance shall take effect.

AND FURTHER AMEND by deleting from the second sentence of Section 12(a) the language "the party filing the action" and substituting instead the language "the municipality".

AND FURTHER AMEND by deleting from Section 12(b) the language "without a jury" and substituting instead the language "with a jury".

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**\*017242\***