

By: Denny

To: Municipalities

HOUSE BILL NO. 1463

1 AN ACT TO AMEND SECTION 21-17-5, MISSISSIPPI CODE OF 1972, TO  
2 CLARIFY THE AUTHORITY OF GOVERNING AUTHORITIES OF MUNICIPALITIES  
3 TO CLOSE MUNICIPAL COURTHOUSES AND OFFICES ON LEGAL HOLIDAYS; AND  
4 FOR RELATED PURPOSES.

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

6 SECTION 1. Section 21-17-5, Mississippi Code of 1972, is  
7 amended as follows:[LH1]

8 21-17-5. (1) The governing authorities of every  
9 municipality of this state shall have the care, management and  
10 control of the municipal affairs and its property and finances.  
11 In addition to those powers granted by specific provisions of  
12 general law, the governing authorities of municipalities shall  
13 have the power to adopt any orders, resolutions or ordinances with  
14 respect to such municipal affairs, property and finances which are  
15 not inconsistent with the Mississippi Constitution of 1890, the  
16 Mississippi Code of 1972, or any other statute or law of the State  
17 of Mississippi, and shall likewise have the power to alter, modify  
18 and repeal such orders, resolutions or ordinances. Except as  
19 otherwise provided in subsection (2) of this section, the powers  
20 granted to governing authorities of municipalities in this section  
21 are complete without the existence of or reference to any specific  
22 authority granted in any other statute or law of the State of  
23 Mississippi. Unless otherwise provided by law, before entering  
24 upon the duties of their respective offices, the aldermen or  
25 councilmen of every municipality of this state shall give bond,  
26 with sufficient surety, to be payable, conditioned and approved as  
27 provided by law, in a penalty equal to five percent (5%) of the

28 sum of all the municipal taxes shown by the assessment rolls and  
29 the levies to have been collectible in the municipality for the  
30 year immediately preceding the commencement of the term of office  
31 of said alderman or councilman; however, such bond shall not  
32 exceed the amount of One Hundred Thousand Dollars (\$100,000.00).  
33 Any taxpayer of the municipality may sue on such bond for the use  
34 of the municipality, and such taxpayer shall be liable for all  
35 costs in case his suit shall fail. No member of the city council  
36 or board of aldermen shall be surety for any other such member.

37 (2) Unless such actions are specifically authorized by  
38 another statute or law of the State of Mississippi, this section  
39 shall not authorize the governing authorities of a municipality to  
40 (a) levy taxes of any kind or increase the levy of any authorized  
41 tax, (b) issue bonds of any kind, (c) change the requirements,  
42 practices or procedures for municipal elections or establish any  
43 new elective office, (d) change the procedure for annexation of  
44 additional territory into the municipal boundaries, (e) change the  
45 structure or form of the municipal government, (f) permit the  
46 sale, manufacture, distribution, possession or transportation of  
47 alcoholic beverages, (g) grant any donation, or (h) without prior  
48 legislative approval, regulate, directly or indirectly, the amount  
49 of rent charged for leasing private residential property in which  
50 the municipality does not have a property interest.

51 (3) Nothing in this or any other section shall be construed  
52 so as to prevent any municipal governing authority from paying any  
53 municipal employee not to exceed double his ordinary rate of pay  
54 or awarding any municipal employee not to exceed double his  
55 ordinary rate of compensatory time for work performed in his  
56 capacity as a municipal employee on legal holidays.

57 (4) The municipal offices shall be closed on all state  
58 holidays as designated in Section 3-3-7, and when any state  
59 holiday designated in Section 3-3-7, falls on a Saturday, the  
60 offices may be closed on the Friday immediately preceding such  
61 Saturday. When the holiday falls on a Sunday, the offices may be  
62 closed on the Monday immediately succeeding such Sunday. The  
63 governing authorities, in their discretion, may close the  
64 municipal offices on holidays created by executive order of the

65 Governor.

66           SECTION 2. This act shall take effect and be in force from  
67 and after July 1, 2000.