HOUSE BILL NO. 1081

AN ACT TO AMEND SECTION 21-17-5, MISSISSIPPI CODE OF 1972, TO
AUTHORIZE MUNICIPAL GOVERNING AUTHORITIES TO DEDUCT ASSOCIATION OR
ORGANIZATION DUES FROM THE SALARIES OF MUNICIPAL EMPLOYEES OF THAT
AGENCY UPON WRITTEN AUTHORIZATION FROM THE EMPLOYEE; AND FOR
RELATED PURPOSES.

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

SECTION 1. Section 21-17-5, Mississippi Code of 1972, is
amended as follows:

21-17-5. (1) The governing authorities of every
municipality of this state shall have the care, management and
control of the municipal affairs and its property and finances.
In addition to those powers granted by specific provisions of
general law, the governing authorities of municipalities shall
have the power to adopt any orders, resolutions or ordinances with
respect to such municipal affairs, property and finances which are
not inconsistent with the Mississippi Constitution of 1890, the
Mississippi Code of 1972, or any other statute or law of the State
of Mississippi, and shall likewise have the power to alter, modify
and repeal such orders, resolutions or ordinances. Except as
otherwise provided in subsection (2) of this section, the powers
granted to governing authorities of municipalities in this section
are complete without the existence of or reference to any specific
authority granted in any other statute or law of the State of
Mississippi. Unless otherwise provided by law, before entering
upon the duties of their respective offices, the aldermen or
councilmen of every municipality of this state shall give bond,
with sufficient surety, to be payable, conditioned and approved as
provided by law, in a penalty equal to five percent (5%) of the
sum of all the municipal taxes shown by the assessment rolls and
the levies to have been collectible in the municipality for the
year immediately preceding the commencement of the term of office
of said alderman or councilman; however, such bond shall not
exceed the amount of One Hundred Thousand Dollars ($100,000.00).
Any taxpayer of the municipality may sue on such bond for the use
of the municipality, and such taxpayer shall be liable for all
costs in case his suit shall fail. No member of the city council
or board of aldermen shall be surety for any other such member.

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

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

(4) The governing authorities of any municipality, in their
discretion, may expend funds to provide for training and education
of newly elected or appointed municipal officials before the
beginning of the term of office or employment of such officials.
Any expenses incurred for such purposes may be allowed only upon prior approval of the governing authorities. Any payments or reimbursements made under the provisions of this subsection may be paid only after presentation to and approval by the governing authorities of the municipality.

(5) The governing authorities of any municipality may deduct or permit to be deducted from the salary of any municipal employee, upon written authorization from the employee involved, any dues payable to any organization or association.

SECTION 2. This act shall take effect and be in force from and after July 1, 2003.