

By: Representative Lott

To: Municipalities

HOUSE BILL NO. 726

1 AN ACT TO AMEND SECTION 21-17-5, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE THE GOVERNING AUTHORITY OF ANY MUNICIPALITY TO
3 DISCHARGE, RELEASE OR FORGIVE MUNICIPAL FINES OR FEES THAT ARE
4 OWED BY INDIVIDUALS WHO ARE DECEASED, CERTAIN IMPRISONED
5 INDIVIDUALS, OR INDIVIDUALS WHO HAVE UNDELIVERABLE ADDRESSES FOR
6 AT LEAST 36 MONTHS; AND FOR RELATED PURPOSES.

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

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

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

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

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

53 (3) Nothing in this or any other section shall be construed
54 so as to prevent any municipal governing authority from paying any
55 municipal employee not to exceed double his ordinary rate of pay
56 or awarding any municipal employee not to exceed double his
57 ordinary rate of compensatory time for work performed in his
58 capacity as a municipal employee on legal holidays. The governing
59 authority of any municipality, in its discretion, may enact leave
60 policies to ensure that public safety employees receive the same
61 holiday benefits as other municipal employees when the public
62 safety employee's regular day off occurs on a legal holiday.

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

72 (5) The governing authority of any municipality, in its
73 discretion, may discharge, release or forgive municipal fines and
74 fees that are owed by an individual who is deceased, an individual
75 who is imprisoned continuously for at least five (5) years, an
76 individual who is sentenced to life imprisonment with no parole or
77 an individual who has an undeliverable address for at least
78 thirty-six (36) months with the municipality having made an
79 attempt to contact such person owing the fine or fee a minimum of
80 every ninety (90) days within the thirty-six-month period. In
81 order for a municipality to discharge, release or forgive
82 municipal fines and fees, as authorized in this subsection, the
83 municipal governing authority shall provide proof of its inability
84 to locate and/or contact the individual who owes the fine or fee.

85 **SECTION 2.** This act shall take effect and be in force from
86 and after July 1, 2007.