

By: Senator(s) Flowers

To: Municipalities

SENATE BILL NO. 2544

1 AN ACT TO AMEND SECTION 21-17-5, MISSISSIPPI CODE OF 1972, TO
2 LIMIT THE AUTHORITY OF A MUNICIPALITY TO ENACT ANY ORDINANCE
3 REQUIRING AN EMPLOYER DOING BUSINESS IN THE MUNICIPALITY TO PAY
4 ITS EMPLOYEES A MINIMUM WAGE; AND 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:

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 municipalities 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, * * * (h) without
48 prior legislative approval, regulate, directly or indirectly, the
49 amount of rent charged for leasing private residential property in
50 which the municipality does not have a property interest, or (i)
51 enact any ordinance requiring employers doing business in the
52 municipality to pay a minimum wage or any other specified level of
53 minimum compensation as a condition for receiving public funds.

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

62 holiday benefits as other municipal employees when the public
63 safety employee's regular day off occurs on a legal holiday.

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

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