

By: Representatives Hopkins, Eubanks

To: Judiciary A

HOUSE BILL NO. 526

1 AN ACT TO AMEND SECTION 21-17-5, MISSISSIPPI CODE OF 1972, TO  
2 PROHIBIT A MUNICIPALITY FROM RESTRICTING THE EXERCISE OF FREE  
3 SPEECH WITHIN THE IMMEDIATE VICINITY OF A MEDICAL FACILITY WITHOUT  
4 PRIOR LEGISLATIVE APPROVAL; 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 One Hundred Thousand Dollars (\$100,000.00). For all  
33 municipalities with a population more than two thousand (2,000)  
34 according to the latest federal decennial census, the amount of  
35 the bond shall not be less than Fifty Thousand Dollars  
36 (\$50,000.00). Any taxpayer of the municipality may sue on such  
37 bond for the use of the municipality, and such taxpayer shall be  
38 liable for all costs in case his suit shall fail. No member of  
39 the city council or board of aldermen shall be surety for any  
40 other such member.

41 (2) Unless such actions are specifically authorized by  
42 another statute or law of the State of Mississippi, this section  
43 shall not authorize the governing authorities of municipalities to  
44 (a) levy taxes of any kind or increase the levy of any authorized



45 tax, (b) issue bonds of any kind, (c) change the requirements,  
46 practices or procedures for municipal elections or establish any  
47 new elective office, (d) change the procedure for annexation of  
48 additional territory into the municipal boundaries, (e) change the  
49 structure or form of the municipal government, (f) permit the  
50 sale, manufacture, distribution, possession or transportation of  
51 alcoholic beverages, (g) grant any donation, \* \* \*(h) without  
52 prior legislative approval, regulate, directly or indirectly, the  
53 amount of rent charged for leasing private residential property in  
54 which the municipality does not have a property interest, or  
55 without prior legislative approval, regulate, directly or  
56 indirectly, the exercise of free speech in the immediate vicinity  
57 of any medical facility, hospital, clinic or other health care  
58 facility.

59 (3) Nothing in this or any other section shall be construed  
60 so as to prevent any municipal governing authority from paying any  
61 municipal employee not to exceed double his ordinary rate of pay  
62 or awarding any municipal employee not to exceed double his  
63 ordinary rate of compensatory time for work performed in his  
64 capacity as a municipal employee on legal holidays. The governing  
65 authority of any municipality shall enact leave policies to ensure  
66 that a public safety employee is paid or granted compensatory time  
67 for the same number of holidays for which any other municipal  
68 employee is paid.



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

78           (5) The governing authority of any municipality may lease  
79 the naming rights to municipal property to a private commercial  
80 entity.

81           **SECTION 2.** This act shall take effect and be in force from  
82 and after July 1, 2020.

