

By: Representatives Boyd, Arnold, Bain,
Criswell, Ford (54th), Hale, Hopkins, Ladner,
Scoggin, Shanks, Wallace, Eubanks

To: Judiciary A

HOUSE BILL NO. 628

1 AN ACT TO AMEND SECTION 21-17-5, MISSISSIPPI CODE OF 1972, TO
2 CLARIFY THE HOME RULE AUTHORITY OF MUNICIPALITIES BY RESTRICTING
3 GOVERNING AUTHORITIES OF MUNICIPALITIES FROM REGULATING MEDICAL OR
4 HEALTH CARE FACILITIES OR RESTRICTING THE EXERCISE OF FUNDAMENTAL
5 RIGHTS IN THE IMMEDIATE VICINITY OF THE FACILITIES; AND FOR
6 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 One Hundred Thousand Dollars (\$100,000.00). For all
35 municipalities with a population more than two thousand (2,000)
36 according to the latest federal decennial census, the amount of
37 the bond shall not be less than Fifty Thousand Dollars
38 (\$50,000.00). Any taxpayer of the municipality may sue on such
39 bond for the use of the municipality, and such taxpayer shall be
40 liable for all costs in case his suit shall fail. No member of
41 the city council or board of aldermen shall be surety for any
42 other such member.

43 (2) Unless such actions are specifically authorized by
44 another statute or law of the State of Mississippi, this section
45 shall not authorize the governing authorities of municipalities to



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

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



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

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

83 **SECTION 2.** This act shall take effect and be in force from
84 and after its passage.

