

By: Representative Powell

To: Accountability,
Efficiency, Transparency

HOUSE BILL NO. 241

1 AN ACT TO PROHIBIT ANY MUNICIPALITY, COUNTY OR ANY OTHER
2 POLITICAL SUBDIVISION FROM ADOPTING AN ORDINANCE, RESOLUTION, RULE
3 OR REGULATION THAT IMPOSES A CIVIL PENALTY OR FINE ON A BUSINESS
4 ENGAGED IN THE SECURITY BUSINESS IF SUCH BUSINESS RECEIVES A FALSE
5 SECURITY ALARM UNDER CERTAIN CIRCUMSTANCES; TO AMEND SECTIONS
6 19-3-40 AND 21-17-5, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE
7 PRECEDING SECTION; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** The governing authorities of a municipality, the
10 board of supervisors of a county, or any other political
11 subdivision within this state shall not adopt an ordinance or
12 resolution or promulgate a rule or regulation authorizing the
13 imposition of civil penalties or fines on a partnership,
14 corporation, alarm contracting company, as defined under Section
15 73-69-5, or other business entity engaged in the security business
16 for a false alarm that is not caused by improper installation of
17 an alarm, the provision of defective equipment or an operational
18 error attributable to the business entity.

19 As used under this section the term "false alarm" means a
20 security alarm signal eliciting a response by law enforcement when



21 a situation requiring such a response does not exist, including,
22 but not limited to, the activation or transmission of any alarm
23 signal caused by human error, mechanical or electronic
24 malfunction, negligence of the alarm system user or user's agent
25 or employee, whether or not the exact cause of the alarm
26 activation is determined, or any other activation or transmission
27 of any alarm signal where no actual police emergency exists.

28 **SECTION 2.** Section 19-3-40, Mississippi Code of 1972, is
29 amended as follows:

30 19-3-40. (1) The board of supervisors of any county shall
31 have the power to adopt any orders, resolutions or ordinances with
32 respect to county affairs, property and finances, for which no
33 specific provision has been made by general law and which are not
34 inconsistent with the Mississippi Constitution, the Mississippi
35 Code of 1972, or any other statute or law of the State of
36 Mississippi; and any such board shall likewise have the power to
37 alter, modify and repeal such orders, resolutions or ordinances.
38 Except as otherwise provided in subsections (2) and (3) of this
39 section, the powers granted to boards of supervisors in this
40 section are complete without the existence of or reference to any
41 specific authority granted in any other statute or law of the
42 State of Mississippi.

43 Except as provided in subsection (2) of this section, such
44 orders, resolutions or ordinances shall apply countywide unless
45 the governing authorities of any municipality situated within a



46 county adopt any order, resolution or ordinance governing the same
47 general subject matter. In such case the municipal order,
48 resolution or ordinance shall govern within the corporate limits
49 of the municipality.

50 (2) In any county where U.S. Interstate 20 and U.S. Highway
51 49 intersect, having a population of greater than one hundred
52 forty-one thousand (141,000) but less than one hundred fifty-one
53 thousand (151,000) according to the 2010 federal decennial census,
54 the board of supervisors may adopt orders, resolutions and
55 ordinances under subsection (1) of this section for a clearly
56 defined geographic area. The order, resolution or ordinance shall
57 describe the affected geographic area by zoning district, section
58 lines or other discernable boundaries. The order, resolution or
59 ordinance also shall state specific findings to support its
60 purpose and need within the geographic area.

61 (3) This section shall not authorize the board of
62 supervisors of a county to (a) levy taxes other than those
63 authorized by statute or increase the levy of any authorized tax
64 beyond statutorily established limits, (b) issue bonds of any
65 kind, (c) change the requirements, practices or procedures for
66 county elections or establish any new elective office, (d) use any
67 public funds, equipment, supplies or materials for any private
68 purpose, (e) regulate common carrier railroads, (f) grant any
69 donation, * * * (g) without prior legislative approval, regulate,
70 directly or indirectly, the amount of rent charged for leasing



71 private residential property in which the county does not have a
72 property interest, or (h) authorize the imposition of civil
73 penalties or fines on a partnership, corporation, alarm
74 contracting company, as defined under Section 73-69-5, or other
75 business entity engaged in the security business for a false alarm
76 that is not caused by improper installation of an alarm, the
77 provision of defective equipment or an operational error
78 attributable to the business entity; unless such actions are
79 specifically authorized by another statute or law of the State of
80 Mississippi.

81 **SECTION 3.** Section 21-17-5, Mississippi Code of 1972, is
82 amended as follows:

83 21-17-5. (1) The governing authorities of every
84 municipality of this state shall have the care, management and
85 control of the municipal affairs and its property and finances.
86 In addition to those powers granted by specific provisions of
87 general law, the governing authorities of municipalities shall
88 have the power to adopt any orders, resolutions or ordinances with
89 respect to such municipal affairs, property and finances which are
90 not inconsistent with the Mississippi Constitution of 1890, the
91 Mississippi Code of 1972, or any other statute or law of the State
92 of Mississippi, and shall likewise have the power to alter, modify
93 and repeal such orders, resolutions or ordinances. Except as
94 otherwise provided in subsection (2) of this section, the powers
95 granted to governing authorities of municipalities in this section



96 are complete without the existence of or reference to any specific
97 authority granted in any other statute or law of the State of
98 Mississippi. Unless otherwise provided by law, before entering
99 upon the duties of their respective offices, the aldermen or
100 councilmen of every municipality of this state shall give bond,
101 with sufficient surety, to be payable, conditioned and approved as
102 provided by law, in a penalty equal to five percent (5%) of the
103 sum of all the municipal taxes shown by the assessment rolls and
104 the levies to have been collectible in the municipality for the
105 year immediately preceding the commencement of the term of office
106 of said alderman or councilman; however, such bond shall not
107 exceed One Hundred Thousand Dollars (\$100,000.00). For all
108 municipalities with a population more than two thousand (2,000)
109 according to the latest federal decennial census, the amount of
110 the bond shall not be less than Fifty Thousand Dollars
111 (\$50,000.00). Any taxpayer of the municipality may sue on such
112 bond for the use of the municipality, and such taxpayer shall be
113 liable for all costs in case his suit shall fail. No member of
114 the city council or board of aldermen shall be surety for any
115 other such member.

116 (2) Unless such actions are specifically authorized by
117 another statute or law of the State of Mississippi, this section
118 shall not authorize the governing authorities of municipalities to
119 (a) levy taxes of any kind or increase the levy of any authorized
120 tax, (b) issue bonds of any kind, (c) change the requirements,



121 practices or procedures for municipal elections or establish any
122 new elective office, (d) change the procedure for annexation of
123 additional territory into the municipal boundaries, (e) change the
124 structure or form of the municipal government, (f) permit the
125 sale, manufacture, distribution, possession or transportation of
126 alcoholic beverages, (g) grant any donation, * * * (h) without
127 prior legislative approval, regulate, directly or indirectly, the
128 amount of rent charged for leasing private residential property in
129 which the municipality does not have a property interest or (i)
130 authorize the imposition of civil penalties or fines on a
131 partnership, corporation, alarm contracting company, as defined
132 under Section 73-69-5, or other business entity engaged in the
133 security business for a false alarm that is not caused by improper
134 installation of an alarm, the provision of defective equipment or
135 an operational error attributable to the business entity.

136 (3) Nothing in this or any other section shall be construed
137 so as to prevent any municipal governing authority from paying any
138 municipal employee not to exceed double his ordinary rate of pay
139 or awarding any municipal employee not to exceed double his
140 ordinary rate of compensatory time for work performed in his
141 capacity as a municipal employee on legal holidays. The governing
142 authority of any municipality shall enact leave policies to ensure
143 that a public safety employee is paid or granted compensatory time
144 for the same number of holidays for which any other municipal
145 employee is paid.



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

155 (5) The governing authority of any municipality may lease
156 the naming rights to municipal property to a private commercial
157 entity.

158 **SECTION 4.** This act shall take effect and be in force from
159 and after its passage.

