

By: Representative Robinson (84th)

To: Fees and Salaries of  
Public Officers;  
Appropriations

HOUSE BILL NO. 1074

1 AN ACT TO AMEND SECTIONS 19-3-63 AND 21-17-5, MISSISSIPPI  
2 CODE OF 1972, TO AUTHORIZE COUNTY BOARDS OF SUPERVISORS AND  
3 MUNICIPAL GOVERNING AUTHORITIES TO PAY ADDITIONAL COMPENSATION OR  
4 COMPENSATORY TIME FOR WORK ON A HOLIDAY IF THE EMPLOYEE'S NORMAL  
5 DAY OFF IS A HOLIDAY; TO AMEND SECTION 25-3-92, MISSISSIPPI CODE  
6 OF 1972, TO AUTHORIZE STATE EMPLOYEES TO RECEIVE COMPENSATORY TIME  
7 FOR WORK ON A HOLIDAY IF THE EMPLOYEE'S NORMAL DAY OFF IS A  
8 HOLIDAY; AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** Section 19-3-63, Mississippi Code of 1972, is  
11 amended as follows:

12 19-3-63. (1) The board of supervisors of each county by  
13 resolution adopted and placed on its minutes may establish a  
14 policy of sick leave and vacation time for employees of the county  
15 not inconsistent with the state laws regarding office hours and  
16 holidays.

17 (2) Notwithstanding the provisions of subsection (1) of this  
18 section, each elected official of the county, other than a member  
19 of the board of supervisors, who is authorized by law to employ,  
20 may, by written policy filed with the clerk of the board of  
21 supervisors, establish a policy of sick leave and vacation time  
22 for his employees which may be inconsistent with the policy  
23 established by the board of supervisors but which shall not be  
24 inconsistent with the state laws regarding office hours and  
25 holidays. If such elected official fails to adopt and file such a  
26 policy with the clerk of the board of supervisors, the policy  
27 adopted by the board of supervisors for sick leave and vacation  
28 time for county employees shall apply to employees of such elected  
29 official.



30       (3) Nothing in this or any other section shall be construed  
31 to prevent the board of supervisors from adopting a resolution  
32 which pays additional compensation or compensatory time for work  
33 on a holiday if the employee's normal day off is a holiday.

34       **SECTION 2.** Section 21-17-5, Mississippi Code of 1972, is  
35 amended as follows:

36       21-17-5. (1) The governing authorities of every  
37 municipality of this state shall have the care, management and  
38 control of the municipal affairs and its property and finances.  
39 In addition to those powers granted by specific provisions of  
40 general law, the governing authorities of municipalities shall  
41 have the power to adopt any orders, resolutions or ordinances with  
42 respect to such municipal affairs, property and finances which are  
43 not inconsistent with the Mississippi Constitution of 1890, the  
44 Mississippi Code of 1972, or any other statute or law of the State  
45 of Mississippi, and shall likewise have the power to alter, modify  
46 and repeal such orders, resolutions or ordinances. Except as  
47 otherwise provided in subsection (2) of this section, the powers  
48 granted to governing authorities of municipalities in this section  
49 are complete without the existence of or reference to any specific  
50 authority granted in any other statute or law of the State of  
51 Mississippi. Unless otherwise provided by law, before entering  
52 upon the duties of their respective offices, the aldermen or  
53 councilmen of every municipality of this state shall give bond,  
54 with sufficient surety, to be payable, conditioned and approved as  
55 provided by law, in a penalty equal to five percent (5%) of the  
56 sum of all the municipal taxes shown by the assessment rolls and  
57 the levies to have been collectible in the municipality for the  
58 year immediately preceding the commencement of the term of office  
59 of said alderman or councilman; however, such bond shall not  
60 exceed the amount of One Hundred Thousand Dollars (\$100,000.00).  
61 Any taxpayer of the municipality may sue on such bond for the use  
62 of the municipality, and such taxpayer shall be liable for all



63 costs in case his suit shall fail. No member of the city council  
64 or board of aldermen shall be surety for any other such member.

65 (2) Unless such actions are specifically authorized by  
66 another statute or law of the State of Mississippi, this section  
67 shall not authorize the governing authorities of a municipality to  
68 (a) levy taxes of any kind or increase the levy of any authorized  
69 tax, (b) issue bonds of any kind, (c) change the requirements,  
70 practices or procedures for municipal elections or establish any  
71 new elective office, (d) change the procedure for annexation of  
72 additional territory into the municipal boundaries, (e) change the  
73 structure or form of the municipal government, (f) permit the  
74 sale, manufacture, distribution, possession or transportation of  
75 alcoholic beverages, (g) grant any donation, or (h) without prior  
76 legislative approval, regulate, directly or indirectly, the amount  
77 of rent charged for leasing private residential property in which  
78 the municipality does not have a property interest.

79 (3) Nothing in this or any other section shall be construed  
80 so as to prevent any municipal governing authority from paying any  
81 municipal employee not to exceed double his ordinary rate of pay  
82 or awarding any municipal employee not to exceed double his  
83 ordinary rate of compensatory time for work performed in his  
84 capacity as a municipal employee on legal holidays.

85 (4) Nothing in this or any other section shall be construed  
86 to prevent any municipal governing authority from paying any  
87 municipal employee additional compensation or compensatory time  
88 for work on a holiday if the employee's normal day off is a  
89 holiday.

90 (5) The governing authorities of any municipality, in their  
91 discretion, may expend funds to provide for training and education  
92 of newly elected or appointed municipal officials before the  
93 beginning of the term of office or employment of such officials.  
94 Any expenses incurred for such purposes may be allowed only upon  
95 prior approval of the governing authorities. Any payments or



96 reimbursements made under the provisions of this subsection may be  
97 paid only after presentation to and approval by the governing  
98 authorities of the municipality.

99       **SECTION 3.** Section 25-3-92, Mississippi Code of 1972, is  
100 amended as follows:

101       25-3-92. (1) When, in the opinion of the appointing  
102 authority, it is essential that a state employee work after normal  
103 working hours, the employee may receive credit for compensatory  
104 leave. Except as otherwise provided in Section 37-13-89, when, in  
105 the opinion of the appointing authority, it is essential that a  
106 state employee work during an official state holiday, the employee  
107 shall receive credit for compensatory leave. Nothing in this or  
108 any other section shall be construed to prevent any appointing  
109 authority from granting additional compensatory time for work on a  
110 holiday if the employee's normal day off is a holiday.

111       (2) State employees may be granted administrative leave with  
112 pay. For the purposes of this section, "administrative leave"  
113 means discretionary leave with pay, other than personal leave or  
114 major medical leave.

115       (a) The appointing authority may grant administrative  
116 leave to any employee serving as a witness or juror or party  
117 litigant, as verified by the clerk of the court, in addition to  
118 any fees paid for such services, and such services or necessary  
119 appearance in any court shall not be counted as personal leave.

120       (b) The Governor or the appointing authority may grant  
121 administrative leave with pay to state employees on a local or  
122 statewide basis in the event of extreme weather conditions or in  
123 the event of a manmade, technological or natural disaster or  
124 emergency.

125       (c) The appointing authority may grant administrative  
126 leave with pay to any employee who is a certified disaster service  
127 volunteer of the American Red Cross who participates in  
128 specialized disaster relief services for the American Red Cross in



129 this state and in states contiguous to this state when the  
130 American Red Cross requests the employee's participation.  
131 Administrative leave granted under this paragraph shall not exceed  
132 twenty (20) days in any twelve-month period. An employee on leave  
133 under this paragraph shall not be deemed to be an employee of the  
134 state for purposes of workers' compensation or for purposes of  
135 claims against the state allowed under Chapter 46, Title 11,  
136 Mississippi Code of 1972. As used in this paragraph, the term  
137 "disaster" includes disasters designated at level II and above in  
138 American Red Cross national regulations and procedures.

139       **SECTION 4.** This act shall take effect and be in force from  
140 and after July 1, 2003.

