

By: Representative Robinson (84th)

To: Fees and Salaries of  
Public Officers

HOUSE BILL NO. 396

1 AN ACT TO AMEND SECTIONS 19-3-63 AND 21-17-5, MISSISSIPPI  
2 CODE OF 1972, TO CLARIFY THAT COUNTY BOARDS OF SUPERVISORS AND  
3 MUNICIPAL GOVERNING AUTHORITIES MAY 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 of any county from adopting a  
32 resolution which allows any county employee to be paid additional  
33 compensation or compensatory time for work on a holiday if the  
34 employee's normal day off is a holiday.

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

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



63 of the municipality, and such taxpayer shall be liable for all  
64 costs in case his suit shall fail. No member of the city council  
65 or board of aldermen shall be surety for any other such member.

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

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

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

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



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

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

102 25-3-92. (1) When, in the opinion of the appointing  
103 authority, it is essential that a state employee work after normal  
104 working hours, the employee may receive credit for compensatory  
105 leave. Except as otherwise provided in Section 37-13-89, when, in  
106 the opinion of the appointing authority, it is essential that a  
107 state employee work during an official state holiday, the employee  
108 shall receive credit for compensatory leave. In addition, an  
109 appointing authority may grant compensatory time to a state  
110 employee for work on a holiday if the employee's normal day off is  
111 a holiday.

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

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

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

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



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

140       **SECTION 4.** This act shall take effect and be in force from  
141 and after July 1, 2004.

