

By: Senator(s) Tollison

To: Fees, Salaries and
Administration

SENATE BILL NO. 2917

1 AN ACT TO BRING FORWARD SECTIONS 3-3-7 AND 21-17-5,
2 MISSISSIPPI CODE OF 1972, FOR PURPOSES OF AMENDMENT TO CLARIFY
3 HOLIDAY PAY FOR PUBLIC EMPLOYEES WHO WORK 24-HOUR OR LONGER
4 SHIFTS; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 3-3-7, Mississippi Code of 1972, is
7 brought forward as follows:

8 3-3-7. (1) Except as otherwise provided in subsection (2)
9 of this section, the following are declared to be legal holidays,
10 viz: the first day of January (New Year's Day); the third Monday
11 of January (Robert E. Lee's birthday and Dr. Martin Luther King,
12 Jr.'s birthday); the third Monday of February (Washington's
13 birthday); the last Monday of April (Confederate Memorial Day);
14 the last Monday of May (National Memorial Day and Jefferson Davis'
15 birthday); the fourth day of July (Independence Day); the first
16 Monday of September (Labor Day); the eleventh day of November
17 (Armistice or Veterans' Day); the day fixed by proclamation by the
18 Governor of Mississippi as a day of Thanksgiving, which shall be
19 fixed to correspond to the date proclaimed by the President of the
20 United States (Thanksgiving Day); and the twenty-fifth day of
21 December (Christmas Day). In the event any holiday hereinbefore
22 declared legal shall fall on Sunday, then the next following day
23 shall be a legal holiday.

24 (2) In lieu of any one (1) legal holiday provided for in
25 subsection (1) of this section, with the exception of the third
26 Monday in January (Robert E. Lee's and Martin Luther King, Jr.'s
27 birthday), the governing authorities of any municipality or county

28 may declare, by order spread upon its minutes, Mardi Gras Day or
29 any one (1) other day during the year, to be a legal holiday.

30 (3) August 16 is declared to be Elvis Aaron Presley Day in
31 recognition and appreciation of Elvis Aaron Presley's many
32 contributions, international recognition and the rich legacy left
33 to us by Elvis Aaron Presley. This day shall be a day of
34 recognition and observation and shall not be recognized as a legal
35 holiday.

36 (4) May 8 is declared to be Hernando De Soto Day in
37 recognition, observation and commemoration of Hernando De Soto,
38 who led the first and most imposing expedition ever made by
39 Europeans into the wilds of North America and the State of
40 Mississippi, and in further recognition of the Spanish explorer's
41 187-day journey from the Tombigbee River basin on our state's
42 eastern boundary, westward to the place of discovery of the
43 Mississippi River on May 8, 1541. This day shall be a day of
44 commemoration, recognition and observation of Hernando De Soto and
45 European exploration and shall not be recognized as a legal
46 holiday.

47 (5) Insofar as possible, Armistice Day shall be observed by
48 appropriate exercises in all the public schools in the State of
49 Mississippi at the eleventh hour in the morning of the eleventh
50 day of the eleventh month of the year.

51 **SECTION 2.** Section 21-17-5, Mississippi Code of 1972, is
52 brought forward as follows:

53 21-17-5. (1) The governing authorities of every
54 municipality of this state shall have the care, management and
55 control of the municipal affairs and its property and finances.
56 In addition to those powers granted by specific provisions of
57 general law, the governing authorities of municipalities shall
58 have the power to adopt any orders, resolutions or ordinances with
59 respect to such municipal affairs, property and finances which are
60 not inconsistent with the Mississippi Constitution of 1890, the

Mississippi Code of 1972, or any other statute or law of the State of Mississippi, and shall likewise have the power to alter, modify and repeal such orders, resolutions or ordinances. Except as otherwise provided in subsection (2) of this section, the powers granted to governing authorities of municipalities in this section are complete without the existence of or reference to any specific authority granted in any other statute or law of the State of Mississippi. Unless otherwise provided by law, before entering upon the duties of their respective offices, the aldermen or councilmen of every municipality of this state shall give bond, with sufficient surety, to be payable, conditioned and approved as provided by law, in a penalty equal to five percent (5%) of the sum of all the municipal taxes shown by the assessment rolls and the levies to have been collectible in the municipality for the year immediately preceding the commencement of the term of office of said alderman or councilman; however, such bond shall not exceed the amount of One Hundred Thousand Dollars (\$100,000.00). Any taxpayer of the municipality may sue on such bond for the use of the municipality, and such taxpayer shall be liable for all costs in case his suit shall fail. No member of the city council or board of aldermen shall be surety for any other such member.

(2) Unless such actions are specifically authorized by another statute or law of the State of Mississippi, this section shall not authorize the governing authorities of a municipality to (a) levy taxes of any kind or increase the levy of any authorized tax, (b) issue bonds of any kind, (c) change the requirements, practices or procedures for municipal elections or establish any new elective office, (d) change the procedure for annexation of additional territory into the municipal boundaries, (e) change the structure or form of the municipal government, (f) permit the sale, manufacture, distribution, possession or transportation of alcoholic beverages, (g) grant any donation, or (h) without prior legislative approval, regulate, directly or indirectly, the amount

94 of rent charged for leasing private residential property in which
95 the municipality does not have a property interest.

96 (3) Nothing in this or any other section shall be construed
97 so as to prevent any municipal governing authority from paying any
98 municipal employee not to exceed double his ordinary rate of pay
99 or awarding any municipal employee not to exceed double his
100 ordinary rate of compensatory time for work performed in his
101 capacity as a municipal employee on legal holidays.

102 (4) The governing authorities of any municipality, in their
103 discretion, may expend funds to provide for training and education
104 of newly elected or appointed municipal officials before the
105 beginning of the term of office or employment of such officials.
106 Any expenses incurred for such purposes may be allowed only upon
107 prior approval of the governing authorities. Any payments or
108 reimbursements made under the provisions of this subsection may be
109 paid only after presentation to and approval by the governing
110 authorities of the municipality.

111 **SECTION 3.** This act shall take effect and be in force from
112 and after July 1, 2006.