

By: Representatives Robinson (84th), Clark,  
Scott

To: Fees and Salaries of  
Public Officers

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 781

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; AND FOR RELATED PURPOSES.

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

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

9 19-3-63. (1) The board of supervisors of each county by  
10 resolution adopted and placed on its minutes may establish a  
11 policy of sick leave and vacation time for employees of the county  
12 not inconsistent with the state laws regarding office hours and  
13 holidays.

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

27 (3) Nothing in this or any other section shall be construed  
28 to prevent the board of supervisors of any county from adopting a

29 resolution which allows any county employee to be paid additional  
30 compensation or compensatory time for work on a holiday if the  
31 employee's normal day off is a holiday.

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

34 21-17-5. (1) The governing authorities of every  
35 municipality of this state shall have the care, management and  
36 control of the municipal affairs and its property and finances.  
37 In addition to those powers granted by specific provisions of  
38 general law, the governing authorities of municipalities shall  
39 have the power to adopt any orders, resolutions or ordinances with  
40 respect to such municipal affairs, property and finances which are  
41 not inconsistent with the Mississippi Constitution of 1890, the  
42 Mississippi Code of 1972, or any other statute or law of the State  
43 of Mississippi, and shall likewise have the power to alter, modify  
44 and repeal such orders, resolutions or ordinances. Except as  
45 otherwise provided in subsection (2) of this section, the powers  
46 granted to governing authorities of municipalities in this section  
47 are complete without the existence of or reference to any specific  
48 authority granted in any other statute or law of the State of  
49 Mississippi. Unless otherwise provided by law, before entering  
50 upon the duties of their respective offices, the aldermen or  
51 councilmen of every municipality of this state shall give bond,  
52 with sufficient surety, to be payable, conditioned and approved as  
53 provided by law, in a penalty equal to five percent (5%) of the  
54 sum of all the municipal taxes shown by the assessment rolls and  
55 the levies to have been collectible in the municipality for the  
56 year immediately preceding the commencement of the term of office  
57 of said alderman or councilman; however, such bond shall not  
58 exceed the amount of One Hundred Thousand Dollars (\$100,000.00).  
59 Any taxpayer of the municipality may sue on such bond for the use  
60 of the municipality, and such taxpayer shall be liable for all

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

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

77 (3) Nothing in this or any other section shall be construed  
78 so as to prevent any municipal governing authority from paying any  
79 municipal employee not to exceed double his ordinary rate of pay  
80 or awarding any municipal employee not to exceed double his  
81 ordinary rate of compensatory time for work performed in his  
82 capacity as a municipal employee on legal holidays. The governing  
83 authority of any municipality, in its discretion, may enact leave  
84 policies to ensure that public safety employees receive the same  
85 holiday benefits as other municipal employees when the public  
86 safety employee's regular day off occurs on a legal holiday.

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

92 (5) The governing authority of any municipality, in its  
93 discretion, may expend funds to provide for training and education

94 of newly elected or appointed municipal officials before the  
95 beginning of the term of office or employment of such officials.  
96 Any expenses incurred for such purposes may be allowed only upon  
97 prior approval of the governing authority. Any payments or  
98 reimbursements made under the provisions of this subsection may be  
99 paid only after presentation to and approval by the governing  
100 authority of the municipality.

101       **SECTION 3.** This act shall take effect and be in force from  
102 and after July 1, 2007.