

By: Representative Robinson (84th)

To: Fees and Salaries of
Public Officers

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; 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 municipalities 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. The governing
86 authority of any municipality, in its discretion, may enact leave
87 policies to ensure that public safety employees receive the same
88 holiday benefits as other municipal employees when the public
89 safety employee's regular day off occurs on a legal holiday.

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

95 (5) The governing authority of any municipality, in its
96 discretion, may expend funds to provide for training and education
97 of newly elected or appointed municipal officials before the
98 beginning of the term of office or employment of such officials.
99 Any expenses incurred for such purposes may be allowed only upon
100 prior approval of the governing authority. Any payments or
101 reimbursements made under the provisions of this subsection may be
102 paid only after presentation to and approval by the governing
103 authority of the municipality.

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

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

116 (2) State employees may be granted administrative leave with
117 pay. For the purposes of this section, "administrative leave"
118 means discretionary leave with pay, other than personal leave or
119 major medical leave.

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

125 (b) The Governor or the appointing authority may grant
126 administrative leave with pay to state employees on a local or
127 statewide basis in the event of extreme weather conditions or in

128 the event of a man-made, technological or natural disaster or
129 emergency.

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

144 **SECTION 4.** This act shall take effect and be in force from
145 and after July 1, 2007.