

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

To: Fees and Salaries of  
Public Officers

HOUSE BILL NO. 781  
(As Sent to Governor)

1 AN ACT TO AMEND SECTIONS 19-3-63 AND 21-17-5, MISSISSIPPI  
2 CODE OF 1972, TO PROVIDE THAT COUNTY BOARDS OF SUPERVISORS AND  
3 MUNICIPAL GOVERNING AUTHORITIES SHALL ENACT LEAVE POLICIES TO  
4 ENSURE THAT A PUBLIC SAFETY EMPLOYEE IS PAID OR GRANTED  
5 COMPENSATORY TIME FOR THE SAME NUMBER OF HOLIDAYS FOR WHICH ANY  
6 OTHER COUNTY EMPLOYEE IS PAID; AND FOR RELATED PURPOSES.

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

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

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

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

28 (3) The board of supervisors of any county and each elected  
29 official of the county who is authorized by law to employ shall

30 enact leave policies to ensure that a public safety employee is  
31 paid or granted compensatory time for the same number of holidays  
32 for which any other county employee is paid.

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

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

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

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

78 (3) Nothing in this or any other section shall be construed  
79 so as to prevent any municipal governing authority from paying any  
80 municipal employee not to exceed double his ordinary rate of pay  
81 or awarding any municipal employee not to exceed double his  
82 ordinary rate of compensatory time for work performed in his  
83 capacity as a municipal employee on legal holidays. The governing  
84 authority of any municipality \* \* \* shall enact leave policies to  
85 ensure that a public safety employee is paid or granted  
86 compensatory time for the same number of holidays for which any  
87 other municipal employee is paid.

88 (4) The governing authority of any municipality, in its  
89 discretion, may expend funds to provide for training and education  
90 of newly elected or appointed municipal officials before the  
91 beginning of the term of office or employment of such officials.  
92 Any expenses incurred for such purposes may be allowed only upon  
93 prior approval of the governing authority. Any payments or  
94 reimbursements made under the provisions of this subsection may be

95 paid only after presentation to and approval by the governing  
96 authority of the municipality.

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