

Senate Amendments to House Bill No. 781

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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 for the same number of holidays for which any other county
32 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 for the same number
86 of holidays for which any other municipal employee is paid.

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

96 **SECTION 3.** This act shall take effect and be in force from
97 and after July 1, 2007, and shall repeal on June 30, 2007.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

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 FOR THE SAME NUMBER

5 OF HOLIDAYS FOR WHICH ANY OTHER COUNTY EMPLOYEE IS PAID; AND FOR
6 RELATED PURPOSES.

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John O. Gilbert
Secretary of the Senate