

Miss. Code Ann. § 3-3-7

Current through the 2019 Regular Session.

Mississippi Code 1972 Annotated > Title 3. State sovereignty, jurisdiction and holidays (Chs. 1 — 7) > Chapter 3. State Boundaries, Holidays, and State Emblems (§§ 3-3-1 — 3-3-61)

§ 3-3-7. Legal holidays.

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

(2) In lieu of any one (1) legal holiday provided for in subsection (1) of this section, with the exception of the third Monday in January (Robert E. Lee's and Martin Luther King, Jr.'s birthday) and the eleventh day of November (Armistice or Veterans Day), the governing authorities of any municipality or county may declare, by order spread upon its minutes, Mardi Gras Day or any one (1) other day during the year, to be a legal holiday.

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

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

(5) Armistice Day (Veterans Day) shall be observed by appropriate exercises in all the public schools in the State of Mississippi. The superintendent of schools of each public school district is authorized to provide for the appearance of uniformed military personnel, uniformed veterans or the families of fallen military personnel/veterans at such public school exercises in honor of Armistice (Veterans) Day. The superintendent of schools is also authorized to permit the school band and its director(s) at any public school in the district to perform at Armistice (Veterans) Day exercises in the school district upon the request of public officials or veterans associations without loss of any program credit by participating students and without loss of leave by participating school personnel.

History

Codes, 1880, § 1132; 1892, § 3514; 1906, § 4011; Hemingway's 1917, § 2045; 1930, § 5024; 1942, § 5946; Laws, 1924, ch. 343; Laws, 1940, ch. 138; Laws, 1948, ch. 365; Laws, 1966, ch. 563, § 1; Laws, 1970, ch. 460, § 1; Laws, 1987, ch. 301; Laws, 1987, ch. 398; Laws, 1988, ch. 566; Laws, 1993, ch. 301, § 1; Laws, 1997, ch. 339, § 1; Laws, 2011, ch. 491, § 1, eff from and after July 1, 2011.

Annotations

RESEARCH REFERENCES

ALR.

Am. Jur.

Amendment Notes —

The 2011 amendment inserted “and the eleventh day of November (Armistice or Veterans Day),” preceding “the governing authorities of any municipality or county may declare, by order spread upon its minutes” in (2); and rewrote (5).

Cross References —

Designation of the first week in May as Hernando de Soto Week, see § [3-3-8](#).

Legal holidays being excepted from days state offices are to be open and staffed, see § [25-1-98](#).

Office hours of court house officers, see § [25-1-99](#).

Regulation of banking hours, see § [81-5-97](#).

JUDICIAL DECISIONS

1. In general.

Minutes of a board of supervisors meeting are legally signed on the day following that fixed by law, where such day is a holiday. [Gordon v. Monroe County, 244 Miss. 849, 147 So. 2d 126, 1962 Miss. LEXIS 515 \(Miss. 1962\)](#).

City ordinance adopted on a legal holiday is not void. [Griffith v. Mayor & Board of Aldermen, 102 Miss. 1, 58 So. 781, 1912 Miss. LEXIS 33 \(Miss. 1912\)](#).

OPINIONS OF THE ATTORNEY GENERAL

Municipalities are not required to observe all state holidays set forth in statute. Ellis, May 28, 1991, A.G. Op. #91-0330.

Only holidays recognized by state and its political subdivisions are enumerated in [Miss. Code Section 3-3-7](#); there is no authority currently available to utility district that empowers district's governing board to amend what legislature has provided as holidays. Backstrom, Feb. 5, 1993, A.G. Op. #93-0033.

It is the intent of this section that there be ten legal holidays per year, and a municipality does not have the authority to create eleven legal holidays in exercising its power under subsection (2). Bowman, July 18, 2003, A.G. Op. 03-0348.

A city may not designate individual employee birthdays as legal holidays. Alternatively, the municipality could adopt a “birthday leave” policy which may or may not accumulate, depending on the provisions of the policy adopted. Brown, Nov. 11, 2004, A.G. Op. 04-0568.

Municipal governing authorities may not enlarge upon the number of legal holidays set forth in [Section 3-3-7](#). Brooks, Feb. 3, 2006, A.G. Op. 06-0029.

RESEARCH REFERENCES**ALR.**

Validity of court's judgment rendered on Sunday or holiday. 85 A.L.R.2d 595.

Am. Jur.

73 Am. Jur. 2d, Sundays and Holidays §§ 3 et seq.

CJS.

83 C.J.S., Sunday §§ 1 et seq.

Lawyers' Edition.

Establishment and free exercise of religion clauses of [Federal Constitution's First Amendment](#) as applied to governmental regulations or activities allegedly supporting public observance of Sabbath or of religious holiday. [106 L. Ed. 2d 752](#).

Law Reviews.

Symposium on Mississippi Rules of Civil Procedure: Time, Evidence, Subpoenas, and Masters, Referees, and Commissioners – Rules 6, 43, 45 and 53. 52 Miss. L. J. 145, March 1982.

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