HOUSE BILL NO. 1434

AN ACT TO CREATE NEW SECTION 21-3-27, MISSISSIPPI CODE OF 1972, AND TO AMEND SECTIONS 21-5-15, 21-7-7, 21-8-21 AND 21-9-61, MISSISSIPPI CODE OF 1972, TO ESTABLISH A CEILING EQUAL TO THE GOVERNOR'S SALARY FOR THE SALARIES OF ELECTED MUNICIPAL OFFICIALS; TO CREATE NEW SECTION 25-3-30, MISSISSIPPI CODE OF 1972, TO ESTABLISH A CEILING EQUAL TO THE GOVERNOR'S SALARY FOR THE SALARIES OF ELECTED COUNTY OFFICIALS; AND FOR RELATED PURPOSES.

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

SECTION 1. The following shall be codified as Section 21-3-27, Mississippi Code of 1972:

21-3-27. An elective officer of a municipality operating under a code charter who is elected to office after the effective date of House Bill No. 1434, 2001 Regular Session, may not be paid a salary or compensation, directly or indirectly, in excess of the salary fixed in Section 25-3-31 for the Governor for his services as an elected municipal officer.

SECTION 2. Section 21-5-15, Mississippi Code of 1972, is amended as follows:

21-5-15. (1) Subject to the provisions of subsection (3) of this section, at the first regular meeting of the council that is first elected, or as soon thereafter as practicable, the council shall, by ordinance, fix the salary of the mayor and each of the councilmen (or commissioners), which ordinance shall not become operative until the same shall have been approved by a majority of the qualified electors voting at an election to be held for that purpose, as provided by this section. The ordinance shall be published in a newspaper published in the city, and having a general circulation therein, for at least ten (10) days before
such election, and notice of the date of such election shall be
given by the council for ten (10) days by publication in a
newspaper published in such city, and having general circulation
therein. In case such ordinance shall be rejected by the electors
at such election, then a new ordinance, or ordinances, may be
passed by the council and submitted to the electors in like
manner, until the same shall have been ratified by the electors.
When an ordinance so fixing the salaries shall have been finally
adopted and approved, the salaries so fixed shall remain in effect
until altered or changed in the manner * * * provided in
subsection (2) of this section.

(2) To reduce the salary so fixed, it shall be sufficient
that the council adopt an ordinance to that effect, which
ordinance shall become effective upon adoption without the
necessity of publication or of an election. To increase the
salary so fixed, an ordinance shall be duly adopted, by the
council, which ordinance shall be published for ten (10) days in a
newspaper published or having a general circulation in such city,
and the ordinance shall not become effective until it shall have
been approved by a majority of the qualified electors of such city
voting at an election to be held for that purpose after notice of
such election shall have been given by the council for ten (10)
days by publication in a newspaper published in such city or
having a general circulation therein, the last notice to appear
not more than one (1) week next prior to the date of the election.

(3) The mayor and councilmen (or commissioners) of a
municipality operating under the commission form of government who
are elected to their respective offices after the effective date
of House Bill No. , 2001 Regular Session, may not be paid a
salary or compensation, directly or indirectly, in excess of the
salary fixed in Section 25-3-31 for the Governor for their
services as elected municipal officers.
(4) Every officer or assistant, other than the mayor and councilmen, shall receive such salary or compensation as the council shall by ordinance provide. The salary or compensation of all other employees of such city shall be fixed by the council from time to time, as occasion may demand.

SECTION 3. Section 21-7-7, Mississippi Code of 1972, is amended as follows:

21-7-7. (1) The governing body of any such municipality shall be a council, known and designated as such, consisting of seven (7) members. One (1) of the members shall be the mayor, having the qualifications as prescribed by Section 21-3-9, who shall have full rights, powers and privileges of other councilmen. The mayor shall be nominated and elected at large; the remaining councilmen shall be nominated and elected one (1) from each ward into which the city shall be divided. However, if the city be divided into less than six (6) wards, the remaining councilmen shall be nominated and elected at large. The councilmen, including the mayor, shall be elected for a term of four (4) years to serve until their successors are elected and qualified in accordance with the provisions of Section 21-11-7, which term shall commence on the first Monday of January after the municipal election first following the adoption of the form of government as provided by this chapter.

(2) Subject to the provisions of subsection (3) of this section, the compensation for the members of the council shall, for the first four (4) years of operation, under this chapter, be fixed by the board of mayor and aldermen holding office prior to the change in form of government. Thereafter the amount of compensation for each such member may be increased or decreased by the council, by council action taken prior to the election of members thereof for the ensuing term, such action to become effective with the ensuing terms.
(3) The mayor and members of the council of a municipality operating under the council form of government who are elected to their respective offices after the effective date of House Bill No. 1434, 2001 Regular Session, may not be paid a salary or compensation, directly or indirectly, in excess of the salary fixed in Section 25-3-31 for the Governor for their services as elected municipal officers.

SECTION 4. Section 21-8-21, Mississippi Code of 1972, is amended as follows:

21-8-21. (1) The mayor and the members of the council shall be qualified electors of the municipality. The compensation for the mayor and the members of the council shall be set by the council; however, the mayor and members of the council who are elected to their respective municipal offices after the effective date of House Bill No. 1434, 2001 Regular Session, may not be paid a salary or compensation, directly or indirectly, in excess of the salary fixed in Section 25-3-31 for the Governor for their services as elected municipal officers. After the salaries of the first mayor and first council have been determined by the council of any municipality electing to come under the provision of this chapter, such salaries shall be effective immediately. Thereafter, any increases or decreases in the salary for the mayor or councilmen may be authorized by the council at any time prior to ninety (90) days before the next general election for the selection of municipal officers. Such increases or decreases shall not become effective until the next elected mayor and council takes office.

(2) The salary of the mayor, councilmen and all employees of such municipality shall be paid at such periods as may be fixed by the council, but not less frequently than once a month; however, no salaries or wages shall be paid to any officer or employee of such municipality until after the same shall have been earned.

Every officer or employee of the municipality shall receive such a
salary of compensation as the council shall by ordinance provide,
and the salary compensation of all employees of such municipality
shall be fixed by the council from time to time, as occasion may
demand.

(3) The city council shall have the power and authority to
provide for and pay to any member of the police department or fire
department of such municipality additional compensation for
services and duties performed by any such member over and above
the usual and regular number of days and hours per week or month
ordinarily worked by such member. Nothing herein contained shall
be construed to relieve any such member of the police department
or fire department from being subject to call for duty on a
twenty-four-hour basis whether or not additional compensation is
paid. Provided, however, that no policeman or fireman shall
perform any duties or other work during regular working hours for
any person or association, group or drive, or during hours for
which he is being paid for the performance of official duties as
policeman or fireman.

SECTION 5. Section 21-9-61, Mississippi Code of 1972, is
amended as follows:

21-9-61. The compensation of mayor and councilmen in cities
operating under the council-manager plan shall be fixed by
ordinance of the council; however, the mayor and councilmen who
are elected to their respective municipal offices after the
effective date of House Bill No. _____, 2001 Regular Session, may
not be paid compensation, directly or indirectly, in excess of the
salary fixed in Section 25-3-31 for the Governor for their
services as elected municipal officers.

SECTION 6. The following shall be codified as Section
25-3-30, Mississippi Code of 1972:

25-3-30. An elective official of a county whose salary is
established under this chapter and who is elected to office after
the effective date of House Bill No. _____, 2001 Regular Session,
may not be paid a salary or compensation, directly or indirectly, in excess of the salary fixed in Section 25-3-31 for the Governor for his services as an elected county official.

SECTION 7. The Attorney General of the State of Mississippi shall submit this act, immediately upon approval by the Governor, or upon approval by the Legislature subsequent to a veto, to the Attorney General of the United States or to the United States District Court for the District of Columbia in accordance with the provisions of the Voting Rights Act of 1965, as amended and extended.

SECTION 8. This act shall take effect and be in force from and after the date it is effectuated under Section 5 of the Voting Rights Act of 1965, as amended and extended.