

By: Representatives Banks (By Request),
Evans

To: Fees and Salaries of
Public Officers

HOUSE BILL NO. 1434

1 AN ACT TO CREATE NEW SECTION 21-3-27, MISSISSIPPI CODE OF
2 1972, AND TO AMEND SECTIONS 21-5-15, 21-7-7, 21-8-21 AND 21-9-61,
3 MISSISSIPPI CODE OF 1972, TO ESTABLISH A CEILING EQUAL TO THE
4 GOVERNOR'S SALARY FOR THE SALARIES OF ELECTED MUNICIPAL OFFICIALS;
5 TO CREATE NEW SECTION 25-3-30, MISSISSIPPI CODE OF 1972, TO
6 ESTABLISH A CEILING EQUAL TO THE GOVERNOR'S SALARY FOR THE
7 SALARIES OF ELECTED COUNTY OFFICIALS; AND FOR RELATED PURPOSES.

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

9 SECTION 1. The following shall be codified as Section
10 21-3-27, Mississippi Code of 1972:

11 21-3-27. An elective officer of a municipality operating
12 under a code charter who is elected to office after the effective
13 date of House Bill No. _____, 2001 Regular Session, may not be paid
14 a salary or compensation, directly or indirectly, in excess of the
15 salary fixed in Section 25-3-31 for the Governor for his services
16 as an elected municipal officer.

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

19 21-5-15. (1) Subject to the provisions of subsection (3) of
20 this section, at the first regular meeting of the council that is
21 first elected, or as soon thereafter as practicable, the council
22 shall, by ordinance, fix the salary of the mayor and each of the
23 councilmen (or commissioners), which ordinance shall not become
24 operative until the same shall have been approved by a majority of
25 the qualified electors voting at an election to be held for that
26 purpose, as provided by this section. The ordinance shall be
27 published in a newspaper published in the city, and having a
28 general circulation therein, for at least ten (10) days before

29 such election, and notice of the date of such election shall be
30 given by the council for ten (10) days by publication in a
31 newspaper published in such city, and having general circulation
32 therein. In case such ordinance shall be rejected by the electors
33 at such election, then a new ordinance, or ordinances, may be
34 passed by the council and submitted to the electors in like
35 manner, until the same shall have been ratified by the electors.
36 When an ordinance so fixing the salaries shall have been finally
37 adopted and approved, the salaries so fixed shall remain in effect
38 until altered or changed in the manner * * * provided in
39 subsection (2) of this section.

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

54 (3) The mayor and councilmen (or commissioners) of a
55 municipality operating under the commission form of government who
56 are elected to their respective offices after the effective date
57 of House Bill No. , 2001 Regular Session, may not be paid a
58 salary or compensation, directly or indirectly, in excess of the
59 salary fixed in Section 25-3-31 for the Governor for their
60 services as elected municipal officers.

61 (4) Every officer or assistant, other than the mayor and
62 councilmen, shall receive such salary or compensation as the
63 council shall by ordinance provide. The salary or compensation of
64 all other employees of such city shall be fixed by the council
65 from time to time, as occasion may demand.

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

68 21-7-7. (1) The governing body of any such municipality
69 shall be a council, known and designated as such, consisting of
70 seven (7) members. One (1) of the members shall be the mayor,
71 having the qualifications as prescribed by Section 21-3-9, who
72 shall have full rights, powers and privileges of other councilmen.
73 The mayor shall be nominated and elected at large; the remaining
74 councilmen shall be nominated and elected one (1) from each ward
75 into which the city shall be divided. However, if the city be
76 divided into less than six (6) wards, the remaining councilmen
77 shall be nominated and elected at large. The councilmen,
78 including the mayor, shall be elected for a term of four (4) years
79 to serve until their successors are elected and qualified in
80 accordance with the provisions of Section 21-11-7, which term
81 shall commence on the first Monday of January after the municipal
82 election first following the adoption of the form of government as
83 provided by this chapter.

84 (2) Subject to the provisions of subsection (3) of this
85 section, the compensation for the members of the council shall,
86 for the first four (4) years of operation, under this chapter, be
87 fixed by the board of mayor and aldermen holding office prior to
88 the change in form of government. Thereafter the amount of
89 compensation for each such member may be increased or decreased by
90 the council, by council action taken prior to the election of
91 members thereof for the ensuing term, such action to become
92 effective with the ensuing terms.

93 (3) The mayor and members of the council of a municipality
94 operating under the council form of government who are elected to
95 their respective offices after the effective date of House Bill
96 No. , 2001 Regular Session, may not be paid a salary or
97 compensation, directly or indirectly, in excess of the salary
98 fixed in Section 25-3-31 for the Governor for their services as
99 elected municipal officers.

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

102 21-8-21. (1) The mayor and the members of the council shall
103 be qualified electors of the municipality. The compensation for
104 the mayor and the members of the council shall be set by the
105 council; however, the mayor and members of the council who are
106 elected to their respective municipal offices after the effective
107 date of House Bill No. , 2001 Regular Session, may not be paid
108 a salary or compensation, directly or indirectly, in excess of the
109 salary fixed in Section 25-3-31 for the Governor for their
110 services as elected municipal officers. After the salaries of the
111 first mayor and first council have been determined by the council
112 of any municipality electing to come under the provision of this
113 chapter, such salaries shall be effective immediately.

114 Thereafter, any increases or decreases in the salary for the mayor
115 or councilmen may be authorized by the council at any time prior
116 to ninety (90) days before the next general election for the
117 selection of municipal officers. Such increases or decreases
118 shall not become effective until the next elected mayor and
119 council takes office.

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

125 Every officer or employee of the municipality shall receive such a

126 salary of compensation as the council shall by ordinance provide,
127 and the salary compensation of all employees of such municipality
128 shall be fixed by the council from time to time, as occasion may
129 demand.

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

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

146 21-9-61. The compensation of mayor and councilmen in cities
147 operating under the council-manager plan shall be fixed by
148 ordinance of the council; however, the mayor and councilmen who
149 are elected to their respective municipal offices after the
150 effective date of House Bill No. _____, 2001 Regular Session, may
151 not be paid compensation, directly or indirectly, in excess of the
152 salary fixed in Section 25-3-31 for the Governor for their
153 services as elected municipal officers.

154 SECTION 6. The following shall be codified as Section
155 25-3-30, Mississippi Code of 1972:

156 25-3-30. An elective official of a county whose salary is
157 established under this chapter and who is elected to office after
158 the effective date of House Bill No. _____, 2001 Regular Session,

159 may not be paid a salary or compensation, directly or indirectly,
160 in excess of the salary fixed in Section 25-3-31 for the Governor
161 for his services as an elected county official.

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

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