MISSISSIPPI LEGISLATURE
REGULAR SESSION 2003
By: Representative Chism
To: Municipalities

HOUSE BILL NO. 363

AN ACT TO PROVIDE THAT ANY INCREASE OR DECREASE IN THE SALARIES OF THE GOVERNING AUTHORITIES OF A MUNICIPALITY MAY NOT TAKE EFFECT UNTIL THE BEGINNING OF THE NEXT TERM OF OFFICE; TO PROVIDE THAT SUCH PROHIBITION SHALL BE APPLICABLE TO ALL FORMS OF MUNICIPAL GOVERNMENT, INCLUDING SPECIAL AND PRIVATE CHARTER MUNICIPALITIES; TO AMEND SECTIONS 21-5-15, 21-7-7, 21-8-21 AND 21-9-61, MISSISSIPPI CODE OF 1972, IN CONFORMITY WITH THE PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

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

SECTION 1. The governing authorities of any municipality, by ordinance duly adopted and entered upon its minutes, may increase or decrease the salary of the office to which they were elected, but such increase or decrease may not take effect until the beginning of the next term of such office. This provision shall be applicable to all forms of municipal government, including special and private charter municipalities.

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

21-5-15. 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. Said ordinance shall be published in a newspaper published in said city, and having a general circulation therein, for at least ten days before such election, and notice of the date of such election shall be given by the council for ten 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 under Section 1 of House Bill No. , 2003 Regular Session.

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. The governing body of any such municipality shall be a council, known and designated as such, consisting of seven members. One 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 from each ward into which the city shall be divided. However, if the city be divided into less than six wards, the remaining councilmen shall be nominated and elected at large. The councilmen, including the mayor, shall be elected for a term of four years to serve until their successors are elected and qualified in accordance with the provisions of Section 21-11-7, said term commencing on the first Monday of January after the municipal election first following the adoption of the form of government as provided by this chapter.

The compensation for the members of the council shall, for the first four 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 in
the manner provided under Section 1 of House Bill No.____, 2003
Regular Session.

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. 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 in the manner provided under Section 1 of House Bill
No.____, 2003 Regular Session.

(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

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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 in the manner provided under Section 1 of House Bill No. , 2003 Regular Session.

SECTION 6. 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 7. 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.