

By: Representative Chism

To: Municipalities

HOUSE BILL NO. 363

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

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

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

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

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



31 In case such ordinance shall be rejected by the electors at such  
32 election, then a new ordinance, or ordinances, may be passed by  
33 the council and submitted to the electors in like manner, until  
34 the same shall have been ratified by the electors. When an  
35 ordinance so fixing the salaries shall have been finally adopted  
36 and approved, the salaries so fixed shall remain in effect until  
37 altered or changed in the manner \* \* \* provided under Section 1 of  
38 House Bill No. \_\_\_\_\_, 2003 Regular Session.

39 \* \* \*

40 Every officer or assistant, other than the mayor and  
41 councilmen, shall receive such salary or compensation as the  
42 council shall by ordinance provide. The salary or compensation of  
43 all other employees of such city shall be fixed by the council  
44 from time to time, as occasion may demand.

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

47 21-7-7. The governing body of any such municipality shall be  
48 a council, known and designated as such, consisting of seven  
49 members. One of the members shall be the mayor, having the  
50 qualifications as prescribed by Section 21-3-9, who shall have  
51 full rights, powers and privileges of other councilmen. The mayor  
52 shall be nominated and elected at large; the remaining councilmen  
53 shall be nominated and elected one from each ward into which the  
54 city shall be divided. However, if the city be divided into less  
55 than six wards, the remaining councilmen shall be nominated and  
56 elected at large. The councilmen, including the mayor, shall be  
57 elected for a term of four years to serve until their successors  
58 are elected and qualified in accordance with the provisions of  
59 Section 21-11-7, said term commencing on the first Monday of  
60 January after the municipal election first following the adoption  
61 of the form of government as provided by this chapter.

62 The compensation for the members of the council shall, for  
63 the first four years of operation, under this chapter, be fixed by



64 the board of mayor and aldermen holding office prior to the change  
65 in form of government. Thereafter the amount of compensation for  
66 each such member may be increased or decreased by the council in  
67 the manner provided under Section 1 of House Bill No. , 2003  
68 Regular Session.

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

71 21-8-21. (1) The mayor and the members of the council shall  
72 be qualified electors of the municipality. The compensation for  
73 the mayor and the members of the council shall be set by the  
74 council. After the salaries of the first mayor and first council  
75 have been determined by the council of any municipality electing  
76 to come under the provision of this chapter, such salaries shall  
77 be effective immediately. Thereafter, any increases or decreases  
78 in the salary for the mayor or councilmen may be authorized by the  
79 council in the manner provided under Section 1 of House Bill  
80 No. , 2003 Regular Session.

81 (2) The salary of the mayor, councilmen and all employees of  
82 such municipality shall be paid at such periods as may be fixed by  
83 the council, but not less frequently than once a month; however,  
84 no salaries or wages shall be paid to any officer or employee of  
85 such municipality until after the same shall have been earned.  
86 Every officer or employee of the municipality shall receive such a  
87 salary of compensation as the council shall by ordinance provide,  
88 and the salary compensation of all employees of such municipality  
89 shall be fixed by the council from time to time, as occasion may  
90 demand.

91 (3) The city council shall have the power and authority to  
92 provide for and pay to any member of the police department or fire  
93 department of such municipality additional compensation for  
94 services and duties performed by any such member over and above  
95 the usual and regular number of days and hours per week or month  
96 ordinarily worked by such member. Nothing herein contained shall



97 be construed to relieve any such member of the police department  
98 or fire department from being subject to call for duty on a  
99 twenty-four-hour basis whether or not additional compensation is  
100 paid. Provided, however, that no policeman or fireman shall  
101 perform any duties or other work during regular working hours for  
102 any person or association, group or drive, or during hours for  
103 which he is being paid for the performance of official duties as  
104 policeman or fireman.

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

107 21-9-61. The compensation of mayor and councilmen in cities  
108 operating under the council-manager plan shall be fixed by  
109 ordinance of the council in the manner provided under Section 1 of  
110 House Bill No. , 2003 Regular Session.

111 **SECTION 6.** The Attorney General of the State of Mississippi  
112 shall submit this act, immediately upon approval by the Governor,  
113 or upon approval by the Legislature subsequent to a veto, to the  
114 Attorney General of the United States or to the United States  
115 District Court for the District of Columbia in accordance with the  
116 provisions of the Voting Rights Act of 1965, as amended and  
117 extended.

118 **SECTION 7.** This act shall take effect and be in force from  
119 and after the date it is effectuated under Section 5 of the Voting  
120 Rights Act of 1965, as amended and extended.

