

By: Representative Denny

To: Municipalities

HOUSE BILL NO. 53

1 AN ACT TO PROHIBIT THE GOVERNING AUTHORITIES OF A
2 MUNICIPALITY FROM REQUIRING ITS EMPLOYEES TO BE RESIDENTS OF THE
3 MUNICIPALITY OR THE COUNTY IN WHICH THE MUNICIPALITY IS LOCATED;
4 AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** (1) The governing authorities of any
7 municipality of this state shall not require that municipal
8 employees maintain their domicile and principal place of residence
9 inside the corporate boundaries of the municipality or in the
10 county in which the municipality is located at the time of their
11 employment.

12 (2) The governing authorities of any municipality shall not
13 require that municipal employees obtain a residence inside the
14 corporate boundaries of the municipality or in the county in which
15 the municipality is located within a certain period of time or be
16 subject to termination.

17 (3) The following words as used in this section shall have
18 the meanings ascribed to them in this subsection unless the
19 context clearly indicates otherwise:

20 (a) "Domicile" means a person's principal or primary
21 place of abode in which a person's habitation is fixed and to
22 which the person, whenever absent, has the present intention of
23 returning after a departure of absence therefrom, regardless of
24 the duration of the absence. The burden of proving domicile shall
25 be on the person claiming that status.

26 (b) "Residence" means the place where one actually
27 lives or has his home.

28 **SECTION 2.** This act shall take effect and be in force from
29 and after July 1, 2004.