

By: Representative Ellington

To: Fees and Salaries of
Public Officers

HOUSE BILL NO. 715

1 AN ACT TO AMEND SECTION 5-1-41, MISSISSIPPI CODE OF 1972, TO
 2 PROVIDE THAT ANY INCREASE IN COMPENSATION OF SENATORS AND
 3 REPRESENTATIVES SHALL NOT TAKE EFFECT UNTIL THE TERM FOLLOWING THE
 4 NEXT ELECTION FOR SENATORS AND REPRESENTATIVES; TO AMEND SECTIONS
 5 21-3-15, 21-5-15 AND 21-9-61, MISSISSIPPI CODE OF 1972, TO PROVIDE
 6 THAT ANY INCREASE IN COMPENSATION OF THE GOVERNING AUTHORITIES OF
 7 CODE CHARTER, COMMISSION, AND COUNCIL-MANAGER FORMS OF MUNICIPAL
 8 GOVERNMENT SHALL NOT TAKE EFFECT UNTIL THE BEGINNING OF THE NEXT
 9 TERM FOLLOWING THE NEXT ELECTION FOR SUCH MUNICIPAL GOVERNING
 10 AUTHORITIES; TO AMEND SECTION 25-3-13, MISSISSIPPI CODE OF 1972,
 11 TO PROVIDE THAT ANY INCREASE IN SALARY FOR MEMBERS OF THE BOARDS
 12 OF SUPERVISORS SHALL NOT TAKE EFFECT UNTIL THE BEGINNING OF THE
 13 NEXT TERM FOLLOWING THE NEXT ELECTION FOR MEMBERS OF THE BOARDS OF
 14 SUPERVISORS; TO AMEND SECTION 25-3-31, MISSISSIPPI CODE OF 1972,
 15 TO PROVIDE THAT ANY INCREASE IN SALARY FOR CERTAIN STATE ELECTED
 16 OFFICIALS SHALL NOT TAKE EFFECT UNTIL THE BEGINNING OF THE NEXT
 17 TERM FOLLOWING THE NEXT ELECTION FOR SUCH ELECTED OFFICIALS; AND
 18 FOR RELATED PURPOSES.

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

20 **SECTION 1.** Section 5-1-41, Mississippi Code of 1972, is
 21 amended as follows:

22 5-1-41. Beginning with the 1986 Regular Session of the
 23 Legislature of the State of Mississippi, each Senator and
 24 Representative of the Legislature shall receive as compensation at
 25 each regular session the sum of Ten Thousand Dollars (\$10,000.00)
 26 and the mileage allowance provided by Section 25-3-41, for each
 27 mile of the distance by the most direct route usually traveled in
 28 coming to and returning from the place where the Legislature sits.
 29 Beginning on April 16, 1997, each Senator and Representative shall
 30 receive for attending each extraordinary session or called session
 31 the sum of Seventy-five Dollars (\$75.00) per day and mileage at
 32 the same rate as per regular session. In addition to the above,
 33 beginning on April 16, 1997, each Senator and Representative and
 34 the Lieutenant Governor shall receive the sum of One Thousand Five
 35 Hundred Dollars (\$1,500.00) per month for expenses incidental to

36 his office for every full month of his term, except any month or
37 major fraction thereof when the Legislature is convened in regular
38 or extraordinary session; and payments shall be made to each
39 Senator and Representative and the Lieutenant Governor by the
40 State Treasurer between the first and tenth day of each month
41 following the month for which the payments are due.

42 Any increase in compensation for Senators and Representatives
43 shall not take effect until the beginning of the term following
44 the next election for Senators and Representatives.

45 **SECTION 2.** Section 21-3-15, Mississippi Code of 1972, is
46 amended as follows:

47 21-3-15. (1) The mayor shall preside at all meetings of the
48 board of aldermen, and in case there shall be an equal division,
49 he shall give the deciding vote. He shall have the superintending
50 control of all the officers and affairs of the municipality, and
51 shall take care that the laws and ordinances are executed.

52 (2) Ordinances adopted by the board of aldermen shall be
53 submitted to the mayor. The mayor shall, within ten (10) days
54 after receiving any ordinance, either approve the ordinance by
55 affixing his signature thereto, or return it to the board of
56 aldermen by delivering it to the municipal clerk together with a
57 written statement setting forth his objections thereto or to any
58 item or part thereof. No ordinance or any item or part thereof
59 shall take effect without the mayor's approval, unless the mayor
60 fails to return an ordinance to the board of aldermen prior to the
61 next meeting of the board, but no later than fifteen (15) days
62 after it has been presented to him, or unless the board of
63 aldermen, upon reconsideration thereof on or after the third day
64 following its return by the mayor, shall, by a vote of two-thirds
65 (2/3) of the members of the board, resolve to override the mayor's
66 veto.

67 (3) Any increase in salary for the mayor or members of the
68 board of aldermen shall not take effect until the beginning of the

69 term following the next election for the mayor and members of the
70 board of aldermen.

71 (4) The term "ordinance" as used in this section shall be
72 deemed to include ordinances, resolutions and orders.

73 **SECTION 3.** Section 21-5-15, Mississippi Code of 1972, is
74 amended as follows:

75 21-5-15. At the first regular meeting of the council that is
76 first elected, or as soon thereafter as practicable, the council
77 shall, by ordinance, fix the salary of the mayor and each of the
78 councilmen (or commissioners), which ordinance shall not become
79 operative until the same shall have been approved by a majority of
80 the qualified electors voting at an election to be held for that
81 purpose, as provided by this section. Said ordinance shall be
82 published in a newspaper published in said city, and having a
83 general circulation therein, for at least ten (10) days before
84 such election, and notice of the date of such election shall be
85 given by the council for ten (10) days by publication in a
86 newspaper published in such city, and having general circulation
87 therein. In case such ordinance shall be rejected by the electors
88 at such election, then a new ordinance, or ordinances, may be
89 passed by the council and submitted to the electors in like
90 manner, until the same shall have been ratified by the electors.
91 When an ordinance so fixing the salaries shall have been finally
92 adopted and approved, the salaries so fixed shall remain in effect
93 until altered or changed in the manner hereinafter provided.

94 To reduce the salary so fixed it shall be sufficient that the
95 council adopt an ordinance to that effect, which ordinance shall
96 become effective upon adoption without the necessity of
97 publication or of an election. To increase the salary so fixed,
98 an ordinance shall be duly adopted, by the council, which
99 ordinance shall be published for ten days in a newspaper published
100 or having a general circulation in such city, and the ordinance
101 shall not become effective until it is approved by a majority of

102 the qualified electors of such city voting at an election to be
103 held for that purpose after notice of such election shall have
104 been given by the council for ten (10) days by publication in a
105 newspaper published in such city or having a general circulation
106 therein, the last notice to appear not more than one (1) week next
107 prior to the date of the election. Any increase in salary for the
108 mayor or councilmen shall not take effect until the beginning of
109 the term following the next election for the mayor and councilmen.

110 Every officer or assistant, other than the mayor and
111 councilmen, shall receive such salary or compensation as the
112 council shall by ordinance provide. The salary or compensation of
113 all other employees of such city shall be fixed by the council
114 from time to time, as occasion may demand.

115 **SECTION 4.** Section 21-9-61, Mississippi Code of 1972, is
116 amended as follows:

117 21-9-61. The compensation of mayor and councilmen in cities
118 operating under the council-manager plan shall be fixed by
119 ordinance of the council. Any increase in salary for the mayor or
120 councilmen shall not take effect until the beginning of the term
121 following the next election for the mayor and councilmen.

122 **SECTION 5.** Section 25-3-13, Mississippi Code of 1972, is
123 amended as follows:

124 25-3-13. The salaries of the members of the boards of
125 supervisors of the various counties are fixed as full compensation
126 for their services.

127 The annual salary of each member of the board of supervisors
128 shall be based upon the total assessed valuation of his respective
129 county for the preceding taxable year in the following categories
130 and for the following amounts:

131 (a) For counties having a total assessed valuation of
132 less than Thirty Million Dollars (\$30,000,000.00), a salary of
133 Twenty-nine Thousand Dollars (\$29,000.00);

134 (b) For counties having a total assessed valuation of
135 at least Thirty Million Dollars (\$30,000,000.00), but less than
136 Fifty Million Dollars (\$50,000,000.00), a salary of Thirty-two
137 Thousand Three Hundred Dollars (\$32,300.00);

138 (c) For counties having a total assessed valuation of
139 at least Fifty Million Dollars (\$50,000,000.00), but less than
140 Seventy-five Million Dollars (\$75,000,000.00), a salary of
141 Thirty-three Thousand Seven Hundred Dollars (\$33,700.00);

142 (d) For counties having a total assessed valuation of
143 at least Seventy-five Million Dollars (\$75,000,000.00), but less
144 than One Hundred Twenty-five Million Dollars (\$125,000,000.00), a
145 salary of Thirty-four Thousand Seven Hundred Dollars (\$34,700.00);

146 (e) For counties having a total assessed valuation of
147 at least One Hundred Twenty-five Million Dollars
148 (\$125,000,000.00), but less than Three Hundred Million Dollars
149 (\$300,000,000.00), a salary of Forty Thousand Four Hundred Dollars
150 (\$40,400.00);

151 (f) For counties having a total assessed valuation of
152 at least Three Hundred Million Dollars (\$300,000,000.00), but less
153 than One Billion Dollars (\$1,000,000,000.00), a salary of
154 Forty-four Thousand Seven Hundred Dollars (\$44,700.00);

155 (g) For counties having a total assessed valuation of
156 One Billion Dollars (\$1,000,000,000.00), but less than Two Billion
157 Dollars (\$2,000,000,000.00), a salary of Forty-five Thousand Seven
158 Hundred Dollars (\$45,700.00);

159 (h) For counties having a total assessed valuation of
160 Two Billion Dollars (\$2,000,000,000.00) or more, a salary of
161 Forty-six Thousand Seven Hundred Dollars (\$46,700.00).

162 The salary of the members of the board of supervisors shall
163 not be increased under this section until the board of supervisors
164 shall have passed a resolution stating the amount of the increase
165 and spread it on its minutes. Any increase in salary for the
166 members of the boards of supervisors of the various counties shall

167 not take effect until the beginning of the term following the next
168 election for members of the boards of supervisors.

169 **SECTION 6.** Section 25-3-31, Mississippi Code of 1972, is
170 amended as follows:

171 25-3-31. The annual salaries of the following elected state
172 and district officers are fixed as follows:

173	Governor.....	\$122,160.00
174	Attorney General.....	108,960.00
175	Secretary of State.....	90,000.00
176	Commissioner of Insurance.....	90,000.00
177	State Treasurer.....	90,000.00
178	State Auditor of Public Accounts.....	90,000.00
179	Commissioner of Agriculture and Commerce.....	90,000.00
180	Transportation Commissioners.....	78,000.00
181	Public Service Commissioners.....	78,000.00

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183 The above fixed salary of the Governor shall be the reference
184 amount utilized in computing average compensation and earned
185 compensation pursuant to Section 25-11-103(f) and Section
186 25-11-103(k) and to related sections which require such
187 computations.

188 Any increase in salary for the elected officials in this
189 section shall not take effect until the beginning of the term
190 following the next election for such elected office.

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

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