

By: Representatives Holland, Bennett, Dixon

To: Municipalities

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 130

1 AN ACT TO AMEND SECTION 21-3-3, MISSISSIPPI CODE OF 1972, TO
2 REMOVE THE CITY OR TOWN CLERK AS AN ELECTIVE OFFICER IN
3 MUNICIPALITIES OPERATING UNDER A CODE CHARTER AND TO PROVIDE THAT
4 SUCH OFFICER SHALL BE APPOINTED BY THE GOVERNING AUTHORITIES OF
5 THE MUNICIPALITIES; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 21-3-3, Mississippi Code of 1972, is
8 amended as follows:

9 21-3-3. The elective officers of all municipalities
10 operating under a code charter shall be the mayor, the aldermen,
11 municipal judge, the marshal or chief of police, the tax
12 collector * * * and the tax assessor * * *. However, the
13 governing authorities of the municipality shall have the power, by
14 ordinance, to combine the office of clerk or marshal with the
15 office of tax collector and/or tax assessor. Such governing
16 authorities shall have the further power to provide that all or
17 any of such officers, except those of mayor and aldermen, shall be
18 appointive, in which case the marshal or chief of police, the tax
19 collector, the tax assessor, and the city or town clerk, or such



20 of such officers as may be made appointive, shall be appointed by
21 the * * * such governing authorities. Any action taken by the
22 governing authorities to make any of such offices appointive shall
23 be by ordinance of such municipality, and no such ordinance shall
24 be adopted within ninety (90) days prior to any regular general
25 election for the election of municipal officers. No such
26 ordinance shall become effective during the term of office of any
27 officer whose office shall be affected thereby. If any such
28 office is made appointive, the person appointed thereto shall hold
29 office at the pleasure of the governing authorities and may be
30 discharged by such governing authorities at any time, either with
31 or without cause, and it shall be discretionary with the governing
32 authorities whether or not to require such person appointed
33 thereto to reside within the corporate limits of the municipality
34 in order to hold such office.

35 **SECTION 2.** This act shall take effect and be in force from
36 and after July 1, 2016.

