

By: Representatives Perkins, Dixon

To: Municipalities

## HOUSE BILL NO. 1192

1 AN ACT TO PROVIDE THAT IF THE GOVERNING AUTHORITIES OF A  
2 MUNICIPALITY HIRES A PART-TIME LAW ENFORCEMENT OFFICER, THEN SUCH  
3 OFFICER SHALL ONLY RECEIVE THE COMPENSATION PRESCRIBED BY STATE  
4 LAW; TO REQUIRE THE MAYOR, CITY CLERK AND POLICE CHIEF TO PROVIDE  
5 CERTAIN NOTICE TO THE BOARD OF ALDERMEN OR CITY COUNCIL, AS THE  
6 CASE MAY BE, WHEN A PART-TIME OFFICER HAS REACHED THE MAXIMUM  
7 AMOUNT OF COMPENSATION ALLOWED BY STATE LAW; TO PROVIDE THAT IF A  
8 BOARD OF ALDERMEN OR CITY COUNCIL VOTES TO PAY A PART-TIME LAW  
9 ENFORCEMENT OFFICER IN EXCESS OF WHAT STATE LAW REQUIRES, THEN THE  
10 INDIVIDUAL MEMBERS OF A BOARD OF ALDERMEN OR CITY COUNCIL SHALL BE  
11 HELD PERSONALLY LIABLE FOR ANY AMOUNTS PAID IN EXCESS OF WHAT A  
12 PART-TIME LAW ENFORCEMENT OFFICER RECEIVES; TO BRING FORWARD  
13 SECTIONS 21-8-21 AND 21-9-65, MISSISSIPPI CODE OF 1972, WHICH  
14 PERTAIN THE MAYOR-COUNCIL-MANAGER PLAN FORMS OF GOVERNMENT, FOR  
15 PURPOSES OF AMENDMENT; AND FOR RELATED PURPOSES.

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

17 **SECTION 1.** (1) If the governing authorities of a  
18 municipality appoints or employs a part-time law enforcement  
19 officer, as defined in Section 45-6-3 (d), then such officer shall  
20 only be compensated in the amount prescribed in that section.

21 (2) In an effort to ensure that the compensation prescribed  
22 for a part-time law enforcement officer is adhered to, the mayor,  
23 clerk and chief of police of a municipality shall provide written  
24 notice to the board of aldermen or city council, as the case may



25 be, if a part-time law enforcement officer has reached his or her  
26 maximum compensation as prescribed in Section 45-6-3 (d) for  
27 duties performed as a part-time law enforcement officer. Such  
28 written notice shall be provided at least ten (10) business days  
29 before the claims docket is sought for approval by the board of  
30 aldermen or city council.

31 (3) If the board of aldermen or city council votes to  
32 provide compensation in excess of the amount prescribed in Section  
33 45-6-3 (d) for a part-time law enforcement officer after such  
34 board or council is provided notice, as required under subsection  
35 (2), then an alderperson or city council member who votes for the  
36 excess compensation shall be held personally liable for the amount  
37 that exceeds the maximum compensation that is prescribed for a  
38 part-time law enforcement officer under Section 45-6-3 (d).

39 **SECTION 2.** Section 21-8-21, Mississippi Code of 1972, is  
40 brought forward as follows:

41 21-8-21. (1) The mayor and the members of the council shall  
42 be qualified electors of the municipality. The compensation for  
43 the mayor and the members of the council shall be set by the  
44 council. After the salaries of the first mayor and first council  
45 have been determined by the council of any municipality electing  
46 to come under the provision of this chapter, such salaries shall  
47 be effective immediately. Thereafter, any increases or decreases  
48 in the salary for the mayor or councilmen may be authorized by the  
49 council at any time prior to ninety (90) days before the next



50 general election for the selection of municipal officers. Such  
51 increases or decreases shall not become effective until the next  
52 elected mayor and council takes office.

53 (2) The salary of the mayor, councilmen and all employees of  
54 such municipality shall be paid at such periods as may be fixed by  
55 the council, but not less frequently than once a month; however,  
56 no salaries or wages shall be paid to any officer or employee of  
57 such municipality until after the same shall have been earned.  
58 Every officer or employee of the municipality shall receive such a  
59 salary of compensation as the council shall by ordinance provide,  
60 and the salary compensation of all employees of such municipality  
61 shall be fixed by the council from time to time, as occasion may  
62 demand.

63 (3) The city council shall have the power and authority to  
64 provide for and pay to any member of the police department or fire  
65 department of such municipality additional compensation for  
66 services and duties performed by any such member over and above  
67 the usual and regular number of days and hours per week or month  
68 ordinarily worked by such member. Nothing herein contained shall  
69 be construed to relieve any such member of the police department  
70 or fire department from being subject to call for duty on a  
71 twenty-four-hour basis whether or not additional compensation is  
72 paid. Provided, however, that no policeman or fireman shall  
73 perform any duties or other work during regular working hours for  
74 any person or association, group or drive, or during hours for



75 which he is being paid for the performance of official duties as  
76 policeman or fireman.

77       **SECTION 3.** Section 21-9-63, Mississippi Code of 1972, is  
78 brought forward as follows:

79       21-9-63. The salary of the mayor, councilmen and all  
80 officers and assistants holding any office created by this chapter  
81 or by ordinance shall be paid in monthly installments on the first  
82 business day of each month, and the salaries or wages of all other  
83 employees of such city shall be paid at such periods as may be  
84 fixed by the council. No salaries or wages shall be paid to any  
85 officer or employee of such city until after the same shall have  
86 been earned.

87       Every officer or assistant, other than the mayor and  
88 councilmen, shall receive such salary or compensation as the  
89 council shall by ordinance, provide, and the salary compensation  
90 of all other employees of such city shall be fixed by the council  
91 from time to time, as occasion may demand.

92       The city council of any city operating under the provisions  
93 of this chapter shall have the power and authority to provide for  
94 and pay to any member of the police department or fire department  
95 of such city additional compensation for services and duties  
96 performed by any such member over and above the usual and regular  
97 number of days and hours per week or month ordinarily worked by  
98 such member. Any additional compensation so paid shall be  
99 computed on the basis of the compensation regularly paid to such



100 members of the police or fire department. Nothing herein  
101 contained shall be construed to relieve any such member of the  
102 police department or fire department from being subject to call  
103 for duty on a twenty-four hour basis whether or not additional  
104 compensation is paid.

105       **SECTION 4.** This act shall take effect and be in force from  
106 and after July 1, 2018.

