

By: Representative Snowden

To: Fees and Salaries of
Public Officers

HOUSE BILL NO. 764

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; AND FOR RELATED PURPOSES.

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

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

18 5-1-41. Beginning with the 1986 Regular Session of the
19 Legislature of the State of Mississippi, each Senator and
20 Representative of the Legislature shall receive as compensation at
21 each regular session the sum of Ten Thousand Dollars (\$10,000.00)
22 and the mileage allowance provided by Section 25-3-41, for each
23 mile of the distance by the most direct route usually traveled in
24 coming to and returning from the place where the Legislature sits.
25 Beginning on April 16, 1997, each Senator and Representative shall
26 receive for attending each extraordinary session or called session
27 the sum of Seventy-five Dollars (\$75.00) per day and mileage at
28 the same rate as per regular session. In addition to the above,
29 beginning on April 16, 1997, each Senator and Representative and
30 the Lieutenant Governor shall receive the sum of One Thousand Five
31 Hundred Dollars (\$1,500.00) per month for expenses incidental to
32 his office for every full month of his term, except any month or
33 major fraction thereof when the Legislature is convened in regular

34 or extraordinary session; and payments shall be made to each
35 Senator and Representative and the Lieutenant Governor by the
36 State Treasurer between the first and tenth day of each month
37 following the month for which the payments are due.

38 Any increase in compensation for Senators and Representatives
39 shall not take effect until the beginning of the term following
40 the next election for Senators and Representatives.

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

43 21-3-15. (1) The mayor shall preside at all meetings of the
44 board of aldermen, and in case there shall be an equal division,
45 he shall give the deciding vote. He shall have the superintending
46 control of all the officers and affairs of the municipality, and
47 shall take care that the laws and ordinances are executed.

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

63 (3) Any increase in salary for the mayor or members of the
64 board of aldermen shall not take effect until the beginning of the
65 term following the next election for the mayor and members of the
66 board of aldermen.

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

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

71 21-5-15. At the first regular meeting of the council that is
72 first elected, or as soon thereafter as practicable, the council
73 shall, by ordinance, fix the salary of the mayor and each of the
74 councilmen (or commissioners), which ordinance shall not become
75 operative until the same shall have been approved by a majority of
76 the qualified electors voting at an election to be held for that
77 purpose, as provided by this section. Said ordinance shall be
78 published in a newspaper published in said city, and having a
79 general circulation therein, for at least ten (10) days before
80 such election, and notice of the date of such election shall be
81 given by the council for ten (10) days by publication in a
82 newspaper published in such city, and having general circulation
83 therein. In case such ordinance shall be rejected by the electors
84 at such election, then a new ordinance, or ordinances, may be
85 passed by the council and submitted to the electors in like
86 manner, until the same shall have been ratified by the electors.
87 When an ordinance so fixing the salaries shall have been finally
88 adopted and approved, the salaries so fixed shall remain in effect
89 until altered or changed in the manner hereinafter provided.

90 To reduce the salary so fixed it shall be sufficient that the
91 council adopt an ordinance to that effect, which ordinance shall
92 become effective upon adoption without the necessity of
93 publication or of an election. To increase the salary so fixed,
94 an ordinance shall be duly adopted, by the council, which
95 ordinance shall be published for ten (10) days in a newspaper
96 published or having a general circulation in such city, and the
97 ordinance shall not become effective unless it is approved by a
98 majority of the qualified electors of such city voting at an
99 election to be held for that purpose after notice of such election

100 shall have been given by the council for ten (10) days by
101 publication in a newspaper published in such city or having a
102 general circulation therein, the last notice to appear not more
103 than one (1) week next prior to the date of the election. Any
104 increase in salary for the mayor or councilmen shall not take
105 effect until the beginning of the term following the next election
106 for the mayor and councilmen.

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

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

114 21-9-61. The compensation of mayor and councilmen in cities
115 operating under the council-manager plan shall be fixed by
116 ordinance of the council. Any increase in salary for the mayor or
117 councilmen shall not take effect until the beginning of the term
118 following the next election for the mayor and councilmen.

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

121 25-3-13. The salaries of the members of the boards of
122 supervisors of the various counties are hereby fixed as full
123 compensation for their services.

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

128 (a) For counties having a total assessed valuation of
129 less than Twenty Million Dollars (\$20,000,000.00), a salary of
130 Twenty-three Thousand Five Hundred Twenty-nine Dollars
131 (\$23,529.00);

132 (b) For counties having a total assessed valuation of
133 at least Twenty Million Dollars (\$20,000,000.00), but less than
134 Twenty-five Million Dollars (\$25,000,000.00), a salary of
135 Twenty-four Thousand One Hundred Thirty-seven Dollars
136 (\$24,137.00);

137 (c) For counties having a total assessed valuation of
138 at least Twenty-five Million Dollars (\$25,000,000.00), but less
139 than Thirty-five Million Dollars (\$35,000,000.00), a salary of
140 Twenty-four Thousand Seven Hundred Forty-four Dollars
141 (\$24,744.00);

142 (d) For counties having a total assessed valuation of
143 at least Thirty-five Million Dollars (\$35,000,000.00), but less
144 than Fifty Million Dollars (\$50,000,000.00), a salary of
145 Twenty-six Thousand Eight Hundred Sixty-nine Dollars (\$26,869.00);

146 (e) For counties having a total assessed valuation of
147 at least Fifty Million Dollars (\$50,000,000.00), but less than
148 Seventy-five Million Dollars (\$75,000,000.00), a salary of
149 Twenty-eight Thousand Eighty-three Dollars (\$28,083.00);

150 (f) For counties having a total assessed valuation of
151 at least Seventy-five Million Dollars (\$75,000,000.00), but less
152 than One Hundred Twenty-five Million Dollars (\$125,000,000.00), a
153 salary of Twenty-eight Thousand Nine Hundred Ninety-four Dollars
154 (\$28,994.00);

155 (g) For counties having a total assessed valuation of
156 One Hundred Twenty-five Million Dollars (\$125,000,000.00), but
157 less than Three Hundred Million Dollars (\$300,000,000.00), a
158 salary of Thirty-three Thousand Five Hundred Forty-eight Dollars
159 (\$33,548.00);

160 (h) For counties having a total assessed valuation of
161 Three Hundred Million Dollars (\$300,000,000.00) or more, a salary
162 of Thirty-seven Thousand Three Hundred Forty-three Dollars
163 (\$37,343.00).

164 The salary of the members of the board of supervisors shall
165 not be increased under this section unless the board of
166 supervisors shall have passed a resolution stating the amount of
167 the increase and spread it on its minutes. Any increase in salary
168 for the members of the boards of supervisors of the various
169 counties shall not take effect until the beginning of the term
170 following the next election for members of the boards of
171 supervisors.

172 **SECTION 6.** The Attorney General of the State of Mississippi
173 shall submit this act, immediately upon approval by the Governor,
174 or upon approval by the Legislature subsequent to a veto, to the
175 Attorney General of the United States or to the United States
176 District Court for the District of Columbia in accordance with the
177 provisions of the Voting Rights Act of 1965, as amended and
178 extended.

179 **SECTION 7.** This act shall take effect and be in force from
180 and after July 1, 2004, if it is effectuated on or before that
181 date under Section 5 of the Voting Rights Act of 1965, as amended
182 and extended. If it is effectuated under Section 5 of the Voting
183 Rights Act of 1965, as amended and extended, after July 1, 2004,
184 this act shall take effect and be in force from and after the date
185 it is effectuated under Section 5 of the Voting Rights Act of
186 1965, as amended and extended.