

By: Representative Denny

To: Municipalities

HOUSE BILL NO. 346

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 TO AMEND SECTION 21-31-15, MISSISSIPPI CODE OF 1972, TO CONFORM
5 THERETO; AND FOR RELATED PURPOSES.

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

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

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

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

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

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

29 **SECTION 2.** Section 21-31-15, Mississippi Code of 1972, is
30 amended as follows:

31 21-31-15. All applicants for a position of any kind under
32 civil service must be a citizen of the United States and an
33 elector of the county in which he resides and must meet only such
34 bona fide occupational residency requirements as may be determined
35 by the municipal board of civil service commissions or the
36 governing authority of the municipality, except that no governing
37 authorities of any municipality of this state shall require that
38 municipal employees maintain their domicile and principal place of
39 residence inside the corporate boundaries of the municipality or
40 in the county in which the municipality is located at the time of
41 their employment or within a certain period of time of their
42 employment.

43 **SECTION 3.** This act shall take effect and be in force from
44 and after July 1, 2005.