

By: Representative Ellington

To: Fees and Salaries of
Public Officers

HOUSE BILL NO. 714

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 shall give the deciding vote. The mayor's authority is executive,
50 and the mayor shall have the superintending control of all the
51 officers and affairs of the municipality, and shall take care that
52 the laws and ordinances are executed.

53 (2) (a) The authority of the board of aldermen is
54 legislative and is executed by a vote within a legally called
55 meeting. No member of the board of aldermen shall give orders to
56 any employee or subordinate of a municipality other than the
57 alderman's personal staff.

58 (b) Ordinances adopted by the board of aldermen shall
59 be submitted to the mayor. The mayor shall, within ten (10) days
60 after receiving any ordinance, either approve the ordinance by
61 affixing his signature thereto, or return it to the board of
62 aldermen by delivering it to the municipal clerk together with a
63 written statement setting forth his objections thereto or to any
64 item or part thereof. No ordinance or any item or part thereof
65 shall take effect without the mayor's approval, unless the mayor
66 fails to return an ordinance to the board of aldermen prior to the
67 next meeting of the board, but no later than fifteen (15) days
68 after it has been presented to him, or unless the board of

69 aldermen, upon reconsideration thereof on or after the third day
70 following its return by the mayor, shall, by a vote of two-thirds
71 (2/3) of the members of the board, resolve to override the mayor's
72 veto.

73 (3) Any increase in salary for the mayor or members of the
74 board of aldermen shall not take effect until the beginning of the
75 term following the next election for the mayor and members of the
76 board of aldermen.

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

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

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

100 To reduce the salary so fixed it shall be sufficient that the
101 council adopt an ordinance to that effect, which ordinance shall

102 become effective upon adoption without the necessity of
103 publication or of an election. To increase the salary so fixed,
104 an ordinance shall be duly adopted, by the council, which
105 ordinance shall be published for ten (10) days in a newspaper
106 published or having a general circulation in such city, and the
107 ordinance shall not become effective until it is approved by a
108 majority of the qualified electors of such city voting at an
109 election to be held for that purpose after notice of such election
110 shall have been given by the council for ten (10) days by
111 publication in a newspaper published in such city or having a
112 general circulation therein, the last notice to appear not more
113 than one (1) week next prior to the date of the election. Any
114 increase in salary for the mayor or councilmen shall not take
115 effect until the beginning of the term following the next election
116 for the mayor and councilmen.

117 Every officer or assistant, other than the mayor and
118 councilmen, shall receive such salary or compensation as the
119 council shall by ordinance provide. The salary or compensation of
120 all other employees of such city shall be fixed by the council
121 from time to time, as occasion may demand.

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

124 21-9-61. The compensation of mayor and councilmen in cities
125 operating under the council-manager plan shall be fixed by
126 ordinance of the council. Any increase in salary for the mayor or
127 councilmen shall not take effect until the beginning of the term
128 following the next election for the mayor and councilmen.

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

131 25-3-13. (1) The salaries of the members of the boards of
132 supervisors of the various counties are fixed as full compensation
133 for their services.

134 The annual salary of each member of the board of supervisors
135 shall be based upon the total assessed valuation of his respective
136 county for the preceding taxable year in the following categories
137 and for the following amounts:

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

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

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

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

153 (e) For counties having a total assessed valuation of
154 at least One Hundred Twenty-five Million Dollars
155 (\$125,000,000.00), but less than Three Hundred Million Dollars
156 (\$300,000,000.00), a salary of Forty Thousand Four Hundred Dollars
157 (\$40,400.00);

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

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

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

169 (2) The annual salary established for the members of the
170 board of supervisors shall not be reduced as a result of a
171 reduction in total assessed valuation.

172 (3) The salary of the members of the board of supervisors
173 shall not be increased under this section until the board of
174 supervisors shall have passed a resolution stating the amount of
175 the increase and spread it on its minutes. Any increase in salary
176 for the members of the boards of supervisors of the various
177 counties shall not take effect until the beginning of the term
178 following the next election for members of the boards of
179 supervisors.

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

182 25-3-31. The annual salaries of the following elected state
183 and district officers are fixed as follows:

184	Governor.....	\$122,160.00
185	Attorney General.....	108,960.00
186	Secretary of State.....	90,000.00
187	Commissioner of Insurance.....	90,000.00
188	State Treasurer.....	90,000.00
189	State Auditor of Public Accounts.....	90,000.00
190	Commissioner of Agriculture and Commerce.....	90,000.00
191	Transportation Commissioners.....	78,000.00
192	Public Service Commissioners.....	78,000.00

193 * * *

194 The above fixed salary of the Governor shall be the reference
195 amount utilized in computing average compensation and earned
196 compensation pursuant to Section 25-11-103(f) and Section
197 25-11-103(k) and to related sections which require such
198 computations.

199 * * *

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

203 **SECTION 7.** The Attorney General of the State of Mississippi
204 shall submit this act, immediately upon approval by the Governor,
205 or upon approval by the Legislature subsequent to a veto, to the
206 Attorney General of the United States or to the United States
207 District Court for the District of Columbia in accordance with the
208 provisions of the Voting Rights Act of 1965, as amended and
209 extended.

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