

By: Representative Banks

To: Municipalities

HOUSE BILL NO. 1344

1 AN ACT TO AMEND SECTION 21-8-27, MISSISSIPPI CODE OF 1972, TO
2 REQUIRE THAT IN THE MAYOR-COUNCIL FORM OF GOVERNMENT, THE COUNCIL
3 MUST CONFIRM DEPARTMENT HEADS THAT ARE APPOINTED BY THE MAYOR
4 WITHIN A CERTAIN TIME PERIOD; TO PROVIDE PENALTIES FOR THE FAILURE
5 OF A CONFIRMATION OCCURRING IN SUCH TIME PERIOD; AND FOR RELATED
6 PURPOSES.

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

8 **SECTION 1.** Section 21-8-27, Mississippi Code of 1972, is
9 amended as follows:

10 21-8-27. (1) Except for the confirmation requirement that
11 is provided in subsection (2) of this section, the members of the
12 council shall not direct or dictate the appointment of any person
13 to or his removal from office by the mayor or any department
14 directors. Except for the purposes of inquiring or receiving
15 information or advice, the council shall deal with the municipal
16 departments and personnel solely through the mayor and no member
17 of the council shall give orders to any subordinate of the
18 municipality. The council shall have the power to investigate any
19 part of the municipal government and for that purpose to compel
20 the attendance of witnesses and the production of documents and
21 other evidence.

22 (2) At the beginning of each term that a mayor is elected,
23 all department directors must be confirmed by the council within
24 sixty (60) days of such mayor's swearing-in ceremony. If no
25 confirmation takes place within sixty (60) days, the department
26 directors, who are appointed by the mayor, shall not receive his
27 or her salary until such confirmation is performed. Such
28 confirmation process shall occur each term that a mayor is elected
29 to office.

30 **SECTION 2.** This act shall take effect and be in force from
31 and after July 1, 2006.