

By: Senator(s) Harkins

To: Accountability,
Efficiency, Transparency

SENATE BILL NO. 2688

1 AN ACT TO AMEND SECTION 21-15-41, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT NO PERSON SHALL SERVE IN AN INTERIM OR HOLDOVER
3 CAPACITY FOR LONGER THAN 60 DAYS; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 21-15-41, Mississippi Code of 1972, is
6 amended as follows:

7 21-15-41. (1) No person shall serve in an interim or
8 hold-over capacity for longer than * * * sixty (60) days in a
9 position that is required by law to be filled by appointment of
10 the governing body of a municipality, or by mayoral appointment
11 with the advice and consent of the council or aldermen. If such
12 position is not filled within * * * sixty (60) days after the
13 expiration of the position's term, or within * * * sixty (60) days
14 after the date of appointment if an interim appointment, the
15 hold-over service or interim appointment shall terminate and no
16 municipal funds may thereafter be expended to compensate the
17 person serving in the position. Further, any action or vote taken
18 by such person after the * * * sixty-day period shall be invalid



19 and without effect. If a council or board of aldermen rejects, or
20 otherwise fails to confirm, an individual submitted by the mayor
21 for appointment, the mayor may not resubmit or reappoint the same
22 individual for that position during the remainder of the mayor's
23 current term in office.

24 (2) It is the intent of the Legislature that the provisions
25 of this section shall apply retroactively to all appointees
26 serving in a hold-over or interim capacity on the effective date
27 of this act * * *. For such appointees, the * * * limitation
28 period * * * for serving in a hold-over or interim capacity shall
29 not be tolled and shall not be longer than sixty (60) days.

30 (3) Any registered voter who resides in the municipality may
31 file all objections to any matters relating to an alleged
32 violation of this section in the chancery court of the county
33 where the municipality is located. The chancery court is
34 authorized to adjudicate and determine relief as may be proper.
35 The court shall award reasonable attorney's fees and costs to the
36 prevailing party.

37 **SECTION 2.** This act shall take effect and be in force from
38 and after its passage.

