MISSISSIPPI LEGISLATURE  
REGULAR SESSION 2002  

By: Representatives Smith (39th), Myers  
To: Judiciary A  

HOUSE BILL NO. 939  
(As Sent to Governor)  

AN ACT TO AMEND SECTIONS 43-33-7 AND 43-33-115, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT AT LEAST ONE MEMBER OF A MUNICIPAL, COUNTY OR REGIONAL PUBLIC HOUSING AUTHORITY MUST BE A PERSON WHO IS DIRECTLY ASSISTED BY THE AUTHORITY IF REQUIRED BY FEDERAL LAW; AND FOR RELATED PURPOSES.  

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

SECTION 1. Section 43-33-7, Mississippi Code of 1972, is amended as follows:  

43-33-7. When the governing body of a city adopts a resolution as provided in Section 43-33-5, such governing body shall forthwith appoint five (5) persons as commissioners of the authority created for said city. When the governing body of a county adopts a resolution as provided in Section 43-33-5, said governing body shall appoint five (5) commissioners for said board created for said county. The commissioners who are first appointed shall be designated to serve for terms of one (1), two (2), three (3), four (4) and five (5) years, respectively, from the date of their appointment, and thereafter when a vacancy shall occur either by the expiration of term of office or otherwise, the vacancy shall be filled by the governing body of the city or county, as the case may be, either to fill an unexpired term where a commissioner shall die or resign or shall become disqualified during his term, or for a full term of five (5) years where the term of a commissioner expires. No commissioner of an authority may be an officer or employee of the city or county for which the authority is created. However, at least one (1) commissioner must be a person who is directly assisted by the authority if required under applicable federal law. A commissioner shall hold office
until his successor has been appointed and has qualified. A certificate of the appointment or reappointment of any commissioner shall be filed with the clerk of the city or county as the case may be and such certificate shall be conclusive evidence of the due and proper appointment of such commissioner. A commissioner shall receive compensation for his services in the manner and amount authorized in Section 25-3-69 for up to fifteen (15) days during the fiscal year of the authority, and he shall also be entitled to necessary expenses, including traveling expenses, incurred in the discharge of his duties.

The powers of each authority shall be vested in the commissioners thereof in office from time to time. Three (3) commissioners shall constitute a quorum of the authority for the purpose of conducting its business and exercising its powers and for all other purposes. Action may be taken by the authority upon a vote of a majority of the commissioners present, unless in any case the bylaws of the authority shall require a larger number. The board of commissioners shall elect which member shall be chairman and thereafter fill any vacancy by like election. An authority shall select from among its commissioners a vice chairman, and it may employ a secretary (who shall be executive director), technical experts and such other officers, agents and employees, permanent and temporary, as it may require, and shall determine their qualifications, duties and compensation. For such legal services as it may require, an authority may call upon the chief law officer of the city or the county or may employ its own counsel and legal staff. An authority may delegate to one or more of its agents or employees such powers or duties as it may deem proper.

In the event that a directly assisted commissioner ceases to be directly assisted by the authority for which he/she serves as commissioner, said person shall then become disqualified to serve that authority as a directly assisted commissioner and shall be
replaced as commissioner by a person who is directly assisted by
the authority if federal law then requires that authority to have
a directly assisted commissioner.

SECTION 2. Section 43-33-115, Mississippi Code of 1972, is
amended as follows:

43-33-115. The board of supervisors of each county included
in a regional housing authority shall appoint one (1) person as a
commissioner of such authority, and each such commissioner to be
first appointed by the board of supervisors of a county may be
appointed at or after the time of the adoption of the resolution
declaring the need for such regional housing authority or
declaring the need for the inclusion of such county in the area of
operation of such regional housing authority. When the area of
operation of a regional housing authority is increased to include
an additional county or counties as provided above, the board of
supervisors of each such county shall thereupon appoint one (1)
additional person as a commissioner of the regional housing
authority. The board of supervisors of each county shall appoint
the successor of the commissioner appointed by it. A certificate
of the appointment of any such commissioner shall be filed with
the clerk of the county, and such certificate shall be conclusive
evidence of the due and proper appointment of such commissioner.

If any county is excluded from the area of operation of a regional
housing authority, the office of the commissioner of such regional
housing authority appointed by the board of supervisors of such
county shall be thereupon abolished.

If the area of operation of a regional housing authority
consists at any time of an even number of counties, the
commissioners of the regional housing authority appointed by the
boards of supervisors of such counties shall appoint one (1)
additional commissioner whose term of office shall be as herein
provided for a commissioner of a regional housing authority except
that such term shall end at any earlier time that the area of
operation of the regional housing authority shall be changed to consist of an odd number of counties. The commissioners of such authority appointed by the boards of supervisors of such counties shall likewise appoint each person to succeed such additional commissioner; the term of office of such person begins during the terms of office of the commissioner appointing him. A certificate of the appointment of any such additional commissioner of such regional housing authority shall be filed with the other records of the regional housing authority and shall be conclusive evidence of the due and proper appointment of such additional commissioner.

At least one (1) commissioner of a regional housing authority must be a person who is directly assisted by the authority if required under applicable federal law.

The commissioners of a regional housing authority shall be appointed for terms of five (5) years except that all vacancies shall be filled for the unexpired terms. Each commissioner shall hold office until his successor has been appointed and has qualified, except as otherwise provided herein.

The commissioners shall constitute the regional housing authority, and the powers of such authority shall be vested in such commissioners in office from time to time.

The commissioners of a regional housing authority shall elect a chairman from among the commissioners and shall have power to select or employ such other officers and employees as the regional housing authority may require. A majority of the commissioners of a regional housing authority shall constitute a quorum of such authority for the purpose of conducting its business and exercising its powers and for all other purposes. In the event that a directly assisted commissioner ceases to be directly assisted by the authority for which he/she serves as commissioner, said person shall then become disqualified to serve that authority as a directly assisted commissioner and shall be replaced as commissioner by a person who is directly assisted by the authority.
if federal law then requires that authority to have a directly
assisted commissioner.

SECTION 3. This act shall take effect and be in force from
and after its passage.