

By: Representative McBride

To: Municipalities

## HOUSE BILL NO. 1356

1 AN ACT TO AMEND SECTION 21-37-33, MISSISSIPPI CODE OF 1972,  
2 TO INCREASE FROM FIVE TO SEVEN THE MAXIMUM NUMBER OF MEMBERS  
3 AUTHORIZED TO SERVE AS MUNICIPAL PARK COMMISSIONERS; TO REQUIRE  
4 SUCH COMMISSIONERS TO BE QUALIFIED ELECTORS OF THE MUNICIPALITY OR  
5 THE COUNTY WHERE THE MUNICIPALITY IS LOCATED; AND FOR RELATED  
6 PURPOSES.

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

8 **SECTION 1.** Section 21-37-33, Mississippi Code of 1972, is  
9 amended as follows:

10 21-37-33. The governing authorities of any municipality are  
11 hereby authorized and empowered, in their discretion, to create a  
12 park commission, and to elect not less than three (3) nor more  
13 than seven (7) members thereof, who shall be known as "park  
14 commissioners" of such municipality to manage and control all of  
15 the parks, playgrounds and swimming pools maintained and  
16 established in such municipality. Said park commissioners shall  
17 be qualified electors of the municipality or the county where the  
18 municipality is located and shall not hold any other municipal or  
19 county office of honor or profit. They shall receive such  
20 compensation as may be allowed by the governing authorities of  
21 such municipality. The terms of office of the commissioners,  
22 authorized to be elected hereunder shall be one (1) for one (1)  
23 year, one (1) for two (2) years, and so on for the number of  
24 members of such park commission, and thereafter the term of each  
25 commissioner shall be for a number of years as there are members  
26 of said commission. Said governing authorities shall have the  
27 power to remove any member of such commission for inefficiency or  
28 incompetency, or for any other cause.

29            Provided, however, the governing authorities of any  
30 municipality which has been organized under the provisions of  
31 Title 21, Chapter 8, Mississippi Code of 1972, are hereby  
32 authorized and empowered, in their discretion, to create an  
33 advisory park and recreation commission which shall serve as an  
34 advisory board to said governing authorities on all such matters  
35 in the municipality. The members of the commission shall be  
36 appointed by the governing authorities, and in those  
37 municipalities which have been divided into five (5) wards, the  
38 commission shall consist of not less than five (5) nor more than  
39 seven (7) members; in those municipalities which have been divided  
40 into seven (7) wards, the commission shall consist of not less  
41 than seven (7) nor more than nine (9) members; in those  
42 municipalities which have been divided into nine (9) wards, the  
43 commission shall consist of nine (9) members; and at least one (1)  
44 of the members of the commission shall be a resident of each of  
45 the wards of the municipality. Appointment of members of the  
46 commission by the governing authorities under this paragraph shall  
47 be made by the mayor with the confirmation of an affirmative vote  
48 of a majority of the city council present and voting at any  
49 meeting. The governing authorities of said municipality shall  
50 have vested in them all the powers and duties of a park commission  
51 as provided by law and shall be the successor in title to all real  
52 and personal property held by the park commission in existence  
53 under the previous form of government and shall be the successor  
54 to all contracts to which said previous commission was a party.  
55 The commissioners shall serve in the manner, for such term, and  
56 with such powers as said governing authorities may prescribe by  
57 ordinance.

58            **SECTION 2.** This act shall take effect and be in force from  
59 and after July 1, 2007.