

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.