

By: Representatives Smith (39th), Myers

To: Judiciary A

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 939

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

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

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

8 43-33-7. When the governing body of a city adopts a
9 resolution as provided in Section 43-33-5, such governing body
10 shall forthwith appoint five (5) persons as commissioners of the
11 authority created for said city. When the governing body of a
12 county adopts a resolution as provided in Section 43-33-5, said
13 governing body shall appoint five (5) commissioners for said board
14 created for said county. The commissioners who are first
15 appointed shall be designated to serve for terms of one (1), two
16 (2), three (3), four (4) and five (5) years, respectively, from
17 the date of their appointment, and thereafter when a vacancy shall
18 occur either by the expiration of term of office or otherwise, the
19 vacancy shall be filled by the governing body of the city or
20 county, as the case may be, either to fill an unexpired term where
21 a commissioner shall die or resign or shall become disqualified
22 during his term, or for a full term of five (5) years where the
23 term of a commissioner expires. No commissioner of an authority
24 may be an officer or employee of the city or county for which the
25 authority is created. However, at least one (1) commissioner must
26 be a person who is directly assisted by the authority. A
27 commissioner shall hold office until his successor has been
28 appointed and has qualified. A certificate of the appointment or



29 reappointment of any commissioner shall be filed with the clerk of
30 the city or county as the case may be and such certificate shall
31 be conclusive evidence of the due and proper appointment of such
32 commissioner. A commissioner shall receive compensation for his
33 services in the manner and amount authorized in Section 25-3-69
34 for up to fifteen (15) days during the fiscal year of the
35 authority, and he shall also be entitled to necessary expenses,
36 including traveling expenses, incurred in the discharge of his
37 duties.

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

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

59 43-33-115. The board of supervisors of each county included
60 in a regional housing authority shall appoint one (1) person as a
61 commissioner of such authority, and each such commissioner to be



62 first appointed by the board of supervisors of a county may be
63 appointed at or after the time of the adoption of the resolution
64 declaring the need for such regional housing authority or
65 declaring the need for the inclusion of such county in the area of
66 operation of such regional housing authority. When the area of
67 operation of a regional housing authority is increased to include
68 an additional county or counties as provided above, the board of
69 supervisors of each such county shall thereupon appoint one (1)
70 additional person as a commissioner of the regional housing
71 authority. The board of supervisors of each county shall appoint
72 the successor of the commissioner appointed by it. A certificate
73 of the appointment of any such commissioner shall be filed with
74 the clerk of the county, and such certificate shall be conclusive
75 evidence of the due and proper appointment of such commissioner.
76 If any county is excluded from the area of operation of a regional
77 housing authority, the office of the commissioner of such regional
78 housing authority appointed by the board of supervisors of such
79 county shall be thereupon abolished.

80 If the area of operation of a regional housing authority
81 consists at any time of an even number of counties, the
82 commissioners of the regional housing authority appointed by the
83 boards of supervisors of such counties shall appoint one (1)
84 additional commissioner whose term of office shall be as herein
85 provided for a commissioner of a regional housing authority except
86 that such term shall end at any earlier time that the area of
87 operation of the regional housing authority shall be changed to
88 consist of an odd number of counties. The commissioners of such
89 authority appointed by the boards of supervisors of such counties
90 shall likewise appoint each person to succeed such additional
91 commissioner; the term of office of such person begins during the
92 terms of office of the commissioner appointing him. A certificate
93 of the appointment of any such additional commissioner of such
94 regional housing authority shall be filed with the other records



95 of the regional housing authority and shall be conclusive evidence
96 of the due and proper appointment of such additional commissioner.

97 At least one (1) commissioner of a regional housing authority
98 must be a person who is directly assisted by the authority.

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

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

107 The commissioners of a regional housing authority shall elect
108 a chairman from among the commissioners and shall have power to
109 select or employ such other officers and employees as the regional
110 housing authority may require. A majority of the commissioners of
111 a regional housing authority shall constitute a quorum of such
112 authority for the purpose of conducting its business and
113 exercising its powers and for all other purposes.

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

