

By: Representatives Smith (39th), Myers

To: Judiciary A

HOUSE BILL NO. 939
(As Sent to Governor)

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 IF REQUIRED BY FEDERAL LAW;
5 AND FOR RELATED PURPOSES.

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

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

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



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

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

58 In the event that a directly assisted commissioner ceases to
59 be directly assisted by the authority for which he/she serves as
60 commissioner, said person shall then become disqualified to serve
61 that authority as a directly assisted commissioner and shall be



62 replaced as commissioner by a person who is directly assisted by
63 the authority if federal law then requires that authority to have
64 a directly assisted commissioner.

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

67 43-33-115. The board of supervisors of each county included
68 in a regional housing authority shall appoint one (1) person as a
69 commissioner of such authority, and each such commissioner to be
70 first appointed by the board of supervisors of a county may be
71 appointed at or after the time of the adoption of the resolution
72 declaring the need for such regional housing authority or
73 declaring the need for the inclusion of such county in the area of
74 operation of such regional housing authority. When the area of
75 operation of a regional housing authority is increased to include
76 an additional county or counties as provided above, the board of
77 supervisors of each such county shall thereupon appoint one (1)
78 additional person as a commissioner of the regional housing
79 authority. The board of supervisors of each county shall appoint
80 the successor of the commissioner appointed by it. A certificate
81 of the appointment of any such commissioner shall be filed with
82 the clerk of the county, and such certificate shall be conclusive
83 evidence of the due and proper appointment of such commissioner.
84 If any county is excluded from the area of operation of a regional
85 housing authority, the office of the commissioner of such regional
86 housing authority appointed by the board of supervisors of such
87 county shall be thereupon abolished.

88 If the area of operation of a regional housing authority
89 consists at any time of an even number of counties, the
90 commissioners of the regional housing authority appointed by the
91 boards of supervisors of such counties shall appoint one (1)
92 additional commissioner whose term of office shall be as herein
93 provided for a commissioner of a regional housing authority except
94 that such term shall end at any earlier time that the area of



95 operation of the regional housing authority shall be changed to
96 consist of an odd number of counties. The commissioners of such
97 authority appointed by the boards of supervisors of such counties
98 shall likewise appoint each person to succeed such additional
99 commissioner; the term of office of such person begins during the
100 terms of office of the commissioner appointing him. A certificate
101 of the appointment of any such additional commissioner of such
102 regional housing authority shall be filed with the other records
103 of the regional housing authority and shall be conclusive evidence
104 of the due and proper appointment of such additional commissioner.

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

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

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

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



128 if federal law then requires that authority to have a directly
129 assisted commissioner.

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

