SENATE BILL NO. 2953


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

SECTION 1. Section 69-15-2, Mississippi Code of 1972, is amended as follows:

69-15-2. (1) The Mississippi Board of Animal Health is to be composed of the Commissioner of Agriculture and Commerce, the Dean of the College of Veterinary Medicine and the heads of the Animal and Dairy Science and Poultry Science Departments at Mississippi State University of Agriculture and Applied Science and one (1) person appointed by the President of Alcorn State University from its land grant staff as five (5) ex officio members with full voting rights, and eleven (11) other members of the board to be appointed by the Governor as hereinafter provided. The board shall select annually a chairman and vice chairman from any members of the board.

(2) The Governor, with the advice and consent of the Senate, shall appoint eleven (11) other members as follows:

One (1) licensed and practicing veterinarian who holds a doctor of veterinary medicine degree;

One (1) general farmer;

One (1) poultry breeder and producer;

One (1) sheep breeder and producer;

One (1) beef cattle breeder and producer;
One (1) swine breeder and producer * * *

One (1) dairy breeder and producer * * *

One (1) horse breeder and producer * * *

One (1) catfish breeder and producer * * *

One (1) member of the Mississippi Independent Meat Packers' Association * * *

One (1) member of the Mississippi Livestock Auction Association * * *

All members shall take and subscribe to the general oath of office as provided in Section 268, Mississippi Constitution of 1890, and file the same with the Commissioner of Agriculture and Commerce.

(3) Effective August 1, 1968, the dairy producer member shall be appointed for a one-year term; the Livestock Auction Association member shall be appointed for a two-year term; the meat packer member shall be appointed for a three-year term; the catfish producer member shall be appointed for a four-year term; and the horse producer member shall be appointed for a five-year term.

Effective August 1, 1969, the poultry producer member shall be appointed for a two-year term; on August 1, 1970, the sheep producer member shall be appointed for a three-year term; on August 1, 1971, the swine producer member shall be appointed for a four-year term; on August 1, 1972, the general farmer member shall be appointed for a five-year term; on August 1, 1973, the veterinarian member shall be appointed for a six-year term; and on August 1, 1974, the beef cattle producer member shall be appointed for a seven-year term.

All subsequent appointments shall be for four-year terms, except for appointments to fill vacancies which shall be for the unexpired term only.

(4) (a) "Commissioner" means the Commissioner of Agriculture and Commerce.
(b) "Department" means the Department of Agriculture and Commerce.

(5) On or before July 1, 1998, the board shall appoint, from a written list of not less than three (3) licensed veterinarians submitted by the commissioner, the State Veterinarian.

(6) There is created an advisory council to advise the Board of Animal Health on matters concerning the board. The council shall be composed of the Chairman of the Senate Agriculture Committee, the Chairman of the House Agriculture Committee, one (1) appointee of the Lieutenant Governor and one (1) appointee of the Speaker of the House of Representatives. The members of the advisory council shall serve in an advisory capacity only. For attending meetings of the council, such legislators shall receive per diem and expenses which shall be paid from the contingent expense funds of their respective houses in the same amounts provided for committee meetings when the Legislature is not in session; however, no per diem or expenses for attending meetings of the council shall be paid while the Legislature is in session. No per diem and expenses shall be paid except for attending meetings of the council without prior approval of the proper committee in their respective houses.

SECTION 2. Section 69-21-107, Mississippi Code of 1972, is amended as follows:

69-21-107. There is hereby created a State Board of Agricultural Aviation composed of five (5) members as follows: one (1) member being the Chief of the Bureau of Plant Industry within the Regulatory Office of the Mississippi Department of Agriculture and Commerce; four (4) licensed pilots to be appointed by the Governor. The term of office of one (1) board member shall be one (1) year; the term of office of the second board member shall be two (2) years; the term of office of the third board member shall be three (3) years; and the term of office of the fourth board member shall be four (4) years. After the
initial appointment, succeeding board members shall serve a staggered four-year term of office. Each board member shall serve until his successor is appointed. The Chief of the Bureau of Plant Industry, Mississippi Department of Agriculture and Commerce, shall continue to serve each term by virtue of his office.

The membership of the board shall elect a chairman at their organizational meeting who shall be one (1) of the four (4) aerial applicators who serve on the board.

Vacancies on * * * said board shall be filled as herein stated by appointment of the Governor.

A quorum necessary to conduct business shall be a majority of the five (5) board members. Any member who shall not attend two (2) consecutive meetings of the board shall be subject to removal by the Governor. The chairman of the board shall notify the Governor in writing when any such member has failed to attend two (2) consecutive regular meetings.

Each member of the Agricultural Aviation Board shall receive a per diem as is authorized by law and actual expenses as provided by law incidental to attending meetings of said board, and other authorized business as provided by board authorization as spread on the board minutes. Said board shall not be paid for more than fifteen (15) meetings in any one (1) calendar year.

SECTION 3. Section 73-17-7, Mississippi Code of 1972, is amended as follows:

73-17-7. (1) There is hereby created the Mississippi State Board of Nursing Home Administrators. This board shall consist of seven (7) persons, in addition to the State Health Officer, or his designee, who shall be an ex-officio member without voting privilege, to be appointed by the Governor with the advice and consent of the Senate, each of whom shall be a qualified elector of the State of Mississippi * * *.

In making initial appointments, three (3) members shall be appointed for a term of
two (2) years; two (2) members shall be appointed for terms of three (3) years; and two (2) members for terms of four (4) years; and until their successors are appointed and qualified; thereafter, the terms of the members of * * * said board shall be for four (4) years and until their successors are appointed and qualified. In the event of the occurrence of a vacancy during the term of office of its incumbent, such vacancy shall be filled for the unexpired portion of the term. The members of this board shall include the following:

(a) One (1) educator with expertise in the field of health care and associated at the time of his appointment with an institution of higher learning within the State of Mississippi.

(b) A registered nurse.

(c) A licensed and practicing medical doctor or physician.

(d) Three (3) licensed and practicing nursing home administrators, no more than one (1) of whom shall be from the same Supreme Court district, who shall have had at least five (5) years' actual experience as a nursing home administrator.

(e) A hospital administrator.

Only the board members who are nursing home administrators may have a direct financial interest in any nursing home.

Vacancies occurring on the board shall be filled by appointment by the Governor of individuals having the same prerequisite qualifications as required by this section for the vacancy being filled. * * *

(2) The board shall organize by selecting annually from its members a chairman and a vice-chairman, and may do all things necessary and convenient for carrying into effect the provisions of this chapter and may from time to time promulgate rules and regulations. Each member of the board shall receive a per diem as provided in Section 25-3-69, plus travel and reasonable necessary
expenses incidental to the attendance at each meeting as provided in Section 25-3-41. Any member who shall not attend two (2) consecutive meetings of the board shall be subject to removal by the Governor. The chairman of the board shall notify the Governor in writing when any such member has failed to attend two (2) consecutive regular meetings.

(3) The board shall adopt a seal.

(4) The board is hereby authorized to acquire office space and to employ such personnel as shall be necessary in the performance of its duties, including a secretary-treasurer, who shall be bonded in an amount to be fixed by the board, but in no event less than the amount of Five Thousand Dollars ($5,000.00).

(5) All fees and any other monies received by the board shall be deposited in a special fund that is created in the State Treasury. The monies in the special fund shall be subject to all provisions of the state budget laws that are applicable to special fund agencies. Any interest earned on this special fund shall be credited by the State Treasurer to the fund and shall not be paid into the State General Fund.

SECTION 4. Section 73-15-9, Mississippi Code of 1972, is amended as follows:

73-15-9. (1) There is hereby created a board to be known as the Mississippi Board of Nursing, composed of thirteen (13) members, two (2) of whom shall be nurse educators; three (3) of whom shall be registered nurses in clinical practice, two (2) to have as basic nursing preparation an associate degree or diploma and one (1) to have as basic nursing preparation a baccalaureate degree; one (1) of whom shall be a registered nurse at large; one (1) of whom shall be a registered nurse practitioner; four (4) of whom shall be licensed practical nurses; one (1) of whom shall be a licensed physician who shall always be a member of the State Board of Medical Licensure; and one (1) of whom shall represent consumers of health services. There shall be at least one (1)
board member from each congressional district in the state; provided, however, that the physician member, the consumer representative member and one (1) registered nurse member shall be at large always.

(2) Members of the Mississippi Board of Nursing shall be appointed by the Governor, with the advice and consent of the Senate. Appointments made to fill vacancies for unexpired terms shall be for the duration of such terms and until a successor is duly appointed.

(3) Members of the board shall be appointed in staggered terms for four (4) years or until a successor shall be duly qualified. No member may serve more than two (2) consecutive full terms. Members of the board serving on July 1, 1988, shall continue to serve for their appointed terms.

(4) Vacancies occurring by reason of resignation, death or otherwise shall be filled by appointment of the Governor in accordance with the provisions for making full-term appointments. All vacancy appointments shall be for the unexpired terms.

(5) Any member may be removed from the board by the Governor after a hearing by the board and provided such removal is recommended by the executive committee of the affected group.

SECTION 5. Section 73-13-5, Mississippi Code of 1972, is amended as follows:

73-13-5. A State Board of Registration for Professional Engineers and Land Surveyors is hereby created whose duty it shall be to administer the provisions of this chapter. The board shall consist of five (5) registered professional engineers, who shall be appointed by the Governor, and shall have the qualifications required by Section 73-13-7, and two (2) registered professional land surveyors who are not registered professional engineers, who shall be appointed by the Governor and shall have the qualifications required by Section 73-13-77. The members of the board shall be appointed from the above nominees.
The board so appointed shall have one (1) engineer member from each of the three (3) state Supreme Court districts, and two (2) engineer members appointed from the state at large to serve the following terms: the three (3) members first appointed from the three (3) Supreme Court districts shall serve for four (4) years and the two (2) members first appointed from the state at large shall serve two (2) years, from the date of their appointment, or until their successors are duly appointed and qualified, and the members recommended by the Mississippi Association of Land Surveyors shall be appointed from the state at large and serve for four (4) years, or until their successors are duly appointed and qualified. Each member of the board shall receive a certificate of appointment from the Governor, and before beginning his term of office he shall file with the Secretary of State the constitutional oath of office. On the expiration of the term of any member, the Governor shall in the manner hereinbefore provided appoint for a term of four (4) years a registered professional engineer having the qualifications required by Section 73-13-7, or a registered professional land surveyor having the qualifications required by Section 73-13-77 to take the place of the member of the board whose term is about to expire. Each member shall hold office until the expiration of the term for which such member is appointed or until a successor shall have been duly appointed and shall have qualified.

It shall not be considered the duty of the State of Mississippi to provide office space and office equipment for the board herein created.

No member of the board shall, during the term of his office or thereafter, be required to defend any action for damages in any of the courts of this state where it is shown that said damage followed or resulted from any of the official acts of said board in the performance of its powers, duties or authority as set forth
in this chapter. Any such action filed shall upon motion be
dismissed, at the cost of the plaintiff, with prejudice.

SECTION 6. Section 73-11-43, Mississippi Code of 1972, is
amended as follows:

73-11-43. There is hereby created the State Board of Funeral
Service which shall consist of seven (7) members, one (1) funeral
service licensee and one (1) funeral director licensee to be
appointed from each Mississippi Supreme Court district. Three (3)
members shall have been licensed for the practice of funeral
service under this chapter for five (5) consecutive years and/or
have had at least five (5) consecutive years' experience as a
funeral director and embalmer in this state immediately preceding
his appointment. Three (3) members shall have been licensed for
the practice of funeral directing under this chapter for five (5)
consecutive years and/or have had at least five (5) consecutive
years' experience as a funeral director immediately preceding his
appointment. One (1) member shall be a public member and be
appointed from the public at large. The members of the board
shall be appointed by the Governor with the advice and consent of
the Senate. All appointments shall be for terms of four (4) years
from the expiration date of the previous term. No board member
shall serve more than two (2) consecutive full terms. Vacancies
in office shall be filled by appointment by the Governor in the
same manner as the appointment to the position which becomes
vacant, subject to the advice and consent of the Senate at the
next regular session of the Legislature. * * * Nothing in this
chapter or any other statute shall preclude the members of the
State Embalming Board from serving as members of the State Board
of Funeral Service.

SECTION 7. Section 73-9-7, Mississippi Code of 1972, is
amended as follows:

73-9-7. The duties of the Mississippi State Board of Dental
Examiners, or "the board," shall be to carry out the purposes and
provisions of the laws pertaining to the practice of dentistry and
dental hygiene. The board shall consist of seven (7) regularly
licensed, registered and practicing dentists, each a graduate of
an accredited college of dentistry and each a regularly licensed,
registered and practicing dentist within the State of Mississippi
for a period of five (5) or more years next preceding his
appointment. No dentist shall be eligible for appointment who is
connected in any way with any school of dentistry or the dental
supply business.

In addition, the board shall include one (1) member who shall
be a regularly licensed, registered dental hygienist with at least
five (5) years' practical experience. The dental hygienist member
shall be appointed by the Governor from the state at large * * *.
The dental hygienist member shall serve for a term of four (4)
years and may succeed himself or herself in office. * * * The
terms of the dental hygienist member shall be computed from July
1, 1995.

Except as hereinafter provided, each member of the board
shall hold office for the particular term of four (4) years to
which he is appointed as differentiated and set out in this
section and until his successor shall be duly appointed and
qualified. Any appointment made to fill a vacancy or to replace
an incumbent holding over shall terminate in accordance with the
designation of the particular term as set out below and until his
successor is duly appointed and qualified.

Except for the original appointments, the term of each of the
seven (7) dentist appointees provided for herein shall be for a
period of four (4) years and shall terminate on and after June
30th of the year set out below for each appointive position:

Appointments one (1) and two (2) in 1964 and each fourth year
thereafter; appointment three (3) in 1965 and each fourth year
thereafter; appointment four (4) in 1966 and each fourth year
thereafter; and appointments five (5) and six (6) in 1967 and each
fourth year thereafter. Each subsequent appointment shall be made in chronological order of respective expiration dates; provided, however, that each appointee holding office at the time of passage of this chapter shall continue to serve until the expiration date of the period for which he was appointed, and appointment of such incumbent’s successors shall be made in order of the expiration dates of their present commissions.

Upon July 1, 1982, the Governor shall appoint one (1) dentist member of the board from the state at large, with the advice and consent of the Senate.

Upon expiration of the term of office of any of the six (6) members of the board who are appointed from districts, the Governor shall appoint his successor. From and after July 1, 1991, all appointments to the Mississippi State Board of Dental Examiners shall be with the advice and consent of the Senate.

In accordance with the provisions of this section, the Governor shall appoint one (1) member of the board from each dental district as follows:

Dental District One: Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Pontotoc, Prentiss, Tippah, Tishomingo, Union, Webster;

Dental District Two: Bolivar, Carroll, Coahoma, DeSoto, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Panola, Quitman, Sharkey, Sunflower, Tallahatchie, Tate, Tunica, Washington, Yalobusha, Yazoo;

Dental District Three: Attala, Clarke, Covington, Forrest, Jasper, Jones, Kemper, Lamar, Lauderdale, Leake, Neshoba, Newton, Noxubee, Perry, Scott, Smith, Wayne, Winston;

Dental District Four: Hinds, Madison, Rankin, Warren;

Dental District Five: George, Greene, Hancock, Harrison, Jackson, Pearl River, Stone;
Dental District Six: Adams, Amite, Claiborne, Copiah, Franklin, Jefferson Davis, Jefferson, Lawrence, Lincoln, Marion, Pike, Simpson, Walthall, Wilkinson.

It is the purpose of this section that no more than one (1) appointee of the six (6) members appointed from districts shall serve from any district at any one (1) time; provided, however, that the members serving on the effective date of this section shall continue until their term of office has expired. All subsequent appointments of the six (6) members appointed from districts shall be made in accordance with the provisions of this section and shall be designated by district **.

SECTION 8. Section 73-19-7, Mississippi Code of 1972, is amended as follows:

73-19-7. The Governor, with the advice and consent of the Senate, shall appoint a State Board of Optometry, consisting of five (5) persons, citizens of Mississippi, each of whom shall be a nonmedical man or woman actually engaged in the practice of optometry for five (5) years next preceding his appointment. Within ninety (90) days after March 25, 1974, the Governor shall appoint: one (1) member for a term of one (1) year, one (1) member for a term of two (2) years, one (1) member for a term of three (3) years, one (1) member for a term of four (4) years, and one (1) member for a term of five (5) years; and upon the expiration of all such terms their successors shall be appointed by the Governor for a term of five (5) years. From and after July 1, 1983, the appointments to the board shall be made with one (1) member to be appointed from each of the congressional districts as existing on January 1, 1980; provided that the present members of the State Board of Optometry whose terms have not expired by July 1, 1983, shall continue to serve until their terms of office have expired. Each member shall remain in office after the expiration
of his term until his successor shall be duly appointed and qualified.

No person so appointed shall be a stockholder in or a member of the faculty or of the board of trustees of any school of optometry, or serve to exceed two (2) five-year terms.

Vacancies on said board shall be filled by appointment by the Governor, with the advice and consent of the Senate.

SECTION 9. Section 73-21-75, Mississippi Code of 1972, is amended as follows:

73-21-75. (1) The State Board of Pharmacy created by former Section 73-21-9 is hereby continued and reconstituted as follows:

The board shall consist of seven (7) appointed members. At least one (1) appointment shall be made from each congressional district. Each appointed member of the board shall be appointed by the Governor, with the advice and consent of the Senate.

Of the members appointed, one (1) shall, at the time of appointment, have had five (5) years' experience as a pharmacist at a facility holding an institutional permit, and one (1) shall, at the time of appointment, have had five (5) years' experience as a pharmacist at a facility holding a retail permit. Any person appointed to the board shall be limited to two (2) full terms of office during any fifteen-year period, including any member serving on May 14, 1992.

(2) The members of the board appointed and serving prior to July 1, 1983, whose terms have not expired by July 1, 1983, shall serve the balance of their terms as members of the reconstituted board, and they shall be considered to be from the same congressional districts from which they were originally appointed if they still reside therein, even if the district boundaries have changed subsequent to their original appointments. The Governor shall appoint the remaining members of the reconstituted board in the manner prescribed in subsection (1) of this section on July 1,
1983. The initial members of the reconstituted board shall serve terms of office as follows:

(a) The term of the member from the First Congressional District shall expire on July 1, 1984; and from and after July 1, 1996, this appointment shall be designated as Post 1.

(b) The term of the member from the Second Congressional District shall expire on July 1, 1988; and from and after July 1, 1996, this appointment shall be designated as Post 2.

(c) The term of the member from the Third Congressional District shall expire on July 1, 1986; and from and after July 1, 1996, this appointment shall be designated as Post 3.

(d) The term of the member from the Fourth Congressional District shall expire on July 1, 1985; and from and after July 1, 1996, this appointment shall be designated as Post 4.

(e) The term of the member from the Fifth Congressional District shall expire on July 1, 1987; and from and after July 1, 1996, this appointment shall be designated as Post 5.

(f) The term of one (1) of the members from the state at large shall expire on July 1, 1985; and from and after July 1, 1996, this appointment shall be designated as Post 6.

(g) The term of the other member from the state at large shall expire on July 1, 1988; and from and after July 1, 1996, this appointment shall be designated as Post 7.

(3) At the expiration of a term, members of the board shall be appointed in the manner prescribed in subsection (1) of this section for terms of five (5) years from the expiration date of the previous terms. Any vacancy on the board prior to the expiration of a term for any reason, including resignation, removal, disqualification, death or disability, shall be filled by appointment of the Governor in the manner prescribed in subsection (1) of this section for the balance of the unexpired term.
The Governor shall fill such vacancies within ninety (90) days after each such vacancy occurs.

(4) To be qualified to be a member of the board, a person shall:

(a) Be an adult citizen of Mississippi for a period of at least five (5) years preceding his appointment to the board;

(b) Be a pharmacist licensed and in good standing to practice pharmacy in the State of Mississippi;

(c) Have at least five (5) years' experience as a pharmacist; and

(d) Be actively engaged full time in the practice of pharmacy in Mississippi.

(5) The Governor may remove any or all members of the board on proof of unprofessional conduct, continued absence from the state, or for failure to perform the duties of his office. Any member who shall not attend two (2) consecutive meetings of the board for any reason other than illness of such member shall be subject to removal by the Governor. The president of the board shall notify the Governor in writing when any such member has failed to attend two (2) consecutive regular meetings. No removal shall be made without first giving the accused an opportunity to be heard in refutation of the charges made against him, and he shall be entitled to receive a copy of the charges at the time of filing.

SECTION 10. Section 73-43-3, Mississippi Code of 1972, is amended as follows:

73-43-3. (1) The State Board of Medical Licensure shall consist of nine (9) physicians. Each of the physicians shall have graduated from a medical school which has been accredited by the liaison committee on medical education as sponsored by the American Medical Association and the Association of American Medical Colleges or from an osteopathic medical school which has been accredited by the Bureau of Professional Education of the
American Osteopathic Association, and have at least six (6) years' experience in the practice of medicine. No more than two (2) members of the board shall be a member of the faculty of the University of Mississippi School of Medicine. No more than four (4) members of the board shall be from the same Mississippi Supreme Court district.

(2) ** * The original appointments of the board shall be made no later than June 30, 1980, for terms to begin on July 1, 1980. The Governor shall designate the initial terms of the members as follows: Three (3) members shall be appointed for a term which expires July 1, 1982, three (3) members shall be appointed for a term which expires July 1, 1984, and three (3) members shall be appointed for a term which expires July 1, 1986. Thereafter, all succeeding appointments shall be for terms of six (6) years from the expiration of the previous term. Vacancies in office shall be filled by appointment of the Governor in the same manner as the appointment to the position which becomes vacant, subject to the advice and consent of the Senate at the next regular session of the Legislature.

SECTION 11. Section 73-30-5, Mississippi Code of 1972, is amended as follows:

73-30-5. (1) There is hereby established the Mississippi State Board of Examiners for Licensed Professional Counselors which shall consist of five (5) members, one (1) member from each of the five (5) congressional districts of Mississippi, who shall be appointed by the Governor with the advice and consent of the Senate. ** * At least two (2) names shall be included from each congressional district. Such appointments shall be made initially within sixty (60) days of the submission of the list of qualified counselors by the Mississippi Counseling Association. Thereafter, all vacancies occurring on the board shall be filled by the Governor within sixty (60) days after the vacancy occurs. ** *

(2) The board shall consist of five (5) licensed counselors,
three (3) of whom are primarily engaged as licensed counselors in private or institutional practice and two (2) who are primarily engaged in teaching, training or research in counseling at the corporate or university level. All members shall be qualified electors of the State of Mississippi.

(3) The initial appointments to the board shall be for staggered terms, to be designated by the Governor at the time of appointment as follows: Two (2) members to serve for three (3) years, two (2) members to serve for two (2) years, and one (1) member to serve for one (1) year. Thereafter, all terms shall be for three (3) years. No board member shall succeed himself without waiting a period of three (3) years after having served one (1) full three-year term.

(4) There shall be appointed to the board no more than one (1) person who is employed by, or receives compensation from, any one (1) institution, organization or partnership at the time of appointment.

(5) Board members shall be reimbursed for necessary and ordinary expenses and mileage incurred while performing their duties as members of the board, at the rate authorized for public employees, from fees collected for license applications and renewals.

SECTION 12. Section 73-31-5, Mississippi Code of 1972, is amended as follows:

73-31-5. (1) There is hereby created a Mississippi State Board of Psychology consisting of seven (7) members who are citizens of the United States and residing in the State of Mississippi. One (1) member of the board shall be a person who is not a psychologist or a mental health professional but who has expressed a continuing interest in the field of psychology. Each board member shall otherwise be licensed under this chapter. At all times the board shall be composed of three (3) members who are faculty at institutions of higher learning that grant doctoral
degrees, or staff or faculty of an American Psychological
Association approved doctoral level internship. Three (3) members
of the board shall be engaged in the professional practice of
psychology. The membership of the board shall reflect a diversity
of practice specialties.

(2) When the term of each psychologist member ends the
Governor shall, within thirty (30) days, appoint as his successor,
for a term of five (5) years, a psychologist who holds a doctoral
degree from an institution of higher education and who has been
licensed under this chapter. When the term of the member who is
not a psychologist ends, the Governor shall, within thirty (30)
days, appoint a qualified person as his successor for a term of
five (5) years. No board member shall serve for consecutive
terms. Any vacancy occurring in the board membership other than
by expiration of term shall be filled by the Governor by
appointment for the unexpired term of such member. * * *
Each board member shall receive a certificate of appointment from the
Governor before entering on the discharge of his duties, and
within thirty (30) days from the effective date of his appointment
shall subscribe an oath for the faithful performance of his
official duty before any officer authorized to administer oaths in
this state, and shall file the same with the Secretary of State.

To enable the board to have regular, planned changes in membership
the following one-time changes in length of terms of board members
is enacted:

(a) One (1) of the two (2) practice members appointed
in 1998 will serve a three-year term.

(b) The practice member appointed in 2002 will serve a
three-year term.

(c) One of the two (2) academic members appointed in
2002 will serve a four-year term.

(3) The Governor may remove any board member for misconduct,
incompetency, or neglect of duty after giving the board member a
written statement of the charges and an opportunity to be heard thereon.

(4) Each board member shall serve without compensation, but shall receive actual traveling and incidental expenses necessarily incurred while engaged in the discharge of official duties.

This section shall stand repealed from and after July 1, 2001.

SECTION 13. Section 73-39-5, Mississippi Code of 1972, is amended as follows:

73-39-5. There shall be a Board of Veterinary Medicine composed of five (5) members, with at least one (1) member from each of the Supreme Court districts of the state and not more than two (2) members from the same Supreme Court district. All members of the Board of Veterinary Medicine shall be veterinarians who have practiced in this state for a period of not less than five (5) years and shall be graduates of a bona fide school of veterinary medicine recognized by and approved by the Bureau of Animal Industry of the United States Department of Agriculture and also by the American Veterinary Medical Association. In making the first appointments to the Board of Veterinary Medicine, the Governor shall designate one (1) member to serve for one (1) year, one (1) for two (2) years, one (1) for three (3) years, one (1) for four (4) years, and one (1) for five (5) years. After the expiration of the terms of all original board members, the terms of each member of the board shall be for five (5) years, or for the unexpired term. The Governor shall fill all vacancies on the board as they shall occur by appointment **. From and after July 1, 1980, all appointments to the Board of Veterinary Medicine shall be with the advice and consent of the Senate. A majority of the board shall constitute a quorum.

SECTION 14. Section 73-53-8, Mississippi Code of 1972, is amended as follows:
73-53-8. (1) There is created the Board of Examiners for Social Workers and Marriage and Family Therapists to license and regulate social workers and marriage and family therapists. The board shall be composed of ten (10) members, six (6) of which shall be social workers and four (4) of which shall be marriage and family therapists.

(2) Of the social worker members of the board, two (2) must be licensed social workers, and four (4) must be licensed master social workers or licensed certified social workers or a combination thereof. The marriage and family therapist members of the board must be licensed marriage and family therapists. For at least five (5) years immediately preceding his or her appointment, each marriage and family therapist appointee must have been actively engaged as a marriage and family therapist in rendering professional services in marriage and family therapy, or in the education and training of master's, doctoral or post-doctoral students of marriage and family therapy, or in marriage and family therapy research, and during the two (2) years preceding his or her appointment, must have spent the majority of the time devoted to that activity in this state. The initial marriage and family therapist appointees shall be deemed to be and shall become licensed practicing marriage and family therapists immediately upon their appointment and qualification as members of the board. All subsequent marriage and family therapist appointees to the board must be licensed marriage and family therapists before their appointment.

(3) The Governor shall appoint six (6) members of the board, four (4) of which shall be social workers and two (2) of which shall be marriage and family therapists, and the Lieutenant Governor shall appoint four (4) members of the board, two (2) of which shall be marriage and family therapists. * * * All appointments shall be made with the advice and consent of the Senate.
(4) The initial appointments to the board shall be made as follows: The Governor shall appoint one (1) social worker member for a term that expires on June 30, 1999, one (1) social worker member for a term that expires on June 30, 2001, two (2) social worker members for terms that expire on June 30, 2002, one (1) marriage and family therapist member for a term that expires on June 30, 1998, and one (1) marriage and family therapist member for a term that expires on June 30, 2000. The Lieutenant Governor shall appoint one (1) social worker member for a term that expires on June 30, 1998, one (1) social worker member for a term that expires on June 30, 2000, one (1) marriage and family therapist member for a term that expires on June 30, 1999, and one (1) marriage and family therapist member of the board for a term that expires on June 30, 2001. After the expiration of the initial terms, all subsequent appointments shall be made by the original appointing authorities for terms of four (4) years from the expiration date of the previous term. Upon the expiration of his or her term of office, a board member shall continue to serve until his or her successor has been appointed and has qualified. No person may be appointed more than once to fill an unexpired term or more than two (2) consecutive full terms.

(5) Any vacancy on the board before the expiration of a term shall be filled by appointment of the original appointing authority for the remainder of the unexpired term.

(6) The appointing authorities shall give due regard to geographic distribution, race and sex in making all appointments to the board.

(7) The board shall select one (1) of its members to serve as chairman during the term of his or her appointment to the board. No person may serve as chairman for more than four (4) years. The board may remove any member of the board or the chairman from his or her position as chairman for (a) malfeasance in office, or (b) conviction of a felony or a crime of moral
turpitude while in office, or (c) failure to attend three (3)
consecutive board meetings. However, no member may be removed
until after a public hearing of the charges against him or her,
and at least thirty (30) days' prior written notice to the accused
member of the charges against him or her and of the date fixed for
such hearing. No board member shall participate in any matter
before the board in which he has a pecuniary interest, personal
bias or other similar conflict of interest.

(8) Board members shall receive no compensation for their
services, but shall be reimbursed for their actual and necessary
expenses incurred in the performance of official board business as
provided in Section 25-3-41.

(9) Four (4) social worker members and three (3) marriage
and family therapist members of the board shall constitute a
quorum of the board. In making its decisions and taking actions
affecting the members of one (1) of the professions regulated by
the board, the board shall consider the recommendations of the
board members who are members of that profession.

(10) The principal office of the board shall be in the City
of Jackson, but the board may act and exercise all of its powers
at any other place. The board shall adopt an official seal, which
shall be judicially noticed and which shall be affixed to all
licenses issued by the board.

(11) The board is authorized to employ, subject to the
approval of the State Personnel Board, an executive director and
such attorneys, experts and other employees as it may, from time
to time, find necessary for the proper performance of its duties
and for which the necessary funds are available, and to set the
salary of the executive director at an amount not to exceed Forty
Thousand Dollars ($40,000.00). The board is strongly encouraged
to employ any employees of the State Department of Health who may
be displaced as a result of the enactment of Laws, 1997, Ch. 516.
(12) The board, by a majority vote, from time to time, may make such provisions as it deems appropriate to authorize the performance by any board member or members, employee or other agent of the board of any function given the board in this chapter or Sections 73-54-1 through 73-54-39.

SECTION 15. Section 73-63-9, Mississippi Code of 1972, is amended as follows:

73-63-9. (1) There is created the Board of Registered Professional Geologists to administer this chapter. The board shall consist of five (5) registered professional geologists appointed by the Governor from nominees recommended by the committee created in subsection (3) of this section, but geologists initially appointed to the board shall be qualified for registration under this chapter and shall register within the first year of their term. The Governor shall require adequate disclosure of potential conflicts of interest by appointees to the board. The board shall, to the extent practicable, consist of one (1) member appointed from the governmental sector, one (1) member appointed from academia, one (1) member appointed from the geotechnical/environmental industrial sector, one (1) member appointed from the mining/mineral extraction industrial sector, and one (1) member appointed at large. The initial term of the members shall be as follows: two (2) members shall be appointed for terms of four (4) years, two (2) members shall be appointed for terms of three (3) years, and one (1) member shall be appointed for a term of two (2) years. Following appointment of the initial board, all terms shall be for four (4) years. The term of members shall begin and end on July 1 of the appropriate year regardless of the date of appointment. Upon expiration of a member's term, the Governor may appoint a new member or may reappoint the existing member to one (1) additional term. No member of the board shall serve more than two (2) consecutive terms. Members shall hold office until their successors have been
appointed and qualified. Vacancies in the membership of the board shall be filled for the unexpired term by appointment in the same manner as the original appointments. Before assuming the duties of office, each member of the board shall take the oath prescribed in Section 268 of the Constitution and shall give a surety bond in the amount of Fifty Thousand Dollars ($50,000.00) to be approved by the Secretary of State, conditioned according to law and payable to the State of Mississippi. The premium on the bond shall be a proper and necessary expense of the board. Each member shall receive a certificate of appointment from the Governor. Original appointments to the board shall be made before October 1, 1997.

(2) Each member of the board shall be a citizen of the United States, a resident of this state for at least five (5) years immediately preceding that person's appointment, and at least thirty (30) years of age.

* * *

SECTION 16. This act shall take effect and be in force from and after July 1, 2001.