

By: Senator(s) Horhn

To: Appropriations

SENATE BILL NO. 2953

1 AN ACT TO AMEND SECTIONS 69-15-2, 69-21-107, 73-17-7,  
2 73-15-9, 73-13-5, 73-11-43, 73-9-7, 73-19-7, 73-21-75, 73-43-3,  
3 73-30-5, 73-31-5, 73-39-5, 73-53-8, AND 73-63-9, MISSISSIPPI CODE  
4 OF 1972, TO DELETE THE PROVISIONS REQUIRING A LIST TO BE SUBMITTED  
5 TO THE GOVERNOR FROM WHICH THE GOVERNOR SHALL APPOINT MEMBERS OF  
6 CERTAIN BOARDS AND COMMISSIONS; AND FOR RELATED PURPOSES.

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

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

10 69-15-2. (1) The Mississippi Board of Animal Health is to  
11 be composed of the Commissioner of Agriculture and Commerce, the  
12 Dean of the College of Veterinary Medicine and the heads of the  
13 Animal and Dairy Science and Poultry Science Departments at  
14 Mississippi State University of Agriculture and Applied Science  
15 and one (1) person appointed by the President of Alcorn State  
16 University from its land grant staff as five (5) ex officio  
17 members with full voting rights, and eleven (11) other members of  
18 the board to be appointed by the Governor as hereinafter provided.  
19 The board shall select annually a chairman and vice chairman from  
20 any members of the board.

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

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

25 One (1) general farmer \* \* \*;

26 One (1) poultry breeder and producer \* \* \*;

27 One (1) sheep breeder and producer \* \* \*;

28 One (1) beef cattle breeder and producer \* \* \*;

29 One (1) swine breeder and producer \* \* \*;  
30 One (1) dairy breeder and producer \* \* \*;  
31 One (1) horse breeder and producer \* \* \*;  
32 One (1) catfish breeder and producer \* \* \*;  
33 One (1) member of the Mississippi Independent Meat Packers'  
34 Association \* \* \*;  
35 One (1) member of the Mississippi Livestock Auction  
36 Association \* \* \*.

37 All members shall take and subscribe to the general oath of  
38 office as provided in Section 268, Mississippi Constitution of  
39 1890, and file the same with the Commissioner of Agriculture and  
40 Commerce.

41 (3) Effective August 1, 1968, the dairy producer member  
42 shall be appointed for a one-year term; the Livestock Auction  
43 Association member shall be appointed for a two-year term; \* \* \*  
44 the meat packer member shall be appointed for a three-year term;  
45 the catfish producer member shall be appointed for a four-year  
46 term; and the horse producer member shall be appointed for a  
47 five-year term.

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

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

60 (4) (a) "Commissioner" means the Commissioner of  
61 Agriculture and Commerce.

62           (b) "Department" means the Department of Agriculture  
63 and Commerce.

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

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

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

85           69-21-107. There is hereby created a State Board of  
86 Agricultural Aviation composed of five (5) members as follows:  
87 one (1) member being the Chief of the Bureau of Plant Industry  
88 within the Regulatory Office of the Mississippi Department of  
89 Agriculture and Commerce; four (4) licensed pilots to be appointed  
90 by the Governor \* \* \*. The term of office of one (1) board member  
91 shall be one (1) year; the term of office of the second board  
92 member shall be two (2) years; the term of office of the third  
93 board member shall be three (3) years; and the term of office of  
94 the fourth board member shall be four (4) years. After the

95 initial appointment, succeeding board members shall serve a  
96 staggered four-year term of office. Each board member shall serve  
97 until his successor is appointed. The Chief of the Bureau of  
98 Plant Industry, Mississippi Department of Agriculture and  
99 Commerce, shall continue to serve each term by virtue of his  
100 office.

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

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

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

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

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

120 73-17-7. (1) There is hereby created the Mississippi State  
121 Board of Nursing Home Administrators. This board shall consist of  
122 seven (7) persons, in addition to the State Health Officer, or his  
123 designee, who shall be an ex-officio member without voting  
124 privilege, to be appointed by the Governor with the advice and  
125 consent of the Senate, each of whom shall be a qualified elector  
126 of the State of Mississippi \* \* \*. In making initial  
127 appointments, three (3) members shall be appointed for a term of

128 two (2) years; two (2) members shall be appointed for terms of  
129 three (3) years; and two (2) members for terms of four (4) years;  
130 and until their successors are appointed and qualified;  
131 thereafter, the terms of the members of \* \* \* said board shall be  
132 for four (4) years and until their successors are appointed and  
133 qualified. In the event of the occurrence of a vacancy during the  
134 term of office of its incumbent, such vacancy shall be filled for  
135 the unexpired portion of the term. The members of this board  
136 shall include the following:

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

140 (b) A registered nurse.

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

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

147 (e) A hospital administrator.

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

150 \* \* \*

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

155 (2) The board shall organize by selecting annually from its  
156 members a chairman and a vice-chairman, and may do all things  
157 necessary and convenient for carrying into effect the provisions  
158 of this chapter and may, from time to time, promulgate rules and  
159 regulations. Each member of the board shall receive a per diem as  
160 provided in Section 25-3-69, plus travel and reasonable necessary

161 expenses incidental to the attendance at each meeting as provided  
162 in Section 25-3-41. Any member who shall not attend two (2)  
163 consecutive meetings of the board shall be subject to removal by  
164 the Governor. The chairman of the board shall notify the Governor  
165 in writing when any such member has failed to attend two (2)  
166 consecutive regular meetings.

167 (3) The board shall adopt a seal.

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

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

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

182 73-15-9. (1) There is hereby created a board to be known as  
183 the Mississippi Board of Nursing, composed of thirteen (13)  
184 members, two (2) of whom shall be nurse educators; three (3) of  
185 whom shall be registered nurses in clinical practice, two (2) to  
186 have as basic nursing preparation an associate degree or diploma  
187 and one (1) to have as basic nursing preparation a baccalaureate  
188 degree; one (1) of whom shall be a registered nurse at large; one  
189 (1) of whom shall be a registered nurse practitioner; four (4) of  
190 whom shall be licensed practical nurses; one (1) of whom shall be  
191 a licensed physician who shall always be a member of the State  
192 Board of Medical Licensure; and one (1) of whom shall represent  
193 consumers of health services. There shall be at least one (1)

194 board member from each congressional district in the state;  
195 provided, however, that the physician member, the consumer  
196 representative member and one (1) registered nurse member shall be  
197 at large always.

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

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

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

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

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

217 73-13-5. A State Board of Registration for Professional  
218 Engineers and Land Surveyors is hereby created whose duty it shall  
219 be to administer the provisions of this chapter. The board shall  
220 consist of five (5) registered professional engineers, who shall  
221 be appointed by the Governor \* \* \*, and shall have the  
222 qualifications required by Section 73-13-7, and two (2) registered  
223 professional land surveyors who are not registered professional  
224 engineers, who shall be appointed by the Governor \* \* \* and \* \* \*  
225 shall have the qualifications required by Section 73-13-77. The  
226 members of the board shall be appointed from the above nominees.

227 The board so appointed shall have one (1) engineer member from  
228 each of the three (3) state Supreme Court districts, and two (2)  
229 engineer members appointed from the state at large to serve the  
230 following terms: the three (3) members first appointed from the  
231 three (3) Supreme Court districts shall serve for four (4) years  
232 and the two (2) members first appointed from the state at large  
233 shall serve two (2) years, from the date of their appointment, or  
234 until their successors are duly appointed and qualified, and the  
235 members recommended by the Mississippi Association of Land  
236 Surveyors shall be appointed from the state at large and serve for  
237 four (4) years, or until their successors are duly appointed and  
238 qualified. Each member of the board shall receive a certificate  
239 of appointment from the Governor, and before beginning his term of  
240 office he shall file with the Secretary of State the  
241 constitutional oath of office. On the expiration of the term of  
242 any member, the Governor shall in the manner hereinbefore provided  
243 appoint for a term of four (4) years a registered professional  
244 engineer having the qualifications required by Section 73-13-7, or  
245 a registered professional land surveyor having the qualifications  
246 required by Section 73-13-77 to take the place of the member of  
247 the board whose term is about to expire. Each member shall hold  
248 office until the expiration of the term for which such member is  
249 appointed or until a successor shall have been duly appointed and  
250 shall have qualified.

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

254 No member of the board shall, during the term of his office  
255 or thereafter, be required to defend any action for damages in any  
256 of the courts of this state where it is shown that said damage  
257 followed or resulted from any of the official acts of said board  
258 in the performance of its powers, duties or authority as set forth



259 in this chapter. Any such action filed shall upon motion be  
260 dismissed, at the cost of the plaintiff, with prejudice.

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

263 73-11-43. There is hereby created the State Board of Funeral  
264 Service which shall consist of seven (7) members, one (1) funeral  
265 service licensee and one (1) funeral director licensee to be  
266 appointed from each Mississippi Supreme Court district. Three (3)  
267 members shall have been licensed for the practice of funeral  
268 service under this chapter for five (5) consecutive years and/or  
269 have had at least five (5) consecutive years' experience as a  
270 funeral director and embalmer in this state immediately preceding  
271 his appointment. Three (3) members shall have been licensed for  
272 the practice of funeral directing under this chapter for five (5)  
273 consecutive years and/or have had at least five (5) consecutive  
274 years' experience as a funeral director immediately preceding his  
275 appointment. One (1) member shall be a public member and be  
276 appointed from the public at large. The members of the board  
277 shall be appointed by the Governor with the advice and consent of  
278 the Senate. All appointments shall be for terms of four (4) years  
279 from the expiration date of the previous term. No board member  
280 shall serve more than two (2) consecutive full terms. Vacancies  
281 in office shall be filled by appointment by the Governor in the  
282 same manner as the appointment to the position which becomes  
283 vacant, subject to the advice and consent of the Senate at the  
284 next regular session of the Legislature. \* \* \* Nothing in this  
285 chapter or any other statute shall preclude the members of the  
286 State Embalming Board from serving as members of the State Board  
287 of Funeral Service.

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

290 73-9-7. The duties of the Mississippi State Board of Dental  
291 Examiners, or "the board," shall be to carry out the purposes and

292 provisions of the laws pertaining to the practice of dentistry and  
293 dental hygiene. The board shall consist of seven (7) regularly  
294 licensed, registered and practicing dentists, each a graduate of  
295 an accredited college of dentistry and each a regularly licensed,  
296 registered and practicing dentist within the State of Mississippi  
297 for a period of five (5) or more years next preceding his  
298 appointment. No dentist shall be eligible for appointment who is  
299 connected in any way with any school of dentistry or the dental  
300 supply business.

301 In addition, the board shall include one (1) member who shall  
302 be a regularly licensed, registered dental hygienist with at least  
303 five (5) years' practical experience. The dental hygienist member  
304 shall be appointed by the Governor from the state at large \* \* \*.  
305 The dental hygienist member shall serve for a term of four (4)  
306 years and may succeed himself or herself in office. \* \* \* The  
307 terms of the dental hygienist member shall be computed from July  
308 1, 1995.

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

317 Except for the original appointments, the term of each of the  
318 seven (7) dentist appointees provided for herein shall be for a  
319 period of four (4) years and shall terminate on and after June  
320 30th of the year set out below for each appointive position:

321 Appointments one (1) and two (2) in 1964 and each fourth year  
322 thereafter; appointment three (3) in 1965 and each fourth year  
323 thereafter; appointment four (4) in 1966 and each fourth year  
324 thereafter; and appointments five (5) and six (6) in 1967 and each

325 fourth year thereafter. Each subsequent appointment shall be made  
326 in chronological order of respective expiration dates; provided,  
327 however, that each appointee holding office at the time of passage  
328 of this chapter shall continue to serve until the expiration date  
329 of the period for which he was appointed, and appointment of such  
330 incumbent's successors shall be made in order of the expiration  
331 dates of their present commissions.

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

335       Upon expiration of the term of office of any of the six (6)  
336 members of the board who are appointed from districts, the  
337 Governor shall appoint his successor \* \* \*. From and after July  
338 1, 1991, all appointments to the Mississippi State Board of Dental  
339 Examiners shall be with the advice and consent of the Senate.

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

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

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

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

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

355       Dental District Five: George, Greene, Hancock, Harrison,  
356 Jackson, Pearl River, Stone;

357 Dental District Six: Adams, Amite, Claiborne, Copiah,  
358 Franklin, Jefferson Davis, Jefferson, Lawrence, Lincoln, Marion,  
359 Pike, Simpson, Walthall, Wilkinson.

360 \* \* \*

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

369 \* \* \*

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

372 73-19-7. The Governor, with the advice and consent of the  
373 Senate, shall appoint a State Board of Optometry, consisting of  
374 five (5) persons, citizens of Mississippi, each of whom shall be a  
375 nonmedical man or woman actually engaged in the practice of  
376 optometry for five (5) years next preceding his appointment.  
377 Within ninety (90) days after March 25, 1974, the Governor shall  
378 appoint: one (1) member for a term of one (1) year, one (1)  
379 member for a term of two (2) years, one (1) member for a term of  
380 three (3) years, one (1) member for a term of four (4) years, and  
381 one (1) member for a term of five (5) years; and upon the  
382 expiration of all such terms their successors shall be appointed  
383 by the Governor for a term of five (5) years. From and after July  
384 1, 1983, the appointments to the board shall be made with one (1)  
385 member to be appointed from each of the congressional districts as  
386 existing on January 1, 1980; provided that the present members of  
387 the State Board of Optometry whose terms have not expired by July  
388 1, 1983, shall continue to serve until their terms of office have  
389 expired. Each member shall remain in office after the expiration

390 of his term until his successor shall be duly appointed and  
391 qualified.

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

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

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

399 73-21-75. (1) The State Board of Pharmacy created by former  
400 Section 73-21-9 is hereby continued and reconstituted as follows:  
401 The board shall consist of seven (7) appointed members. At least  
402 one (1) appointment shall be made from each congressional  
403 district. Each appointed member of the board shall be appointed  
404 by the Governor, with the advice and consent of the Senate \* \* \*.  
405 Of the members appointed, one (1) shall, at the time of  
406 appointment, have had five (5) years' experience as a pharmacist  
407 at a facility holding an institutional permit, and one (1) shall,  
408 at the time of appointment, have had five (5) years' experience as  
409 a pharmacist at a facility holding a retail permit. Any person  
410 appointed to the board shall be limited to two (2) full terms of  
411 office during any fifteen-year period, including any member  
412 serving on May 14, 1992.

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

422 1983. The initial members of the reconstituted board shall serve  
423 terms of office as follows:

424 (a) The term of the member from the First Congressional  
425 District shall expire on July 1, 1984; and from and after July 1,  
426 1996, this appointment shall be designated as Post 1.

427 (b) The term of the member from the Second  
428 Congressional District shall expire on July 1, 1988; and from and  
429 after July 1, 1996, this appointment shall be designated as Post  
430 2.

431 (c) The term of the member from the Third Congressional  
432 District shall expire on July 1, 1986; and from and after July 1,  
433 1996, this appointment shall be designated as Post 3.

434 (d) The term of the member from the Fourth  
435 Congressional District shall expire on July 1, 1985; and from and  
436 after July 1, 1996, this appointment shall be designated as Post  
437 4.

438 (e) The term of the member from the Fifth Congressional  
439 District shall expire on July 1, 1987; and from and after July 1,  
440 1996, this appointment shall be designated as Post 5.

441 (f) The term of one (1) of the members from the state  
442 at large shall expire on July 1, 1985; and from and after July 1,  
443 1996, this appointment shall be designated as Post 6.

444 (g) The term of the other member from the state at  
445 large shall expire on July 1, 1988; and from and after July 1,  
446 1996, this appointment shall be designated as Post 7.

447 (3) At the expiration of a term, members of the board shall  
448 be appointed in the manner prescribed in subsection (1) of this  
449 section for terms of five (5) years from the expiration date of  
450 the previous terms. Any vacancy on the board prior to the  
451 expiration of a term for any reason, including resignation,  
452 removal, disqualification, death or disability, shall be filled by  
453 appointment of the Governor in the manner prescribed in subsection  
454 (1) of this section for the balance of the unexpired term. \* \* \*

455 The Governor shall fill such vacancies within ninety (90) days  
456 after each such vacancy occurs.

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

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

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

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

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

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

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

481 73-43-3. (1) The State Board of Medical Licensure shall  
482 consist of nine (9) physicians. Each of the physicians shall have  
483 graduated from a medical school which has been accredited by the  
484 liaison committee on medical education as sponsored by the  
485 American Medical Association and the Association of American  
486 Medical Colleges or from an osteopathic medical school which has  
487 been accredited by the Bureau of Professional Education of the

488 American Osteopathic Association, and have at least six (6) years'  
489 experience in the practice of medicine. No more than two (2)  
490 members of the board shall be a member of the faculty of the  
491 University of Mississippi School of Medicine. No more than four  
492 (4) members of the board shall be from the same Mississippi  
493 Supreme Court district.

494 (2) \* \* \* The original appointments of the board shall be  
495 made no later than June 30, 1980, for terms to begin on July 1,  
496 1980. The Governor shall designate the initial terms of the  
497 members as follows: Three (3) members shall be appointed for a  
498 term which expires July 1, 1982, three (3) members shall be  
499 appointed for a term which expires July 1, 1984, and three (3)  
500 members shall be appointed for a term which expires July 1, 1986.  
501 Thereafter, all succeeding appointments shall be for terms of six  
502 (6) years from the expiration of the previous term. Vacancies in  
503 office shall be filled by appointment of the Governor in the same  
504 manner as the appointment to the position which becomes vacant,  
505 subject to the advice and consent of the Senate at the next  
506 regular session of the Legislature.

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

509 73-30-5. (1) There is hereby established the Mississippi  
510 State Board of Examiners for Licensed Professional Counselors  
511 which shall consist of five (5) members, one (1) member from each  
512 of the five (5) congressional districts of Mississippi, who shall  
513 be appointed by the Governor with the advice and consent of the  
514 Senate. \* \* \* At least two (2) names shall be included from each  
515 congressional district. Such appointments shall be made initially  
516 within sixty (60) days of the submission of the list of qualified  
517 counselors by the Mississippi Counseling Association. Thereafter,  
518 all vacancies occurring on the board shall be filled by the  
519 Governor within sixty (60) days after the vacancy occurs. \* \* \*

520 (2) The board shall consist of five (5) licensed counselors,



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

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

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

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

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

545 73-31-5. (1) There is hereby created a Mississippi State  
546 Board of Psychology consisting of seven (7) members who are  
547 citizens of the United States and residing in the State of  
548 Mississippi. One (1) member of the board shall be a person who is  
549 not a psychologist or a mental health professional but who has  
550 expressed a continuing interest in the field of psychology. Each  
551 board member shall otherwise be licensed under this chapter. At  
552 all times the board shall be composed of three (3) members who are  
553 faculty at institutions of higher learning that grant doctoral

554 degrees, or staff or faculty of an American Psychological  
555 Association approved doctoral level internship. Three (3) members  
556 of the board shall be engaged in the professional practice of  
557 psychology. The membership of the board shall reflect a diversity  
558 of practice specialties.

559 (2) When the term of each psychologist member ends the  
560 Governor shall, within thirty (30) days, appoint as his successor,  
561 for a term of five (5) years, a psychologist who holds a doctoral  
562 degree from an institution of higher education and who has been  
563 licensed under this chapter. When the term of the member who is  
564 not a psychologist ends, the Governor shall, within thirty (30)  
565 days, appoint a qualified person as his successor for a term of  
566 five (5) years. No board member shall serve for consecutive  
567 terms. Any vacancy occurring in the board membership other than  
568 by expiration of term shall be filled by the Governor by  
569 appointment for the unexpired term of such member. \* \* \* Each  
570 board member shall receive a certificate of appointment from the  
571 Governor before entering on the discharge of his duties, and  
572 within thirty (30) days from the effective date of his appointment  
573 shall subscribe an oath for the faithful performance of his  
574 official duty before any officer authorized to administer oaths in  
575 this state, and shall file the same with the Secretary of State.  
576 To enable the board to have regular, planned changes in membership  
577 the following one-time changes in length of terms of board members  
578 is enacted:

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

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

583 (c) One of the two (2) academic members appointed in  
584 2002 will serve a four-year term.

585 (3) The Governor may remove any board member for misconduct,  
586 incompetency, or neglect of duty after giving the board member a

587 written statement of the charges and an opportunity to be heard  
588 thereon.

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

592 This section shall stand repealed from and after July 1,  
593 2001.

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

596 73-39-5. There shall be a Board of Veterinary Medicine  
597 composed of five (5) members, with at least one (1) member from  
598 each of the Supreme Court districts of the state and not more than  
599 two (2) members from the same Supreme Court district. All members  
600 of the Board of Veterinary Medicine shall be veterinarians who  
601 have practiced in this state for a period of not less than five  
602 (5) years and shall be graduates of a bona fide school of  
603 veterinary medicine recognized by and approved by the Bureau of  
604 Animal Industry of the United States Department of Agriculture and  
605 also by the American Veterinary Medical Association. In making  
606 the first appointments to the Board of Veterinary Medicine, the  
607 Governor shall designate one (1) member to serve for one (1) year,  
608 one (1) for two (2) years, one (1) for three (3) years, one (1)  
609 for four (4) years, and one (1) for five (5) years. After the  
610 expiration of the terms of all original board members, the terms  
611 of each member of the board shall be for five (5) years, or for  
612 the unexpired term. The Governor shall fill all vacancies on the  
613 board as they shall occur by appointment \* \* \*. From and after  
614 July 1, 1980, all appointments to the Board of Veterinary Medicine  
615 shall be with the advice and consent of the Senate. A majority of  
616 the board shall constitute a quorum.

617 SECTION 14. Section 73-53-8, Mississippi Code of 1972, is  
618 amended as follows:

619           73-53-8. (1) There is created the Board of Examiners for  
620 Social Workers and Marriage and Family Therapists to license and  
621 regulate social workers and marriage and family therapists. The  
622 board shall be composed of ten (10) members, six (6) of which  
623 shall be social workers and four (4) of which shall be marriage  
624 and family therapists.

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

645           (3) The Governor shall appoint six (6) members of the board,  
646 four (4) of which shall be social workers and two (2) of which  
647 shall be marriage and family therapists, and the Lieutenant  
648 Governor shall appoint four (4) members of the board, two (2) of  
649 which shall be social workers and two (2) of which shall be  
650 marriage and family therapists. \* \* \* All appointments shall be  
651 made with the advice and consent of the Senate.

652           (4) The initial appointments to the board shall be made as  
653 follows: The Governor shall appoint one (1) social worker member  
654 for a term that expires on June 30, 1999, one (1) social worker  
655 member for a term that expires on June 30, 2001, two (2) social  
656 worker members for terms that expire on June 30, 2002, one (1)  
657 marriage and family therapist member for a term that expires on  
658 June 30, 1998, and one (1) marriage and family therapist member  
659 for a term that expires on June 30, 2000. The Lieutenant Governor  
660 shall appoint one (1) social worker member for a term that expires  
661 on June 30, 1998, one (1) social worker member for a term that  
662 expires on June 30, 2000, one (1) marriage and family therapist  
663 member for a term that expires on June 30, 1999, and one (1)  
664 marriage and family therapist member of the board for a term that  
665 expires on June 30, 2001. After the expiration of the initial  
666 terms, all subsequent appointments shall be made by the original  
667 appointing authorities for terms of four (4) years from the  
668 expiration date of the previous term. Upon the expiration of his  
669 or her term of office, a board member shall continue to serve  
670 until his or her successor has been appointed and has qualified.  
671 No person may be appointed more than once to fill an unexpired  
672 term or more than two (2) consecutive full terms.

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

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

679           (7) The board shall select one (1) of its members to serve  
680 as chairman during the term of his or her appointment to the  
681 board. No person may serve as chairman for more than four (4)  
682 years. The board may remove any member of the board or the  
683 chairman from his or her position as chairman for (a) malfeasance  
684 in office, or (b) conviction of a felony or a crime of moral

685 turpitude while in office, or (c) failure to attend three (3)  
686 consecutive board meetings. However, no member may be removed  
687 until after a public hearing of the charges against him or her,  
688 and at least thirty (30) days' prior written notice to the accused  
689 member of the charges against him or her and of the date fixed for  
690 such hearing. No board member shall participate in any matter  
691 before the board in which he has a pecuniary interest, personal  
692 bias or other similar conflict of interest.

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

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

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

708 (11) The board is authorized to employ, subject to the  
709 approval of the State Personnel Board, an executive director and  
710 such attorneys, experts and other employees as it may, from time  
711 to time, find necessary for the proper performance of its duties  
712 and for which the necessary funds are available, and to set the  
713 salary of the executive director at an amount not to exceed Forty  
714 Thousand Dollars (\$40,000.00). The board is strongly encouraged  
715 to employ any employees of the State Department of Health who may  
716 be displaced as a result of the enactment of Laws, 1997, Ch. 516.

717           (12) The board, by a majority vote, from time to time, may  
718 make such provisions as it deems appropriate to authorize the  
719 performance by any board member or members, employee or other  
720 agent of the board of any function given the board in this chapter  
721 or Sections 73-54-1 through 73-54-39.

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

724           73-63-9. (1) There is created the Board of Registered  
725 Professional Geologists to administer this chapter. The board  
726 shall consist of five (5) registered professional geologists  
727 appointed by the Governor from nominees recommended by the  
728 committee created in subsection (3) of this section, but  
729 geologists initially appointed to the board shall be qualified for  
730 registration under this chapter and shall register within the  
731 first year of their term. The Governor shall require adequate  
732 disclosure of potential conflicts of interest by appointees to the  
733 board. The board shall, to the extent practicable, consist of one  
734 (1) member appointed from the governmental sector, one (1) member  
735 appointed from academia, one (1) member appointed from the  
736 geotechnical/environmental industrial sector, one (1) member  
737 appointed from the mining/mineral extraction industrial sector,  
738 and one (1) member appointed at large. The initial term of the  
739 members shall be as follows: two (2) members shall be appointed  
740 for terms of four (4) years, two (2) members shall be appointed  
741 for terms of three (3) years, and one (1) member shall be  
742 appointed for a term of two (2) years. Following appointment of  
743 the initial board, all terms shall be for four (4) years. The  
744 term of members shall begin and end on July 1 of the appropriate  
745 year regardless of the date of appointment. Upon expiration of a  
746 member's term, the Governor may appoint a new member or may  
747 reappoint the existing member to one (1) additional term. No  
748 member of the board shall serve more than two (2) consecutive  
749 terms. Members shall hold office until their successors have been

750 appointed and qualified. Vacancies in the membership of the board  
751 shall be filled for the unexpired term by appointment in the same  
752 manner as the original appointments. Before assuming the duties  
753 of office, each member of the board shall take the oath prescribed  
754 in Section 268 of the Constitution and shall give a surety bond in  
755 the amount of Fifty Thousand Dollars (\$50,000.00) to be approved  
756 by the Secretary of State, conditioned according to law and  
757 payable to the State of Mississippi. The premium on the bond  
758 shall be a proper and necessary expense of the board. Each member  
759 shall receive a certificate of appointment from the Governor.  
760 Original appointments to the board shall be made before October 1,  
761 1997.

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

766 \* \* \*

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