H. B. No. 763

MISSISSIPPI LEGISLATURE
REGULAR SESSION 2002

By: Representative Watson
To: Judiciary A

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 763

AN ACT TO AMEND SECTION 11-46-18, MISSISSIPPI CODE OF 1972, TO ALLOW DESIGNEES OF CERTAIN STATE AGENCIES TO ATTEND AND VOTE AT MEETINGS OF THE TORT CLAIMS BOARD WHEN SO DIRECTED BY THE MEMBER DIRECTOR OF THE AGENCY; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 11-46-18, Mississippi Code of 1972, is amended as follows:

11-46-18. (1) There is created a board which shall be known as the Mississippi Tort Claims Board. The board shall consist of seven (7) members as follows:

(a) The Governor, subject to the advice and consent of the Senate, shall appoint one (1) member who shall serve at the will and pleasure of the Governor and who shall serve as chairman of the board.

(b) The Director of the Department of Environmental Quality shall be a member of the board and may appoint a designee to attend meetings of the board in his absence with full voting authority.

(c) The Commissioner of Insurance shall be a member of the board.

(d) The Director of the Department of Finance and Administration shall be a member of the board and may appoint a designee to attend meetings in his absence with full voting authority. The Director of the Department of Finance and Administration or his designee also shall serve as the executive director to the board, and shall be authorized to conduct the administrative affairs of the board.
(e) The Attorney General shall be a member of the board.

(f) The Commissioner of Public Safety shall be a member of the board.

(g) The State Treasurer shall be a member of the board.

(2) The member of the board appointed by the Governor shall receive per diem as provided by Section 25-3-69 and reimbursement of travel expenses as provided in Section 25-3-41 for expenses incurred in carrying out his duties as a member of the Mississippi Tort Claims Board.

(3) The board, by majority vote, shall determine the place and time of its meetings and shall spread the same on its minutes. A majority of the members shall constitute a quorum, and final action of the board shall require the affirmative vote of a majority of those present and voting. The board shall elect a vice chairman who shall preside in the absence or incapacity of the chairman and such other officers as it deems necessary and as established by its rules of order. Extraordinary meetings may be held upon call of the chairman or upon petition of any four (4) members of the board should the chairman refuse to call a meeting. The initial meeting of the board shall convene upon call of the chairman.

(4) The Lieutenant Governor may designate one (1) Senator and the Speaker of the House of Representatives may designate one Representative to attend any meeting of the Tort Claims Board. The appointing authorities may designate alternate members from their respective houses to serve when the regular designees are unable to attend such meetings of the board. Such legislative designees shall have no jurisdiction or vote on any matter within the jurisdiction of the board. For attending meetings of the board, 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 as provided for committee
meetings when the Legislature is not in session; however, no per
diem and expenses for attending meetings of the board will be paid
while the Legislature is in session. No per diem and expenses
will be paid, except for attending meetings of the board, without
prior approval of the proper committee in their respective houses.

**SECTION 2.** This act shall take effect and be in force from
and after its passage.