

By: Representative Watson

To: Judiciary A

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 763

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

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

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

8 11-46-18. (1) There is created a board which shall be known
9 as the Mississippi Tort Claims Board. The board shall consist of
10 seven (7) members as follows:

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

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

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

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



28 (e) The Attorney General shall be a member of the
29 board.

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

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

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

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

50 (4) The Lieutenant Governor may designate one (1) Senator
51 and the Speaker of the House of Representatives may designate one
52 (1) Representative to attend any meeting of the Tort Claims Board.
53 The appointing authorities may designate alternate members from
54 their respective houses to serve when the regular designees are
55 unable to attend such meetings of the board. Such legislative
56 designees shall have no jurisdiction or vote on any matter within
57 the jurisdiction of the board. For attending meetings of the
58 board, such legislators shall receive per diem and expenses which
59 shall be paid from the contingent expense funds of their
60 respective houses in the same amounts as provided for committee



61 meetings when the Legislature is not in session; however, no per
62 diem and expenses for attending meetings of the board will be paid
63 while the Legislature is in session. No per diem and expenses
64 will be paid, except for attending meetings of the board, without
65 prior approval of the proper committee in their respective houses.

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

