To: Fees, Salaries and Administration

MISSISSIPPI LEGISLATURE
REGULAR SESSION 2002
By: Senator(s) Dawkins, Bryan, Williamson, Hewes

To: Fees, Salaries and Administration

SENATE BILL NO. 2150

AN ACT TO PROVIDE THAT FROM AND AFTER JANUARY 1, 2002,
AND THE PEER COMMITTEE SHALL BE MADE FROM THE FOUR MISSISSIPPI
CONGRESSIONAL DISTRICTS ON A PHASED-IN BASIS; TO AMEND SECTIONS
5-3-55, 25-53-7, 31-3-3, 35-1-1, 35-3-24, 35-7-7, 37-4-3, 37-63-3,
37-101-3, 37-155-7, 39-3-101, 39-5-3, 39-11-1, 41-3-1, 41-4-3,
43-13-107, 43-13-409, 43-55-5, 47-5-541, 47-7-5, 49-2-5, 49-4-4,
69-21-107, 73-1-5, 73-4-7, 73-5-1, 73-6-3, 73-15-9, 73-19-7,
73-21-75, 73-30-5, 73-31-5, 73-33-3, 73-34-7, 73-35-5, 73-53-8,
73-60-5, 73-63-9 AND 73-67-9, MISSISSIPPI CODE OF 1972, IN
CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

PEER COMMITTEE

SECTION 1. Section 5-3-55, Mississippi Code of 1972, is
amended as follows:

5-3-55. The committee shall be composed of five (5) members
from the Senate and five (5) members from the House of
Representatives, one (1) from each of the congressional districts
of the State of Mississippi, to be appointed by the Lieutenant
Governor and the Speaker of the House of Representatives for a
term concurrent with their term in their respective house.

Beginning with the 2004 Regular Session, the committee shall be
composed of five (5) members from the Senate and five (5) members
from the House of Representatives, one (1) from each of the four
(4) Mississippi congressional districts as they exist on January
1, 2002, and one (1) from the state at large, to be appointed by
the Lieutenant Governor and the Speaker of the House for a term
concurrent with their term in their respective house. * * * The
Lieutenant Governor and Speaker shall make their appointments
within fifteen (15) days after the first calendar day of the
regular session in the first year of such four-year term. No
member of the committee shall serve as a member of the Legislative Budget Committee. The term of each member shall be concurrent with his term of office.

MISSISSIPPI DEPARTMENT OF TECHNOLOGY SERVICES

SECTION 2. Section 25-53-7, Mississippi Code of 1972, is amended as follows:

25-53-7. (1) The membership of the authority shall be composed of five (5) members to be appointed by the Governor with the advice and consent of the Senate. The initial terms of the members shall be for one (1), two (2), three (3), four (4) and five (5) years, respectively, and thereafter all terms shall be for five (5) years. The initial appointments to the reconstituted authority shall be made no later than June 30, 1984, for terms to begin on July 1, 1984. The members of the authority as constituted on January 1, 2002, whose terms have not expired shall serve the balance of their terms, after which time the membership of the authority shall be appointed as follows: There shall be appointed one (1) member of the authority from each of the four (4) Mississippi congressional districts as they exist on January 1, 2002, and one (1) from the state at large, and the Governor shall make appointments from the congressional district having the smallest number of authority members until the membership includes one (1) member from each district as required. Vacancies shall be filled in the same manner as original appointments for the unexpired portion of the term vacated. Each member of the authority shall have a minimum of four (4) years' experience in an information technology-related executive position or prior service as a member of the authority.

(2) Each member of the authority shall be required to furnish a surety bond in the minimum 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, before entering upon his duties. The premiums on such bonds shall be paid from any funds available to the authority for such purpose.

(3) No member of the authority, nor its executive director, shall, during his term as such member or director, have any substantial beneficial interest in any corporation or other organization engaged in the information technology business either as manufacturer, supplier, lessor or otherwise. All members and the executive director shall fully disclose in writing any such beneficial interest, and such disclosure shall be entered on the minutes of the authority.

(4) The Lieutenant Governor may designate one (1) Senator and the Speaker of the House of Representatives may designate one (1) Representative to attend any meeting of the authority. The appointing authorities may designate an alternate member from their respective houses to serve when the regular designee is unable to attend such meetings of the authority. Such legislative designees shall have no jurisdiction or vote on any matter within the jurisdiction of the authority. For attending meetings of the authority, 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 authority will be paid while the Legislature is in session. No per diem and expenses will be paid except for attending meetings of the authority without prior approval of the proper committee in their respective houses.

STATE BOARD OF CONTRACTORS

SECTION 3. Section 31-3-3, Mississippi Code of 1972, is amended as follows:

31-3-3. There is hereby created the State Board of Contractors of the State of Mississippi, which shall consist of
ten (10) members who shall be appointed by the Governor. All appointments to the board after July 1, 1980, shall be made with the advice and consent of the Senate. Two (2) road contractors; two (2) building contractors; two (2) residential builders as defined in Section 73-59-1; one (1) plumbing or heating and air conditioning contractor; one (1) electrical contractor; and one (1) water and sewer contractor shall compose the board. From and after July 1, 1992, the Governor shall appoint one (1) additional member who shall be a roofing contractor and whose term of office shall be five (5) years. Each member shall be an actual resident of the State of Mississippi and must have been actually engaged in the contracting business for a period of not less than ten (10) years before appointment. The initial terms of the two (2) residential builders shall be for two (2) and four (4) years, respectively, beginning July 1, 1993.

Upon the expiration of the term of office of any member of the board, the Governor shall appoint a new member for a term of five (5) years, such new appointments being made so as to maintain on the board two (2) building contractors; two (2) road contractors; two (2) residential builders; one (1) plumbing or heating and air conditioning contractor; one (1) electrical contractor; and one (1) roofing contractor. The members of the board as constituted on January 1, 2002, whose terms have not expired shall serve the balance of their terms, after which time the membership of the board shall be appointed as follows: There shall be appointed not more than three (3) members of the board from each of the four (4) Mississippi congressional districts as they exist on January 1, 2002, and the Governor shall make appointments from the congressional district having the smallest number of board members until the membership includes not less than two (2) members from each district as required. The Governor shall fill any vacancy by appointment, such appointee to serve the balance of the term of
the original appointee. The Governor may remove any member of the
board for misconduct, incompetency or willful neglect of duty.

In the event the Governor fails to appoint a member of the
board within twelve (12) months of the occurrence of the vacancy,
such vacancy shall be filled by majority vote of the board,
subject to advice and consent of the Senate and the requirements
of this section.

VETERANS AFFAIRS BOARD

SECTION 4. Section 35-1-1, Mississippi Code of 1972, is
amended as follows:

35-1-1. (1) (a) There is hereby created a State Veterans
Affairs Board, to consist of seven (7) members, to be appointed by
the Governor, one (1) from each congressional district as they
existed on January 1, 1952, of the State of Mississippi. One (1)
shall be appointed for one (1) year, another for two (2) years,
another for three (3) years, another for four (4) years, another
for five (5) years, another for six (6) years, and another for
seven (7) years, thus staggered. At the end of such term for each
of said seven (7) members, a successor shall be appointed for a
term of seven (7) years, thus providing for seven (7) members, one
(1) of whom shall be appointed each year. In the event of death,
resignation or removal of a member of the board, such person
appointed to fill the vacancy shall be a legal resident of the
congressional district in which the vacancy shall occur, and shall
serve for the remainder of the term to which such member was
appointed. Members of the board shall be veterans of any war or
police action in which the Armed Forces of the United States have
been, are, or shall be committed for action, who have been
honorably discharged or honorably released.

(b) From and after May 14, 1992, terms of all members
then serving on the State Veterans Affairs Board shall terminate,
and the board shall be reconstituted as follows: The board shall
consist of seven (7) members. All members shall be appointed by
the Governor, with the advice and consent of the Senate. One (1) member shall be appointed from each congressional district as such districts existed on March 1, 1992, and two (2) members shall be appointed from the state at large. Of the initial congressional district appointees to the board, one (1) shall serve for a term of one (1) year, one (1) for a term of two (2) years, one (1) for a term of three (3) years, one (1) for a term of four (4) years and one (1) for a term of five (5) years. Of the initial at-large appointees, one (1) (who shall be that person appointed in January 1992 from the First Congressional District under the provisions of paragraph (a) of this subsection) shall serve for a term of three (3) years and one (1) (who shall be that person appointed in January 1992 from the Seventh Congressional District under the provisions of paragraph (a) of this subsection) shall serve for a term of five (5) years. All appointees after the initial appointees shall serve for terms of five (5) years each. In the event of death, resignation or removal of a member of the board, the vacancy shall be filled by appointment of the Governor, with the advice and consent of the Senate, from the congressional district in which the vacancy occurs, for the length of the unexpired term only. Members of the board shall be honorably discharged or released veterans of any war or police action in which the Armed Forces of the United States have been, are, or shall be committed for action. No state/department commander of any federally recognized veterans organization, no national officer of any federally recognized veterans organization and no member of the Mississippi Council of Veterans Organizations shall be eligible for appointment to the board until the expiration of a period of three (3) years after the termination of their service in such disqualifying positions. The members of the board as constituted on January 1, 2002, whose terms have not expired shall serve the balance of their terms, after which time the membership of the board shall be appointed as follows: There shall be
appointed one (1) member of the board from each of the four (4) Mississippi congressional districts as they exist on January 1, 2002, and three (3) from the state at large, and the Governor shall make appointments from the congressional district having the smallest number of board members until the membership includes at least one (1) member from each congressional district as required.

(2) Members of the board shall annually elect as chairman one of their number and another member as vice chairman. Members of the board shall hold regular monthly meetings and such other meetings as may be called by the chairman or the vice chairman in his absence.

**WAR VETERANS MEMORIAL COMMISSION**

**SECTION 5.** Section 35-3-24, Mississippi Code of 1972, is amended as follows:

35-3-24. There is hereby created a War Veterans Memorial Commission, which is hereby charged with the duty of carrying out the provisions as hereinafter set forth, and it shall be referred to in the succeeding sections hereof as the "commission." The commission shall consist of seven (7) commissioners, one (1) member each from the American Legion, the Veterans of Foreign Wars, Disabled American Veterans, American Ex-Prisoners of War, Veterans of World War I, Sons of Confederate Veterans, and the Mississippi National Guard. The commissioners shall be appointed by the Governor on the recommendation of the state executive governing body of each respective organization entitled to a member of the commission. The initial terms of the members shall be as follows, to be designated by the Governor at the time of appointment: (a) two (2) members shall be appointed for terms of two (2) years each; (b) two (2) members for terms of four (4) years each; (c) two (2) members for terms of six (6) years each; and (d) the member from the American Ex-Prisoners of War for a term of four (4) years. Thereafter, each term shall be for six (6) years or until a successor in office has been appointed and
qualified. The members of the commission as constituted on January 1, 2002, whose terms have not expired shall serve the balance of their terms, after which time the membership of the commission shall be appointed as follows: There shall be appointed one (1) member of the commission from each of the four (4) Mississippi congressional districts as they exist on January 1, 2002, and three (3) from the state at large, and the Governor shall make appointments from the congressional district having the smallest number of commission members until the membership includes at least one (1) member from each congressional district as required; and the appropriate organization/association shall submit nominations to the Governor from the proper congressional district as required. In the event of any vacancy on the commission, the Governor shall, within thirty (30) days, designate a successor in the same manner as the original appointment was made. No member of either branch of the Legislature nor any state officer or employee shall serve on the commission.

VETERANS HOME PURCHASE BOARD

SECTION 6. Section 35-7-7, Mississippi Code of 1972, is amended as follows:

35-7-7. The administration of the provisions hereof is vested in a Veterans’ Home Purchase Board consisting of six (6) members who shall be appointed, or reappointed, by the Governor, with the advice and consent of the Senate. Members appointed to the board shall be veterans of either World War II, the Korean Conflict, the Southeast Asia Conflict, the Persian Gulf Conflict or have served in active duty for at least one hundred eighty (180) days during a time of war or a conflict in which a campaign ribbon or medal was issued and shall possess a background in business, banking, real estate or the legal profession which enables them to carry out the duties of the board. Appointments shall be staggered, with each Governor appointing or reappointing two (2) members in the first year of his administration; one (1)
member in the second year, two (2) members in the third year, and
one (1) member in the fourth year. Appointments for terms that
expire in 1988 shall be made as follows: one (1) shall be made
for a term ending on July 1, 1989; one (1) shall be made for a
term ending on July 1, 1991; and two (2) shall be made for a term
ending on July 1, 1992. Persons appointed to succeed the two (2)
members whose terms expired in 1986, or any such member holding
over after 1986 because no successor was appointed, shall serve
until July 1, 1990. After the expiration of the foregoing terms,
all appointments shall be for a term of four (4) years from the
expiration date of the previous term. From and after July 1,
1988, one (1) appointee shall be selected from each of the five
(5) congressional districts of this state as such districts are
composed on May 1, 1987, and one (1) appointee shall be selected
from the state at large. The members of the board as constituted
on January 1, 2002, whose terms have not expired shall serve the
balance of their terms, after which time the membership of the
board shall be appointed as follows: There shall be appointed one
(1) member of the board from each of the four (4) Mississippi
congressional districts as they exist on January 1, 2002, and two
(2) from the state at large, and the Governor shall make
appointments from the congressional district having the smallest
number of board members until the membership includes at least one
(1) from each congressional district as required. Any vacancy
occurring during a term shall be filled by appointment of a member
for the unexpired portion of the term.

The board is hereby authorized and empowered to make and
promulgate such reasonable rules and regulations under this
chapter as it shall deem to be necessary or advisable and to
enforce the same. The board shall have authority to render final
decision on the purchase application process, approval of
purchases, funding of purchase commitments, servicing loans and
default, property security, management, resale, release from
security, and all other matters relating to the purchases and
loans made under this law. The board shall likewise by an order
spread on its minutes elect a chairman and vice chairman to serve
for one-year terms, and all such officers are eligible to succeed
themselves in such offices. The chairman may appoint a
three-member loan committee from the membership of the board and
shall specify the conditions, responsibilities and authority of
such committee.

Each member of the board and his successor shall be
reimbursed all his actual and necessary traveling and other
expenses incurred in the attendance of the meetings of the board
or in the performance of other duties in connection with the
business of the board as provided for state officers and employees
in Section 25-3-41, and shall be allowed a per diem as provided in
Section 25-3-69 for such attendance; provided that the number of
days per diem shall not exceed sixty-six (66) days for the
chairman and fifty (50) days for other members of the board during
any one (1) fiscal year. The above limitation of days per year
shall not apply to board members appointed on a full-time basis to
the loan committee.

The director, or other executive officer employed by the
board, shall execute a surety bond in the sum of One Hundred
Thousand Dollars ($100,000.00), conditioned upon the faithful
performance of his duties and upon his accounting for all monies
coming into his hands; and each employee handling funds shall
execute a like bond in the sum of Fifteen Thousand Dollars
($15,000.00), and the premiums thereon shall be paid from the
funds provided for administering this chapter.

The board may designate one (1) of its employees as the
acting director or executive officer by a vote of the majority of
the members of the board, officially recorded in the minutes of a
regular or special meeting, and such acting director shall be
vested with all the authority conferred upon the director by the
provisions of this chapter; but such acting director may not serve for a continuous period of time in excess of six (6) months, and the acting director, when so designated, will be required to furnish surety bond in the same amount and under the same conditions as the director. The purpose of this provision is to designate an executive officer during any temporary illness, absence or incapacity of the regularly designated director.

The board may select and employ such expert, technical and clerical assistance as in its judgment may be necessary in the proper administration of said board and fix the salaries of such employees.

The board is empowered to employ auditors and accountants to examine the books, accounts and records of the board if it so desires, and the board is also authorized to employ legal counsel if it deems such a course necessary in the proper administration of its affairs.

STATE BOARD FOR COMMUNITY AND JUNIOR COLLEGES

SECTION 7. Section 37-4-3, Mississippi Code of 1972, is amended as follows:

37-4-3. (1) From and after July 1, 1986, there shall be a State Board for Community and Junior Colleges which shall receive and distribute funds appropriated by the Legislature for the use of the public community and junior colleges and funds from federal and other sources that are transmitted through the state governmental organization for use by said colleges. This board shall provide general coordination of the public community and junior colleges, assemble reports and such other duties as may be prescribed by law.

(2) The board shall consist of ten (10) members of which none shall be an elected official and none shall be engaged in the educational profession. The Governor shall appoint two (2) members from the First Mississippi Congressional District, one (1) who shall serve an initial term of two (2) years and one (1) who
shall serve an initial term of five (5) years; two (2) members from the Second Mississippi Congressional District, one (1) who shall serve an initial term of five (5) years and one (1) who shall serve an initial term of three (3) years; and two (2) members from the Third Mississippi Congressional District, one (1) who shall serve an initial term of four (4) years and one (1) who shall serve an initial term of two (2) years; two (2) members from the Fourth Mississippi Congressional District, one (1) who shall serve an initial term of three (3) years and one (1) who shall serve an initial term of four (4) years; and two (2) members from the Fifth Mississippi Congressional District, one (1) who shall serve an initial term of five (5) years and one (1) who shall serve an initial term of two (2) years. The members of the board as constituted on January 1, 2002, whose terms have not expired shall serve the balance of their terms, after which time the membership of the board shall be appointed as follows: There shall be appointed two (2) members of the board from each of the four (4) Mississippi congressional districts as they exist on January 1, 2002, and the Governor shall make appointments from the congressional district having the smallest number of board members until the membership includes two (2) from each district as required. All subsequent appointments shall be for a term of six (6) years and continue until their successors are appointed and qualify. An appointment to fill a vacancy which arises for reasons other than by expiration of a term of office shall be for the unexpired term only. No two (2) appointees shall reside in the same junior college district. All members shall be appointed with the advice and consent of the Senate.

(3) There shall be a chairman and vice chairman of the board, elected by and from the membership of the board; and the chairman shall be the presiding officer of the board. The board shall adopt rules and regulations governing times and places for meetings and governing the manner of conducting its business.
(4) The members of the board shall receive no annual salary, but shall receive per diem compensation as authorized by Section 25-3-69, Mississippi Code of 1972, for each day devoted to the discharge of official board duties and shall be entitled to reimbursement for all actual and necessary expenses incurred in the discharge of their duties, including mileage as authorized by Section 25-3-41, Mississippi Code of 1972.

(5) The board shall name a director for the state system of public junior and community colleges, who shall serve at the pleasure of the board. Such director shall be the chief executive officer of the board, give direction to the board staff, carry out the policies set forth by the board, and work with the presidents of the several community and junior colleges to assist them in carrying out the mandates of the several boards of trustees and in functioning within the state system and policies established by the State Board for Community and Junior Colleges. The State Board for Community and Junior Colleges shall set the salary of the Director of the State System of Community and Junior Colleges. The Legislature shall provide adequate funds for the State Board for Community and Junior Colleges, its activities and its staff.

(6) The powers and duties of the State Board for Community and Junior Colleges shall be:
   (a) To authorize disbursements of state appropriated funds to community and junior colleges through orders in the minutes of the board.
   (b) To make studies of the needs of the state as they relate to the mission of the community and junior colleges.
   (c) To approve new, changes to and deletions of vocational and technical programs to the various colleges.
   (d) To require community and junior colleges to supply such information as the board may request and compile, publish and make available such reports based thereon as the board may deem advisable.
(e) To approve proposed new attendance centers (campus locations) as the local boards of trustees should determine to be in the best interest of the district. Provided, however, that no new community/junior college branch campus shall be approved without an authorizing act of the Legislature.

(f) To serve as the state approving agency for federal funds for proposed contracts to borrow money for the purpose of acquiring land, erecting, repairing, etc. dormitories, dwellings or apartments for students and/or faculty, such loans to be paid from revenue produced by such facilities as requested by local boards of trustees.

(g) To approve applications from community and junior colleges for state funds for vocational-technical education facilities.

(h) To approve any university branch campus offering lower undergraduate level courses for credit.

(i) To appoint members to the Post-Secondary Educational Assistance Board.

(j) To appoint members to the Authority for Educational Television.

(k) To contract with other boards, commissions, governmental entities, foundations, corporations or individuals for programs, services, grants and awards when such are needed for the operation and development of the state public community and junior college system.

(l) To fix standards for community and junior colleges to qualify for appropriations, and qualifications for community and junior college teachers.

(m) To have sign-off approval on the State Plan for Vocational Education which is developed in cooperation with appropriate units of the State Department of Education.

(n) To approve or disapprove of any proposed inclusion within municipal corporate limits of state-owned buildings and
grounds of any community college or junior college and to approve
or disapprove of land use development, zoning requirements,
building codes and delivery of governmental services applicable to
state-owned buildings and grounds of any community college or
junior college. Any agreement by a local board of trustees of a
community college or junior college to annexation of state-owned
property or other conditions described in this paragraph shall be
void unless approved by the board and by the board of supervisors
of the county in which the state-owned property is located.

MISSISSIPPI EDUCATIONAL TELEVISION AUTHORITY

SECTION 8. Section 37-63-3, Mississippi Code of 1972, is
amended as follows:

37-63-3. The Authority for Educational Television shall
consist of the State Superintendent of Public Education and six
(6) members appointed, with the advice and consent of the Senate.
The Governor shall appoint four (4) members, one (1) of whom shall
be actively engaged as a teacher or principal in a secondary
school system in the State of Mississippi and one (1) of whom
shall be actively engaged as a teacher or principal in an
elementary school system in the State of Mississippi. Beginning
July 1, 1994, the appointee actively engaged as a teacher or
principal in a secondary school shall be appointed for an initial
term of three (3) years. The member actively engaged as a teacher
or principal in an elementary school shall be appointed for an
initial term of four (4) years. The remaining two (2)
gubernatorial appointees shall serve until July 1, 1996.
Beginning July 1, 1996, the Governor shall appoint two (2) members
for initial terms of three (3) and four (4) years, with the
Governor specifically designating which member shall be appointed
for three (3) years and which shall be appointed for four (4)
years. The gubernatorial appointees on the authority as
constituted on January 1, 2002, whose terms have not expired shall
serve the balance of their terms, after which time these
appointments shall be made as follows: The gubernatorial appointees shall be appointed one (1) from each of the four (4) Mississippi congressional districts as they exist on January 1, 2002, and the Governor shall make appointments from the congressional district having the smallest number of authority members until the membership includes one (1) member from each district as required. The State Board for Community and Junior Colleges shall appoint one (1) member, and the Board of Trustees of the State Institutions of Higher Learning shall appoint one (1) member. After the expiration of the initial terms, all members shall serve for terms of four (4) years. An appointment to fill a vacancy among the gubernatorial appointees, other than by expiration of a term of office, shall be made by the Governor for the balance of the unexpired term.

BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING

SECTION 9. Section 37-101-3, Mississippi Code of 1972, is amended as follows:

[Until the amendment to Section 213-A in Article 8 of the Mississippi Constitution of 1890, proposed by Senate Concurrent Resolution No. 522, 2002 Regular Session, is ratified by the electorate, Section 37-101-3 shall read as follows:]

37-101-3. (1) The Governor, by and with the advice and consent of the Senate, shall appoint the members of the Board of Trustees of State Institutions of Higher Learning, one (1) member from each congressional district of the state as existing as of March 31, 1944, one (1) member from each Supreme Court district and two (2) members from the state at large, with the terms of each to begin on May 8, 1944. One-third (1/3) of the membership of said board so appointed shall be appointed for a period of four (4) years, one-third (1/3) for a period of eight (8) years and one-third (1/3) for a period of twelve (12) years. On the expiration of any of said terms of office the Governor shall
appoint successors, by and with the advice and consent of the Senate, for terms of twelve (12) years in each case.

(2) In case of a vacancy on said board by death or resignation of a member or from any other cause than the expiration of such member's term of office, the board shall elect his successor who shall hold office until the end of the next session of the Legislature. During such term of the session of the Legislature the Governor shall appoint the successor member of the board from the district from which his predecessor was appointed to hold office until the end of the period or term for which said original trustee was appointed, to the end that one-third (1/3) of such trustees' terms shall expire each four (4) years.

(3) The Executive Director of the State Board for Community and Junior Colleges, or his designee, and one (1) member of the State Board for Community and Junior Colleges to be designated by the chairman of said board, shall attend all regular meetings of the Board of Trustees of State Institutions of Higher Learning. Said community/junior college representatives shall have no jurisdiction or vote on any matter within the jurisdiction of the board. The Executive Director of the State Board for Community and Junior Colleges and any designee who is a state employee shall receive no per diem for attending meetings of the board, but shall be entitled to actual and necessary expense reimbursement and mileage for attending meetings at locations other than Jackson, Mississippi. The designee of the State Board for Community and Junior Colleges shall receive per diem compensation as authorized by Section 25-3-69, Mississippi Code of 1972, for attending said meetings, and shall be entitled to reimbursement for actual expense reimbursement and mileage, which shall be paid from funds appropriated to the Board of Trustees of State Institutions of Higher Learning.
[From and after the date the amendment to Section 213-A in Article 8 of the Mississippi Constitution of 1890, proposed by Senate Concurrent Resolution No. 522, 2002 Regular Session, is ratified by the electorate, Section 37-101-3 shall read as follows:]

37-101-3. (1) The Governor, by and with the advice and consent of the Senate, shall appoint the members of the Board of Trustees of State Institutions of Higher Learning, one (1) member from each congressional district of the state as existing as of March 31, 1944, one (1) member from each Supreme Court district and two (2) members from the state at large, with the terms of each to begin on May 8, 1944. One-third (1/3) of the membership of said board so appointed shall be appointed for a period of four (4) years, one-third (1/3) for a period of eight (8) years and one-third (1/3) for a period of twelve (12) years. On the expiration of any of said terms of office the Governor shall appoint successors, by and with the advice and consent of the Senate, for terms of twelve (12) years in each case. The members of the board of trustees as constituted on January 1, 2002, whose terms have not expired shall serve the balance of their terms, after which time the membership of the board shall be appointed as follows: There shall be appointed three (3) members of the board of trustees from each of the four (4) Mississippi congressional districts as they exist on January 1, 2002, and the Governor shall make appointments from the congressional district having the smallest number of board members until the membership includes three (3) members from each congressional district as required. The term of office of the members appointed after January 1, 2002, shall be six (6) years.

(2) In case of a vacancy on said board by death or resignation of a member or from any other cause than the expiration of such member’s term of office, the board shall elect his successor who shall hold office until the end of the next

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session of the Legislature. During such term of the session of
the Legislature the Governor shall appoint the successor member of
the board from the district from which his predecessor was
appointed to hold office until the end of the period or term for
which said original trustee was appointed, to the end that
one-third (1/3) of such trustees' terms shall expire each four (4)
years.

(3) The Executive Director of the State Board for Community
and Junior Colleges, or his designee, and one (1) member of the
State Board for Community and Junior Colleges to be designated by
the chairman of said board, shall attend all regular meetings of
the Board of Trustees of State Institutions of Higher Learning.
Said community/junior college representatives shall have no
jurisdiction or vote on any matter within the jurisdiction of the
board. The Executive Director of the State Board for Community
and Junior Colleges and any designee who is a state employee shall
receive no per diem for attending meetings of the board, but shall
be entitled to actual and necessary expense reimbursement and
mileage for attending meetings at locations other than Jackson,
Mississippi. The designee of the State Board for Community and
Junior Colleges shall receive per diem compensation as authorized
by Section 25-3-69, Mississippi Code of 1972, for attending said
meetings, and shall be entitled to reimbursement for actual
expense reimbursement and mileage, which shall be paid from funds
appropriated to the Board of Trustees of State Institutions of
Higher Learning.

PREPAID AFFORDABLE COLLEGE TUITION BOARD

SECTION 10. Section 37-155-7, Mississippi Code of 1972, is
amended as follows:

37-155-7. (1) The board of directors shall consist of
thirteen (13) members as follows:

(a) Nine (9) voting members as follows: the State
Treasurer; the Commissioner of Higher Education; the Executive
Director of the Community and Junior College Board; Department of Finance and Administration Executive Director; and one (1) member from each congressional district to be appointed by the Governor with the advice and consent of the Senate. One (1) member shall be appointed for an initial term of one (1) year; one (1) member shall be appointed for an initial term of two (2) years; one (1) member for an initial term of three (3) years; one (1) member for an initial term of four (4) years; and one (1) member for an initial term of five (5) years. On the expiration of any of the terms of office, the Governor shall appoint successors by and with the advice and consent of the Senate for terms of five (5) years in each case. The gubernatorial appointments of the board as constituted on January 1, 2002, whose terms have not expired shall serve the balance of their terms, after which time the gubernatorial appointments shall be made as follows: There shall be appointed one (1) member of the board from each of the four (4) Mississippi congressional districts as they exist on January 1, 2002, and one (1) from the state at large, and the Governor shall make appointments from the congressional district having the smallest number of board members until the membership includes at least one (1) member from each congressional district as required. (b) Two (2) nonvoting, advisory members of the board shall be appointed by each of the following officers: the Lieutenant Governor and the Speaker of the House of Representatives. Successors to the appointed members shall serve for the length of the term for each appointing official and shall be eligible for reappointment, and shall serve until a successor is appointed. Any person appointed to fill a vacancy on the board shall be appointed in a like manner and shall serve for only the unexpired term. (2) Each member appointed shall possess knowledge, skill and experience in business or financial matters commensurate with the duties and responsibilities of the trust fund.
(3) Members of the board of directors shall serve without compensation, but shall be reimbursed for each day’s official duties of the board at the same per diem as established by Section 25-36-69 and actual travel and lodging expenses as established by Section 25-3-41.

(4) The board of directors shall annually elect one (1) member to serve as chairman of the board and one (1) member to serve as vice chairman. The vice chairman shall act as chairman in the absence of or upon the disability of the chairman or in the event of a vacancy of the office of chairman.

MISSISSIPPI LIBRARY COMMISSION

SECTION 11. Section 39-3-101, Mississippi Code of 1972, is amended as follows:

39-3-101. There is hereby created a board of commissioners of the Mississippi Library Commission to be composed of five (5) members appointed by the Governor with overlapping terms, the members of the first board to be appointed one (1) for one (1) year, one (1) for two (2) years, one (1) for three (3) years, one (1) for four (4) years, one (1) for five (5) years, and their successors each to be appointed for five-year terms, each member to serve until his successor is appointed. Two (2) members shall be appointed by the Governor from the state at large. Two (2) members shall be appointed by the Governor from a list of not less than six (6) names submitted by the Mississippi Library Association, one (1) of whom shall be a librarian who is a graduate of a library school accredited by the American Library Association and actively engaged in full-time library work at the time of the appointment and one (1) of whom shall be, at time of the appointment, a member of a legally organized board of trustees of a Mississippi free public library; and one (1) member shall be the President of the Mississippi Federation of Women's Clubs, or a member of said federation recommended by her; and which federation member shall, when appointed, serve a full term as herein provided.
for members to serve under a staggered term basis, and the
successor to the federation member shall be the president of the
federation then serving, or a member of the federation recommended
by her, when the term of the federation member shall expire; and
after the appointment of a federation member to the board, and
when her term as a member thereof shall expire, each succeeding
member of the federation who becomes a member of the board shall
serve a full term under the provisions of this article. The
members of the commission as constituted on January 1, 2002, whose
terms have not expired shall serve the balance of their terms,
after which time the membership of the board shall be appointed as
follows: There shall be appointed one (1) member of the
commission from each of the four (4) Mississippi congressional
districts as they exist on January 1, 2002, and the federation
member shall be considered an appointment from the state at large.
The Governor shall make appointments from the congressional
district having the smallest number of board members until the
membership includes one (1) member from each congressional
district as required, and the recommendations from the Mississippi
Library Association shall be made from the appropriate
congressional district. Vacancies created by resignation shall be
filled by appointment for the unexpired term.

BOARD OF TRUSTEES OF MISSISSIPPI DEPARTMENT OF ARCHIVES & HISTORY

SECTION 12. Section 39-5-3, Mississippi Code of 1972, is
amended as follows:

39-5-3. The Department of Archives and History shall be
under the control of a board of nine (9) trustees. The board
shall have the power and authority to fill all vacancies occurring
therein, whether by expiration of term of service or by death or
resignation, but the names of all newly elected members shall be
communicated to the next ensuing session of the State Senate for
confirmation ** **. The members of the board of trustees as
constituted on January 1, 2002, whose terms have not expired shall
serve the balance of their terms, after which time the membership of the board of trustees shall be appointed as follows: The Governor shall appoint two (2) members of the board of trustees from each of the four (4) Mississippi congressional districts as they exist on January 1, 2002, and one (1) from the state at large, with the advice and consent of the Senate, with the congressional districts to be designated at the time of appointment, and the Governor shall make appointments from the congressional district having the smallest number of board members until the membership includes two (2) members from each congressional district as required. All trustees chosen to succeed the present members or their successors shall serve for a term of six (6) years; provided, however, that trustees appointed after January 1, 2002, shall serve for a term of four (4) years.

The board of trustees shall hold at the State Capitol at least one (1) regular meeting during the year, and as many special meetings as may be necessary, and at said meetings five (5) members shall constitute a quorum. The Director of the Department of Archives and History, hereinafter provided, shall be secretary of the board. The trustees shall receive no compensation for their services other than the amount of their necessary expenses actually paid out while in attendance on the meetings of the board or the business of the department. The board is empowered to adopt rules for its own government and for the government of the department, to elect and fix the compensation of a director not to exceed the maximum set by the Legislature, and other officials or employees, and to do and perform such other acts and things as may be necessary to carry out the true intent and purposes of this chapter.

MISSISSIPPI COMMISSION ON THE ARTS

SECTION 13. Section 39-11-1, Mississippi Code of 1972, is amended as follows:

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39-11-1. There is hereby created and established a state commission to be known as the Mississippi Arts Commission, to consist of fifteen (15) members broadly representative of all fields of the performing, visual, literary arts and the business community, and who are to be appointed by the Governor from among citizens of the state who have demonstrated a vital interest in the performing, visual or literary arts. These members shall also be representative of the different geographical areas of the state. The members of the commission as constituted on January 1, 2002, whose terms have not expired shall serve the balance of their terms, after which time the membership of the board shall be appointed as follows: No more than four (4) members of the commission shall be appointed from each of the four (4) Mississippi congressional districts as they exist on January 1, 2002, and the Governor shall make appointments from the congressional district having the smallest number of commission members until the membership includes at least three (3) members from each district as required.

STATE BOARD OF HEALTH

SECTION 14. Section 41-3-1, Mississippi Code of 1972, is amended as follows:

41-3-1. (1) The present members of the State Board of Health shall continue to serve until July 1, 1980, whereupon the board shall be reconstituted as follows:

There is hereby created the State Board of Health which shall consist of thirteen (13) members, appointed by the Governor with the advice and consent of the Senate, as hereinafter set forth:

two (2) of whom shall be from each congressional district as constituted on January 1, 1980, and three (3) of whom shall be from the state at large. The members so appointed shall either be engaged professionally in rendering health services or shall be consumers of health services who have no financial interest in any
provider thereof. All appointees shall be persons knowledgeable in at least one (1) of the matters of jurisdiction of the board.

(2) The original appointments of the reconstituted 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 of the board as follows: four (4) members shall be appointed for a term which expires July 1, 1982; four (4) members shall be appointed for a term which expires July 1, 1984; and five (5) 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. The members of the board as constituted on January 1, 2002, whose terms have not expired shall serve the balance of their terms, after which time the membership of the board shall be appointed as follows: There shall be appointed three (3) members of the State Board of Health from each of the four (4) Mississippi congressional districts as they exist on January 1, 2002, and one (1) from the state at large, and the Governor shall make appointments from the congressional district having the smallest number of board members until the membership includes three (3) members from each district as required. 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. An appointment to fill a vacancy other than by expiration of a term of office shall be for the balance of the unexpired term.

STATE BOARD OF MENTAL HEALTH

SECTION 15. Section 41-4-3, Mississippi Code of 1972, is amended as follows:

41-4-3. (1) There is hereby created a State Board of Mental Health, herein referred to as "board," consisting of nine (9) members, to be appointed by the Governor, with the advise and
consent of the Senate, each of whom shall be a qualified elector.

One (1) member shall be appointed from each congressional district as presently constituted; and four (4) members shall be appointed from the state at large, one (1) of whom shall be a licensed medical doctor who is a psychiatrist, one (1) of whom shall hold a Ph.D. degree and be a licensed clinical psychologist, one (1) of whom shall be a licensed medical doctor, and one (1) of whom shall be a social worker with experience in the mental health field.

* * *

Each member of the initial board shall serve for a term of years represented by the number of his congressional district; two (2) state-at-large members shall serve for a term of six (6) years; two (2) state-at-large members shall serve for a term of seven (7) years; subsequent appointments shall be for seven-year terms and the Governor shall fill any vacancy for the unexpired term. The members of the board as constituted on January 1, 2002, whose terms have not expired shall serve the balance of their terms, after which time the membership of the board shall be appointed as follows: There shall be appointed two (2) members of the board from each of the four (4) Mississippi congressional districts as they exist on January 1, 2002, and one (1) from the state at large, to be designated at the time of appointment, and the Governor shall make appointments from the congressional district having the smallest number of board members until the membership includes two (2) members from each congressional district as required.

The board shall elect a chairman whose term of office shall be one (1) year and until his successor shall be elected.

(2) Each board member shall be entitled to a per diem as is authorized by law and all actual and necessary expenses, including mileage as provided by law, incurred in the discharge of official duties.
(3) The board shall hold regular meetings monthly and such special meetings deemed necessary, except that no action shall be taken unless there is present a quorum of at least five (5) members.

MEDICAID MEDICAL CARE ADVISORY COMMITTEE

SECTION 16. Section 43-13-107, Mississippi Code of 1972, is amended as follows:

43-13-107. (1) The Division of Medicaid is created in the Office of the Governor and established to administer this article and perform such other duties as are prescribed by law.

(2) The Governor shall appoint a full-time director, with the advice and consent of the Senate, who shall be either (a) a physician with administrative experience in a medical care or health program, or (b) a person holding a graduate degree in medical care administration, public health, hospital administration or the equivalent, or (c) a person holding a bachelor's degree in business administration or hospital administration, with at least ten (10) years' experience in management-level administration of Medicaid programs, and who shall serve at the will and pleasure of the Governor. The director shall be the official secretary and legal custodian of the records of the division; shall be the agent of the division for the purpose of receiving all service of process, summons and notices directed to the division; and shall perform such other duties as the Governor shall, from time to time, prescribe. The director, with the approval of the Governor and the rules and regulations of the State Personnel Board, shall employ such professional, administrative, stenographic, secretarial, clerical and technical assistance as may be necessary to perform the duties required in administering this article and fix the compensation therefor, all in accordance with a state merit system meeting federal requirements, except that when the salary of the director is not set by law, such salary shall be set by the State Personnel Board.
Board. No employees of the Division of Medicaid shall be
considered to be staff members of the immediate Office of the
Governor; however, the provisions of Section 25-9-107(c)(xv) shall
apply to the director and other administrative heads of the
division.

(3) (a) There is established a Medical Care Advisory
Committee, which shall be the committee that is required by
federal regulation to advise the Division of Medicaid about health
and medical care services.

(b) The committee shall consist of not less than eleven
(11) members, as follows:

(i) The Governor shall appoint five (5) members,
one (1) from each congressional district as * * * constituted on
January 1, 2002, and one (1) from the state at large;

(ii) The Lieutenant Governor shall appoint three
(3) members, one (1) from each Supreme Court district;

(iii) The Speaker of the House of Representatives
shall appoint three (3) members, one (1) from each Supreme Court
district.

All members appointed under this paragraph shall either be
health care providers or consumers of health care services. One
(1) member appointed by each of the appointing authorities shall
be a board certified physician.

(c) The respective chairmen of the House Public Health
and Welfare Committee, the House Appropriations Committee, the
Senate Public Health and Welfare Committee and the Senate
Appropriations Committee, or their designees, one (1) member of
the State Senate appointed by the Lieutenant Governor and one (1)
member of the House of Representatives appointed by the Speaker of
the House, shall serve as ex officio nonvoting members.

(d) In addition to the committee members required by
paragraph (b), the committee shall consist of such other members
as are necessary to meet the requirements of the federal
regulation applicable to the Medical Care Advisory Committee, who shall be appointed as provided in the federal regulation.

(e) The chairmanship of the Medical Care Advisory Committee shall alternate for twelve-month periods between the chairmen of the House and Senate Public Health and Welfare Committees, with the Chairman of the House Public Health and Welfare Committee serving as the first chairman.

(f) The members of the committee specified in paragraph (b) shall serve for terms that are concurrent with the terms of members of the Legislature, and any member appointed under paragraph (b) may be reappointed to the committee. The members of the committee specified in paragraph (b) shall serve without compensation, but shall receive reimbursement to defray actual expenses incurred in the performance of committee business as authorized by law. Legislators shall receive per diem and expenses which may 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.

(g) The committee shall meet not less than quarterly, and committee members shall be furnished written notice of the meetings at least ten (10) days before the date of the meeting.

(h) The Executive Director of the Division of Medicaid shall submit to the committee all amendments, modifications and changes to the state plan for the operation of the Medicaid program, for review by the committee before the amendments, modifications or changes may be implemented by the division.

(i) The committee, among its duties and responsibilities, shall:

(i) Advise the division with respect to amendments, modifications and changes to the state plan for the operation of the Medicaid program;
(ii) Advise the division with respect to issues concerning receipt and disbursement of funds and eligibility for medical assistance;

(iii) Advise the division with respect to determining the quantity, quality and extent of medical care provided under this article;

(iv) Communicate the views of the medical care professions to the division and communicate the views of the division to the medical care professions;

(v) Gather information on reasons that medical care providers do not participate in the Medicaid program and changes that could be made in the program to encourage more providers to participate in the Medicaid program, and advise the division with respect to encouraging physicians and other medical care providers to participate in the Medicaid program;

(vi) Provide a written report on or before November 30 of each year to the Governor, Lieutenant Governor and Speaker of the House of Representatives.

HEALTH CARE TRUST FUND AND EXPENDABLE FUND BOARD

SECTION 17. Section 43-13-409, Mississippi Code of 1972, is amended as follows:

43-13-409. (1) There is established a board of directors to invest the funds in the Health Care Trust Fund and the Health Care Expendable Fund. The board of directors shall consist of thirteen (13) members as follows:

(a) Seven (7) voting members as follows: the State Treasurer or his designee, the Attorney General or his designee, and one (1) member from each congressional district to be appointed by the Governor with the advice and consent of the Senate. Of the members appointed by the Governor, one (1) member shall be appointed for an initial term that expires on March 1, 2000; one (1) member shall be appointed for an initial term that expires on March 1, 2001; one (1) member shall be appointed for an
initial term that expires on March 1, 2002; one (1) member shall be appointed for an initial term that expires on March 1, 2003; and one (1) member shall be appointed for an initial term that expires on March 1, 2004. Upon the expiration of any of the initial terms of office, the Governor shall appoint successors by and with the advice and consent of the Senate for terms of five years from the expiration date of the previous term. Any member appointed by the Governor shall be eligible for reappointment. Each member appointed by the Governor shall possess knowledge, skill and experience in business or financial matters commensurate with the duties and responsibilities of the board of directors in administering the Health Care Trust Fund and the Health Care Expendable Fund. The members appointed by the Governor as constituted on January 1, 2002, whose terms have not expired shall serve the balance of their terms, after which time the gubernatorial appointments shall be made as follows: There shall be appointed one (1) member of the board from each of the four (4) Mississippi congressional districts as they exist on January 1, 2002, and one (1) from the state at large, and the Governor shall make appointments from the congressional district having the smallest number of board members until the membership includes one (1) member from each district as required.

(b) Two (2) nonvoting, advisory members of the Senate shall be appointed by the Lieutenant Governor, and one (1) nonvoting, advisory representative of the health care community shall be appointed by the Lieutenant Governor, who shall serve for the length of the term of the appointing official and shall be eligible for reappointment.

(c) Two (2) nonvoting, advisory members of the House of Representatives shall be appointed by the Speaker of the House, and one (1) nonvoting, advisory representative of the health care community shall be appointed by the Speaker of the House, who
shall serve for the length of the term of the appointing official and shall be eligible for reappointment.

(d) Any person appointed to fill a vacancy on the board of directors shall be appointed in the same manner as for a regular appointment and shall serve for the remainder of the unexpired term only.

(2) Nonlegislative members of the board of directors shall serve without compensation, but shall be reimbursed for each day's official duties of the board at the same per diem as established by Section 25-3-69, and actual travel and lodging expenses as established by Section 25-3-41. Legislative members of the board of directors shall receive the same per diem and expense reimbursement as for attending committee meetings when the Legislature is not in regular session.

(3) The State Treasurer shall be the chairman of the board of directors. The board of directors shall annually elect one (1) member to serve as vice chairman of the board. The vice chairman shall act as chairman in the absence of or upon the disability of the chairman or if there is a vacancy in the office of chairman.

(4) All expenses of the board of directors in carrying out its duties and responsibilities under this article, including the payment of per diem and expenses of the nonlegislative members of the board, shall be paid from funds appropriated to the State Treasurer's office for that purpose.

(5) The board of directors shall invest the funds in the Health Care Trust Fund and the Health Care Expendable Fund in any of the investments authorized for the Mississippi Prepaid Affordable College Tuition Program under Section 37-155-9, and those investments shall be subject to the limitations prescribed by Section 37-155-9.

(6) In furtherance of the powers granted under subsection (5) of this section, the board of directors shall have such powers as necessary or convenient to carry out the purposes and
provisions of this article, including, but not limited to, the following express powers:

(a) To contract for necessary goods and services, to employ necessary personnel, and to engage the services of consultants for administrative and technical assistance in carrying out its duties and responsibilities in administering the Health Care Trust Fund and the Health Care Expendable Fund;

(b) To administer the Health Care Trust Fund and the Health Care Expendable Fund in a manner that is sufficiently actuarially sound to meet the obligations of this article and to establish a comprehensive investment plan for the purposes of this article, which shall specify the investment policies to be utilized by the board of directors in administering the funds;

(c) Subject to the terms, conditions, limitations and restrictions specified in Section 37-155-9, the board of directors shall have power to sell, assign, transfer and dispose of any of the securities and investments of the Health Care Trust Fund and the Health Care Expendable Fund, provided that any such sale, assignment or transfer has the majority approval of the entire board; and

(d) To annually prepare or cause to be prepared a report setting forth in appropriate detail an accounting of the Health Care Trust Fund and the Health Care Expendable Fund and a description of the financial condition of the funds at the close of each fiscal year, including any recommendations for legislation regarding the investment authority of the board of directors over the funds. The report shall be submitted to the Governor and the Legislative Budget Office on or before September 1 of each fiscal year.

MISSISSIPPI COMMISSION FOR VOLUNTEER SERVICE

SECTION 18. Section 43-55-5, Mississippi Code of 1972, is amended as follows:
43-55-5. (1) Members of the Commission for Volunteer Service shall be appointed by the Governor. The commission shall consist of no fewer than fifteen (15) and no more than twenty-five (25) members.

(2) The commission members shall include as voting members, except as otherwise indicated, at least one (1) of each of the following:

(a) An individual with expertise in the educational, training and developmental needs of youth, particularly disadvantaged youth.

(b) An individual with experience in promoting service and volunteerism among older adults.

(c) A representative of a community-based agency.

(d) The superintendent of the State Department of Education, or his or her designee.

(e) A representative of local government.

(f) A representative of local labor organizations.

(g) A representative of business.

(h) An individual between the ages of sixteen (16) and twenty-five (25) who is a participant or supervisor in a program as defined in Section 101 of Title I, 42 USCS 12511.

(i) A representative of a national service program described in Section 122(a) of Title I, 42 USCS 12572.

(j) The employee of the corporation designated under Section 195 of Title I, 42 USCS 12651f, as the representative of the corporation in this state, as a nonvoting member.

(3) In addition to the members described in subsection (2), the commission may include as voting members any of the following:

(a) Local educators.

(b) Experts in the delivery of human, educational, environmental or public safety services to communities and persons.

(c) Representative of Native American tribes.
(d) Out-of-school youth or other at-risk youth.
(f) A member of the Board of Trustees of State Institutions of Higher Learning.

(4) Not more than twenty-five percent (25%) of the voting commission members shall be officers or employees of this state. The Governor may appoint additional officers or employees of state agencies operating community service, youth service, education, social service, senior service and job training programs, as nonvoting, ex officio members of the commission.

(5) The Governor shall ensure, to the maximum extent possible, that the commission membership is diverse with respect to race, ethnicity, age, gender and disability characteristics.

(6) Except as provided in this subsection, members of the commission shall serve for staggered three-year terms expiring on October 1. The members constituting the Mississippi Commission for Volunteer Service under Executive Order No. 1994-742 on the day before the effective date of this chapter shall serve on the commission for the remainder of the terms for which they were appointed. Of the additional members, the Governor shall appoint one-third (1/3) of the initial members for a term of one (1) year; one-third (1/3) for a term of two (2) years; and one-third (1/3) for a term of three (3) years. Following expiration of these initial terms, all appointments shall be for three-year renewable terms. The members of the commission as constituted on January 1, 2002, whose terms have not expired shall serve the balance of their terms, after which time the membership of the commission shall be appointed as follows: To the extent practicable, there shall be appointed one-fourth (1/4) of the membership of the commission from each of the four (4) Mississippi congressional districts as they exist on January 1, 2002, and the Governor shall
make appointments from the congressional district having the
smallest number of board members until one-fourth (1/4) of the
membership is from each congressional district as required.
Members of the commission may not serve more than two (2)
consecutive terms.

(7) A vacancy on the commission shall be filled in the same
manner as the original appointments, and any member so appointed
shall serve during the remainder of the term for which the vacancy
occurred. The vacancy shall not affect the power of the remaining
commission members to execute the duties of the commission.

PRISON INDUSTRY CORPORATION BOARD OF DIRECTORS

SECTION 19. Section 47-5-541, Mississippi Code of 1972, is
amended as follows:

47-5-541. (1) The corporation shall be governed by a board
of directors. The board of directors of the nonprofit corporation
shall be composed of the following eleven (11) members who shall
be appointed by the Governor with the advice and consent of the
Senate: one (1) representative of the manufacturing industry, one
(1) representative of the agriculture industry, one (1)
representative of the banking and finance industry, one (1)
representative of the labor industry, one (1) representative from
the marketing industry and six (6) members from the state at
large. In addition, the State Commissioner of Corrections and the
President of Mississippi Delta Community College shall be ex
officio members of the board of directors with full voting
privileges. In making initial appointments, three (3) members
shall be appointed for a term of two (2) years; four (4) members
shall be appointed for a term of three (3) years; and four (4)
members shall be appointed for a term of four (4) years; to be
designated by the Governor at the time of appointment; and all
succeeding terms shall be for four (4) years from the expiration
date of the previous term. Initial appointments shall be made
within thirty (30) days after passage of Sections 47-5-531 through
47-5-575. Any vacancy shall be filled by the Governor, with the advice and consent of the Senate. The members of the board as constituted on January 1, 2002, whose terms have not expired shall serve the balance of their terms, after which time the membership of the board of directors shall be appointed as follows: There shall be appointed two (2) members of the board from each of the four (4) Mississippi congressional districts as they exist on January 1, 2002, and three (3) from the state at large, and the Governor shall make appointments from the congressional district having the smallest number of board members until the membership includes at least two (2) members from each congressional district as required. The officers of the corporation shall consist of a chairman, vice chairman and a secretary-treasurer. The officers shall be selected by the members of the board. However, the Commissioner of Corrections and the President of Mississippi Delta Community College shall not be eligible to serve as an officer of the corporation. The superintendent for the Parchman facility of the Department of Corrections shall attend all meetings of the board of directors. In addition, the superintendents of the Rankin County and Greene County facilities of the Department of Corrections shall attend any meeting of the board of directors wherein the business relates to their respective facilities.

(2) The board of directors shall select and employ a chief executive officer of the corporation who shall serve at the pleasure of the board. The board shall set the compensation of the chief executive officer. The chief executive officer shall be responsible for the general business and entire operations of the corporation, and shall be responsible for operating the corporation in compliance with the bylaws of the corporation and in compliance with any provision of law. The board shall be authorized and empowered to do only those acts provided by law and by the bylaws of the corporation. Except as otherwise specifically provided by law, such board shall have the authority
to establish prison industries, to cease the operation of any
industry which it deems unsuitable or unprofitable, to enter into
any lease or contract for the corporation and it shall have the
full authority to establish prices for any industry good.

(3) No member of the board of directors shall vote on any
matter that comes before the board that could result in pecuniary
benefit for himself or for any entity in which such member has an
interest.

(4) In addition to the board of directors, an advisory board
may be set up for the benefit of each industry which is
established pursuant to the provisions of Sections 47-5-531
through 47-5-575. Such boards shall be advisory only, and may be
set up in the discretion of the board of directors of the
corporation.

(5) Each member of the board of directors of the corporation
shall receive per diem as provided in Section 25-3-69 for each day
or fraction thereof spent in actual discharge of his official
duties and shall be reimbursed for mileage and actual expenses
incurred in the performance of his official duties in accordance
with the requirements of Section 25-3-41, Mississippi Code of
1972.

(6) The board of directors shall make and publish policies,
rules and regulations governing all business functions, including,
but not limited to, accounting, marketing, purchasing and
personnel, not inconsistent with the terms of Sections 47-5-531
through 47-5-575, as may be necessary for the efficient
administration and operation of the corporation.

(7) The chief executive officer of the corporation shall:
(a) Employ all necessary employees of the corporation
and dismiss them as is necessary;
(b) Administer the daily operations of the corporation;
(c) Upon approval of the board of directors, execute
any contracts on behalf of the corporation; and
(d) Take any further actions which are necessary and proper toward the achievement of the corporation purposes.

(8) A member of the board of directors of the corporation shall not be liable for any civil damages for any personal injury or property damage caused to a person as a result of any acts or omissions committed in good faith in the exercise of their duties as members of the board of directors of the corporation, except where a member of the board engages in acts or omissions which are intentional, willful, wanton, reckless or grossly negligent.

STATE PAROLE BOARD

SECTION 20. Section 47-7-5, Mississippi Code of 1972, is amended as follows:

47-7-5. (1) The State Parole Board, created under former Section 47-7-5, is hereby created, continued and reconstituted and shall be composed of five (5) members. The Governor shall appoint the members with the advice and consent of the Senate. All terms shall be at the will and pleasure of the Governor. The members of the State Parole Board as constituted on January 1, 2002, whose terms have not expired shall serve the balance of their terms, after which time the membership of the board shall be appointed as follows: There shall be appointed one (1) member of the board from each of the four (4) Mississippi congressional districts as they exist on January 1, 2002, and one (1) member from the state at large, and the Governor shall make appointments from the congressional district having the smallest number of board members until the membership includes one (1) member from each congressional district as required. Any vacancy shall be filled by the Governor, with the advice and consent of the Senate. The Governor shall appoint a chairman of the board.

(2) Any person who is appointed to serve on the board shall possess at least a bachelor's degree or a high school diploma and four (4) years' work experience. Each member shall devote his full time to the duties of his office and shall not engage in any
other business or profession or hold any other public office. A member shall not receive compensation or per diem in addition to his salary as prohibited under Section 25-3-38. Each member shall keep such hours and workdays as required of full-time state employees under Section 25-1-98. Individuals shall be appointed to serve on the board without reference to their political affiliations. Each board member, including the chairman, may be reimbursed for actual and necessary expenses as authorized by Section 25-3-41; but a member shall not be reimbursed for travel expenses from his residence to the nearest state penitentiary.

(3) The board shall have exclusive responsibility for the granting of parole as provided by Sections 47-7-3 and 47-7-17 and shall have exclusive authority for revocation of the same. The board shall have exclusive responsibility for investigating clemency recommendations upon request of the Governor.

(4) The board, its members and staff shall be immune from civil liability for any official acts taken in good faith and in exercise of the board’s legitimate governmental authority.

(5) The budget of the board shall be funded through a separate line item within the general appropriation bill for the support and maintenance of the department. Employees of the department which are employed by or assigned to the board shall work under the guidance and supervision of the board. There shall be an executive secretary to the board who shall be responsible for all administrative and general accounting duties related to the board. The executive secretary shall keep and preserve all records and papers pertaining to the board.

(6) The board shall have no authority or responsibility for supervision of offenders granted a release for any reason, including, but not limited to, probation, parole or executive clemency or other offenders requiring the same through interstate compact agreements. The supervision shall be provided exclusively
by the staff of the Division of Community Services of the department.

(7) The State Parole Board, immediately after the effective date of this act, shall review all cases where an offender was denied parole and any eligibility for reconsideration for parole for at least one (1) year after denial.

(8) The State Parole Board shall review and investigate all cases where offenders have been diagnosed with a serious illness. If the Medical Director of the Department of Corrections certifies to the State Parole Board that an offender is suffering from a terminal illness, the State Parole Board shall parole the offender with the approval and consent of the Commissioner of the Department of Corrections and the medical director.

(9) This section shall stand repealed on July 1, 2002.

**COMMISSION ON ENVIRONMENTAL QUALITY**

SECTION 21. Section 49-2-5, Mississippi Code of 1972, is amended as follows:

49-2-5. (1) There is hereby created the Mississippi Commission on Environmental Quality, to be composed of seven (7) persons appointed by the Governor, with the advice and consent of the Senate, for a term of seven (7) years. One (1) person shall be appointed from each congressional district as constituted January 1, 1978, and two (2) members shall be appointed from the state at large. The initial terms of the members from congressional districts shall be for one (1), two (2), three (3), four (4) and five (5) years respectively, and the initial terms of the members from the state at large shall be one (1) for six (6) years and one (1) for seven (7) years. Thereafter, all terms shall be for seven (7) years. The members serving on the predecessor Commission on Natural Resources on June 30, 1989, shall continue to serve as members of the successor Commission on Environmental Quality until the expiration of the term of their appointment to the predecessor commission. The members of the
commission as constituted on January 1, 2002, whose terms have not expired shall serve the balance of their terms, after which time the membership of the commission shall be appointed as follows: There shall be appointed one (1) member of the commission from each of the four (4) Mississippi congressional districts as they exist on January 1, 2002, and three (3) from the state at large, and the Governor shall make appointments from the congressional district having the smallest number of commission members until the membership includes one (1) member from each district as required.

(2) The commission shall elect from its membership a chairman who shall preside over meetings and a vice chairman who shall preside in the absence of the chairman or when the chairman shall be excused.

(3) The commission shall adopt rules and regulations governing times and places for meetings, and governing the manner of conducting its business. Each member of the commission shall take the oath prescribed by Section 268 of the Constitution and shall enter into bond in the amount of Thirty Thousand Dollars ($30,000.00) to be approved by the Secretary of State, conditioned according to law and payable to the State of Mississippi before assuming the duties of office. Any member who shall not attend three (3) consecutive regular meetings of the commission shall be subject to removal by a majority vote of the commission members.

(4) The members of the commission shall receive no annual salary, but shall receive per diem compensation as authorized by law for each day devoted to the discharge of official duties, and shall be entitled to reimbursement for all actual and necessary expenses incurred in the discharge of their duties, including mileage as authorized by law.

The commission shall be composed of persons with extensive knowledge of or practical experience in at least one (1) of the matters of jurisdiction of the commission.
(5) The commission is authorized and empowered to use and expend any funds received by it from any source for the purposes of this chapter. Such funds shall be expended in accordance with the statutes governing the expenditure of state funds.

COMMISSION ON WILDLIFE, FISHERIES & PARKS

SECTION 22. Section 49-4-4, Mississippi Code of 1972, is amended as follows:

49-4-4. (1) There is hereby created the Mississippi Commission on Wildlife, Fisheries and Parks, to be composed of five (5) persons appointed by the Governor, with the advice and consent of the Senate, for a term of five (5) years. One (1) person shall be appointed from each congressional district. The initial terms of the members shall be one (1), two (2), three (3), four (4) and five (5) years, respectively. Thereafter, all terms shall be for five (5) years. An appointment to fill a vacancy which arises for reasons other than by expiration of a term of office shall be made from the respective congressional district for the unexpired term only. The members of the commission as constituted on January 1, 2002, whose terms have not expired shall serve the balance of their terms, after which time the membership of the commission shall be appointed as follows: There shall be appointed one (1) member of the commission from each of the four (4) Mississippi congressional districts as they exist on January 1, 2002, and one (1) from the state at large, and the Governor shall make appointments from the congressional district having the smallest number of commission members until the membership includes at least one (1) member from each congressional district as required.

(2) The commission shall elect from its membership a chairman who shall preside over meetings and a vice chairman who shall preside in the absence of the chairman or when the chairman shall be excused.
The commission shall adopt rules and regulations governing times and places for meetings and governing the manner of conducting its business. Each member of the commission shall take the oath prescribed by Section 268 of the Constitution, and shall enter into bond in the amount of Thirty Thousand Dollars ($30,000.00) to be approved by the Secretary of State, conditioned according to law, and payable to the State of Mississippi before assuming the duties of office. Any member who shall not attend three (3) consecutive regular meetings of the commission shall be subject to removal by a majority vote of the commission members.

The members of the commission shall receive no annual salary but shall receive per diem compensation as authorized by law for each day devoted to the discharge of official duties and shall be entitled to reimbursement for all actual and necessary expenses incurred in the discharge of their duties, including mileage as authorized by law.

The commission shall be composed of persons with a demonstrated history of involvement in at least one (1) of the matters of jurisdiction of the commission and whose employment and activities are not in conflict. All of the commissioners shall be an active outdoorsman holding a resident hunting or fishing license in at least five (5) of the ten (10) years preceding appointment. A member shall not have a record of conviction of violation of fish or game laws and regulations within five (5) years preceding appointment or a record of any felony conviction.

The commission shall have the power to adopt, amend and repeal such regulations and rules as may be necessary for the operation of the department.

The commission shall have the power and authority to issue all licenses and permits under the jurisdiction of the department.

In the furtherance of its duties and responsibilities, the commission may conduct hearings, gather testimony and perform
other functions required to carry out its powers and duties as prescribed by statute.

(8) The commission shall have all power for conserving, managing and developing wildlife and fishery resources except for saltwater aquatic life and marine resources under the jurisdiction of the Mississippi Commission on Marine Resources.

FORESTRY COMMISSION

SECTION 23. Section 49-19-1, Mississippi Code of 1972, is amended as follows:

49-19-1. (1) There shall be a State Forestry Commission composed of nine (9) members, who shall be qualified electors of the state. The Dean of the School of Forest Resources at Mississippi State University shall be an ex officio member of the commission, with full voting authority. The Governor shall appoint eight (8) members, with the advice and consent of the Senate, for a term of six (6) years. The Governor shall appoint one (1) member from each congressional district as constituted at the time the appointments are made and shall appoint the remainder of the members from the state at large. The members of the commission as constituted on January 1, 2002, whose terms have not expired shall serve the balance of their terms, after which time the membership of the commission shall be appointed as follows: There shall be appointed two (2) members of the commission from each of the four (4) Mississippi congressional districts as they exist on January 1, 2002, and the Governor shall make appointments from the congressional district having the smallest number of board members until the membership includes two (2) members from each district as required. A member must be a certified tree farmer who owns eighty (80) or more acres of forest land or a person who derives a major portion of his personal income from forest-related business, industry or other related activities.
(2) The members of the commission shall receive no annual salary but each member of the commission shall receive a per diem plus expenses and mileage as authorized by law for each day devoted to the discharge of official duties. No member of the commission shall receive total per diem in excess of twenty-four (24) days' compensation per annum.

(3) If a vacancy occurs in the office of an appointed member of the commission, the vacancy shall be filled by appointment for the balance of the unexpired term.

(4) The commission shall elect from its membership a chairman, who shall preside over meetings, and a vice chairman, who shall preside in the absence of the chairman or when the chairman is excused.

(5) The commission shall adopt rules and regulations governing times and places for meetings, and governing the manner of conducting its business. Each member of the commission shall take the oath prescribed by Section 268 of the Constitution and shall enter into bond in the amount of Thirty Thousand Dollars ($30,000.00) to be approved by the Secretary of State, conditioned according to law and payable to the State of Mississippi before assuming the duties of office.

(6) Any appointment made to the commission contrary to this section shall be void, and it is unlawful for the State Fiscal Officer to pay any per diem or authorize the expenses of the appointee.

MISSISSIPPI BUSINESS FINANCE CORPORATION

SECTION 24. Section 57-10-167, Mississippi Code of 1972, is amended as follows:

57-10-167. There is hereby established the Certified Development Company of Mississippi, Inc., a public corporation, which shall be an incorporated certified development company pursuant to Section 503 of the Small Business Investment Act of 1958, as amended.
The Certified Development Company of Mississippi, Inc., hereinafter referred to as the "committee" unless the context clearly indicates otherwise, shall be composed of twenty-five (25) members as follows:

(a) The State Treasurer; the Executive Director of the University Research Center or his designee; the Executive Director of the Mississippi Development Authority; the Executive Director of the Small Business Development Center; six (6) persons associated with small business to be appointed by the Governor, one (1) for a term of one (1) year, one (1) for a term of two (2) years, one (1) for a term of three (3) years, one (1) for a term of four (4) years, one (1) for a term of five (5) years and one (1) for a term of six (6) years; three (3) persons associated with small business to be appointed by the Lieutenant Governor, one (1) for a term of one (1) year, one (1) for a term of two (2) years and one (1) for a term of three (3) years; five (5) persons involved in banking or small business to be appointed by the Governor, one (1) for a term of one (1) year, one (1) for a term of two (2) years, one (1) for a term of three (3) years, one (1) for a term of four (4) years, one (1) for a term of five (5) years; and two (2) persons involved in banking or small business to be appointed by the Lieutenant Governor, one (1) for a term of one (1) year and one (1) for a term of two (2) years. The members described above and serving on the committee on June 30, 1984, shall continue to serve on the committee until the expiration of their terms.

(b) For terms to begin on July 1, 1984, the Governor shall appoint one (1) person associated with small business for a term of six (6) years; the Secretary of State shall appoint one (1) person associated with small business for a term of one (1) year; the Attorney General shall appoint one (1) person involved in banking or small business for a term of six (6) years; and the State Treasurer shall appoint two (2) persons, one (1) for a term of six (6) years; and one (1) for a term of six (6) years.
of one (1) year and one (1) for a term of two (2) years, and after
the expiration of the term of the person appointed hereinabove by
the Attorney General, that vacancy shall be filled thereafter by a
person involved in banking or small business appointed by the
State Treasurer for a term of six (6) years.

The members of the committee as constituted on January 1,
2002, who are appointed by the Governor and whose terms have not
expired shall serve the balance of their terms, after which time
these members shall be appointed as follows: The Governor shall
appoint three (3) members of the board from each of the four (4)
Mississippi congressional districts as they exist on January 1, 2002, and the Governor shall make appointments from the
congressional district having the smallest number of members until
the membership includes three (3) members from each district as
required.

All appointments after the initial appointment shall be for
terms of six (6) years each. All such appointments will be
subject to the approval of the Senate. An appointment to fill a
vacancy existing for any reason other than the expiration of a
term shall be for the balance of the unexpired term. Members
serving by reason of their ex officio designation shall continue
to serve as long as they occupy the position which entitles them
to membership.

Members who are officers or employees of the state shall
receive no compensation for their services, and other committee
members shall receive a per diem as provided in Section 25-3-69,
Mississippi Code of 1972. All members shall receive reimbursement
for actual traveling and subsistence expenses incurred in the
performance of their duties under this article, such reimbursement
to be as provided in Section 25-3-41, Mississippi Code of 1972.

The Certified Development Company of Mississippi, Inc., shall
have an executive director who shall be appointed by the board of
directors.
The Certified Development Company of Mississippi, Inc., shall elect from among its membership a nine-member board of directors, a majority of whom shall be a quorum, a president and vice president and may appoint a secretary and a treasurer.

From and after July 1, 1989, the Certified Development Company of Mississippi, Inc., shall be known as the Mississippi Business Finance Corporation, and wherever the term "Certified Development Company of Mississippi, Inc.,” appears in the laws of this state it shall mean the Mississippi Business Finance Corporation.

MOTOR VEHICLE COMMISSION

SECTION 25. Section 63-17-57, Mississippi Code of 1972, is amended as follows:

63-17-57. There is hereby created the Mississippi Motor Vehicle Commission to be composed of eight (8) members, one (1) of whom shall be appointed by the Attorney General from the state at large for a term of four (4) years and one (1) of whom shall be appointed by the Secretary of State from the state at large for a term of four (4) years, and six (6) licensees who shall be appointed by the Governor, one (1) from the state at large and one (1) from each of the five (5) congressional districts of this state for terms of the following duration: the term of the member from the state at large shall expire at the time the incumbent Governor's term expires, the term of the member appointed from the First Congressional District shall expire on June 30, 1973, the term of the member appointed from the Second Congressional District shall expire on June 30, 1974, the term of the member appointed from the Third Congressional District shall expire on June 30, 1976, the term of the member appointed from the Fourth Congressional District shall expire on June 30, 1977, and the term of the member appointed from the Fifth Congressional District shall expire on June 30, 1978. Each member shall serve until his successor is appointed and qualified. At the expiration of the
Each successor member shall be appointed for a term of four (4) years by the incumbent Attorney General, and at the expiration of the term of the member appointed by the Secretary of State each successor member shall be appointed for a term of four (4) years by the incumbent secretary. At the expiration of a term for which each of the initial appointments of the Governor is made, each successor member shall be appointed for a term of seven (7) years except that the term of the member appointed from the state at large shall be coterminous with that of the Governor making the appointment. The members of the commission appointed by the Governor as constituted on January 1, 2002, whose terms have not expired shall serve the balance of their terms, after which time the gubernatorial appointments shall be made as follows: The Governor shall appoint one (1) member of the commission from each of the four (4) Mississippi congressional districts as they exist on January 1, 2002, and two (2) from the state at large, and the Governor shall make appointments from the congressional district having the smallest number of commission members until the membership includes one (1) from each congressional district as required.

One of the members appointed from the state at large by the Governor shall be designated by him to serve as chairman of the commission and one (1) of the other members appointed by the Governor shall be designated by him to serve as vice chairman. In the absence of the chairman at any meeting of the commission the vice chairman shall preside and perform the duties of the chairman.

In the event of a vacancy created by the death, resignation or removal of any member of the commission the vacancy shall be filled by appointment of the Governor, Attorney General or the Secretary of State, as the case may be, for the unexpired portion
of the term. All appointments hereunder shall be made with the advice and consent of the Senate.

**EGG MARKETING BOARD**

**SECTION 26.** Section 69-7-253, Mississippi Code of 1972, is amended as follows:

69-7-253. There is hereby continued the Mississippi Egg Marketing Board with domicile at the capital city of the state. The board shall be composed of five (5) members: one (1) member shall be the Commissioner of Agriculture and Commerce as ex officio member. One (1) member shall be an egg producer as defined in this article. Three (3) members shall be employed by or associated with egg industry related businesses, or disciplines which include poultry support, marketing, promotion, home economist, extension poultry science agencies and the Mississippi Department of Agriculture and Commerce. No more than one (1) industry-related business or discipline member shall be employed by, associated with or have a financial interest in the same company or subsidiary.

The Governor shall appoint the members, with the advice and consent of the Senate. The Governor shall appoint a member from a list of not more than three (3) producers and not less than three (3) individuals representing egg industry related businesses or disciplines, provided by the board based upon a poll of its members. The members of the board as constituted on January 1, 2002, whose terms have not expired shall serve the balance of their terms, after which time the membership of the board shall be appointed as follows: There shall be appointed one (1) member of the board from each of the four (4) Mississippi congressional districts as they exist on January 1, 2002, and the Governor shall make appointments from the congressional district having the smallest number of board members until the membership includes one (1) member from each congressional district as required; and the board shall provide the Governor with its recommendations from the
appropriate congressional district. The terms shall be for six (6) years. Each member shall serve, after the completion of his term, until his successor is appointed and duly qualified. Each vacancy shall be filled by appointment for the unexpired term.

The terms of office of persons appointed under the original act shall continue until the expiration of the terms to which they were appointed, the intent of this article being to continue the Mississippi Egg Marketing Board.

SOYBEAN PROMOTION BOARD

SECTION 27. Section 69-9-3, Mississippi Code of 1972, is amended as follows:

69-9-3. (1) The Mississippi Soybean Promotion Board is hereby created, to be composed of twelve (12) members to be appointed by the Governor to serve terms of three (3) years, as hereinafter provided. All of the twelve (12) members of the board shall be producers of soybeans in the State of Mississippi. Within ten (10) days following the effective date of this chapter, each of the following organizations, namely, Mississippi Farm Bureau Federation, Inc., Mississippi Feed and Grain Association, Mississippi Soybean Association and Delta Council shall submit the names of six (6) soybean producers to the Governor, and he shall appoint three (3) members from the nominees of each organization to serve on the board on rotating three-year terms. The original board shall be appointed with members of each of the aforenamed organizations appointed as follows: one (1) for one (1) year, one (1) for two (2) years, and one (1) for three (3) years. Each year thereafter, not less than thirty (30) days prior to the expiration of the terms of expiring board members, the aforenamed organizations shall submit the names of three (3) nominees to the Governor and succeeding boards shall be appointed by the Governor in the same manner, giving equal representation to each organization. The members of the board as constituted on January 1, 2002, whose terms have not expired shall serve the balance of
their terms, after which time the membership of the board shall be appointed as follows: There shall be appointed three (3) members of the board from each of the four (4) Mississippi congressional districts as they exist on January 1, 2002, and the Governor shall make appointments from the congressional district having the smallest number of board members until the membership includes three (3) members from each congressional district as required; and the proper association shall submit nominations to the Governor from the appropriate congressional district as required. Vacancies which occur shall be filled in the same manner as the original appointments were made.

(2) The members of the board shall meet and organize immediately after their appointment, and shall elect a chairman, vice chairman and secretary-treasurer from the membership of the board, whose duties shall be those customarily exercised by such officers or specifically designated by the board. The chairman, vice chairman and secretary-treasurer shall be bonded in an amount not less than Twenty Thousand Dollars ($20,000.00). The cost of said bonds shall be paid from the funds received under the provisions of this chapter. Such bond shall be a security for any illegal act of such member of the board and recovery thereon may be had by the state for any injury by such illegal act of such member. The board may establish rules and regulations for its own government and the administration of the affairs of the board.

BOARD OF ANIMAL HEALTH

SECTION 28. 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

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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 from the following groups or associations from a written list of three (3) recommendations from such groups or associations:

One (1) licensed and practicing veterinarian who holds a doctor of veterinary medicine degree, from a written list of three (3) recommendations submitted by the Mississippi State Veterinary Medical Association;

One (1) general farmer from a written list of three (3) recommendations submitted by the Mississippi Farm Bureau Federation;

One (1) poultry breeder and producer from a written list of three (3) recommendations submitted by the Mississippi Poultry Improvement Association;

One (1) sheep breeder and producer from a written list of three (3) recommendations submitted by the Mississippi Sheep Producers' Association;

One (1) beef cattle breeder and producer from a written list of three (3) recommendations submitted by the Mississippi Cattlemen's Association;

One (1) swine breeder and producer from a written list of three (3) recommendations submitted by the Mississippi Pork Producers' Association;

One (1) dairy breeder and producer from a written list of three (3) recommendations submitted by the American Dairy Association of Mississippi;
One (1) horse breeder and producer from a written list of three (3) recommendations submitted by the Mississippi Horse Council;

One (1) catfish breeder and producer from a written list of three (3) recommendations submitted by the Mississippi Catfish Association;

One (1) member of the Mississippi Independent Meat Packers' Association from a written list of three (3) recommendations submitted by the Mississippi Independent Meat Packers' Association;

One (1) member of the Mississippi Livestock Auction Association from a written list of three (3) recommendations submitted by 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 producing 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.
The members of the board as constituted on January 1, 2002, who are appointed by the Governor and whose terms have not expired shall serve the balance of their terms, after which time the membership of the board shall be appointed as follows: Not more than three (3) members of the board shall be appointed from any of the four (4) Mississippi congressional districts as they exist on January 1, 2002, and the Governor shall make appointments from the congressional district having the smallest number of board members until the membership includes not less than two (2) members from each district as required. 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, and 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 29. 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 from a list of eight (8) agricultural aerial applicators submitted to the Governor by the Mississippi Aerial Applicators Association, commonly known as the Mississippi Agricultural Aviation Association. 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. The members of the board who are licensed pilots as constituted on January 1, 2002, whose terms have not expired shall serve the balance of their terms, after which time the licensed pilot membership shall be appointed as follows: There shall be appointed one (1) member from each of the four (4) Mississippi congressional districts as they exist on January 1, 2002, and the Governor shall make appointments from the congressional district having the smallest number of board members until the membership includes one (1) member from each district as required. 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 of the four (4) aerial applicators who serve on the board. Vacancies on the 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.

STATE BOARD OF ARCHITECTURE

SECTION 30. Section 73-1-5, Mississippi Code of 1972, is amended as follows:

73-1-5. The State Board of Architecture is composed of five (5) members who are licensed architects residing in this state and who have been engaged in the practice of architecture not less than seven (7) years. It is the duty of the board to carry out the purposes of this chapter as herein provided.

The Governor shall appoint the members of the board, and each member shall serve for a term of five (5) years. The terms shall be staggered so that the term of not more than one (1) member shall expire each year on June 1. The members of the board as constituted on January 1, 2002, whose terms have not expired shall serve the balance of their terms, after which time the membership of the board shall be appointed as follows: There shall be appointed one (1) member of the board from each of the four (4)
Mississippi congressional districts as they exist on January 1, 2002, and one (1) from the state at large, and the Governor shall make appointments from the congressional district having the smallest number of board members until the membership includes one (1) member from each district as required.

Each member shall hold over after the expiration of his term until his successor is duly appointed and qualified. The Governor shall fill any vacancy occurring in the membership of the board for the unexpired term of such membership. The Governor may remove any of the members of said board for inefficiency, neglect of duty or dishonorable conduct.

MISSISSIPPI AUCTIONEER COMMISSION

SECTION 31. Section 73-4-7, Mississippi Code of 1972, is amended as follows:

73-4-7. (1) The Mississippi Auctioneer Commission is created, and it shall have the authority to make such rules and regulations as are reasonable and necessary for the orderly regulation of the auctioneering profession and the protection of the public, which rules and regulations are not inconsistent with the Mississippi Constitution of 1890 and state laws. The commission shall have the following powers:

(a) The power to set reasonable license fees, to collect and hold such fees and to disburse such fees in any manner not inconsistent with this chapter.

(b) The power to make such rules and regulations as will promote the orderly functioning of the auction profession and ensure the protection of the public.

(c) The power to hire and retain such staff and support personnel as are necessary to conduct business and assure compliance with this chapter.

(d) The power to conduct investigations, hold hearings, subpoena witnesses, make findings of fact and otherwise enforce the disciplinary provisions contained in this chapter.
(2) The Mississippi Auctioneer Commission shall consist of five (5) members, one (1) from each congressional district, who shall be appointed by the Governor. All appointees shall possess the following minimum qualifications:

(a) An appointee shall be a citizen of Mississippi.
(b) An appointee shall have been engaged as an auctioneer for a period of not less than five (5) years immediately preceding his appointment.
(c) An appointee shall be of good reputation, trustworthy and knowledgeable in the auction profession.

An individual may not act as a member of the commission while holding another elected or appointed office in either the state or federal government or while owning a school or other facility to train individuals to be auctioneers.

(3) In order to assure continuity, the Governor shall appoint the initial members of the commission for the following terms:

(a) The member appointed from the First Congressional District shall serve a term of one (1) year;
(b) The member appointed from the Second Congressional District shall serve a term of two (2) years;
(c) The member appointed from the Third Congressional District shall serve a term of three (3) years;
(d) The member appointed from the Fourth Congressional District shall serve a term of four (4) years; and
(e) The member appointed from the Fifth Congressional District shall serve a term of five (5) years.

The members of the commission as constituted on January 1, 2002, whose terms have not expired shall serve the balance of their terms, after which time the membership of the commission shall be appointed as follows: There shall be appointed one (1) member of the commission from each of the four (4) Mississippi congressional districts as they exist on January 1, 2002, and one
appointments from the congressional district having the smallest
number of commission members until the membership includes one (1)
member from each district as required.

Subsequent terms shall be for five (5) years, except for
interim appointments to fill unexpired terms which shall be only
for the unexpired term.

(4) Each member of the commission shall receive a per diem
as provided by Section 25-3-69 per meeting and shall be reimbursed
for ordinary and necessary expenses incurred in the performance of
official duties as provided in Section 25-3-41.

BOARD OF BARBER EXAMINERS

SECTION 32. Section 73-5-1, Mississippi Code of 1972, is
amended as follows:

73-5-1. The State Board of Barber Examiners is hereby
continued and reconstituted as follows: The Board of Barber
Examiners shall consist of five (5) members, to be appointed by
the Governor, with the advice and consent of the Senate, one (1)
member to be appointed from each of the congressional districts as
existing on January 1, 1991. Each member shall be a practical
barber and a qualified elector of this state. He shall have been
engaged in the practice of barbering in the State of Mississippi
for at least five (5) years immediately prior to the time of his
appointment and shall be a person of good moral character. From
and after July 1, 1983, the appointments to the board shall be
made in the manner hereinafter provided, and the present members
of the State Board of Barber Examiners whose terms have not
expired by July 1, 1983, shall continue to serve until their
successors shall have been appointed and qualified. The Governor
shall appoint, with the advice and consent of the Senate, five (5)
members from the congressional districts as follows: The member
from the First Congressional District shall be appointed for a
term of two (2) years to commence on July 1, 1983; the member from

the Second Congressional District shall be appointed for a term of four (4) years to commence on July 1, 1984; the member from the Third Congressional District shall be appointed for a term of two (2) years to commence on July 1, 1983; the member from the Fourth Congressional District shall be appointed for a term of four (4) years to commence on July 1, 1984; and the member from the Fifth Congressional District shall be appointed for a term of one (1) year to commence on July 1, 1983. The members of the board as constituted on January 1, 2002, whose terms have not expired shall serve the balance of their terms, after which time the membership of the board shall be appointed as follows: There shall be appointed one (1) member of the board from each of the four (4) Mississippi congressional districts as they exist on January 1, 2002, and one (1) from the state at large, and the Governor shall make appointments from the congressional district having the smallest number of board members until the membership includes one (1) member from each district as required.

* * * All members of the board shall be appointed by the Governor, with the advice and consent of the Senate, for terms of four (4) years each from the expiration date of the previous term, until their successors shall have been appointed and qualified. No member of the board shall hold any elected office. Appointments made to fill a vacancy of a term shall be made by the Governor within sixty (60) days after the vacancy occurs.

The Governor may remove any one or more members of said board for just cause. Members appointed to fill vacancies caused by death, resignation or removal of any member or members shall serve only for the unexpired term of their predecessors. Any member who shall not attend two (2) consecutive meetings of the board for reasons 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.
STATE BOARD OF CHIROPRACTIC EXAMINERS

SECTION 33. Section 73-6-3, Mississippi Code of 1972, is amended as follows:

73-6-3. There is hereby created a State Board of Chiropractic Examiners. This board shall consist of six (6) members; one (1) of whom shall be the executive officer of the State Board of Health or his designee, and one (1) from each congressional district as presently constituted, to be appointed by the Governor with the advice and consent of the Senate. Each member except the executive officer of the State Board of Health shall be a qualified elector of the State of Mississippi having been continuously engaged in the practice of chiropractic in Mississippi for at least five (5) years prior to appointment. No member shall be a stockholder in or member of the faculty or board of trustees of any school of chiropractic. Each member appointed to the board shall serve for five (5) years and until his successor is appointed and qualified; except the terms of the initial members appointed by the Governor shall expire one (1) each for five (5) years or until their successors are appointed and qualified. The members of the board as constituted on January 1, 2002, whose terms have not expired shall serve the balance of their terms, after which time the membership of the board shall be appointed as follows: There shall be appointed one (1) member of the board from each of the four (4) Mississippi congressional districts as they exist on January 1, 2002, and one (1) from the state at large, and the Governor shall make appointments from the congressional district having the smallest number of board members until the membership includes one (1) member from each district as required. Vacancies on the board, except for the executive officer of the State Board of Health or his designee, shall be filled by appointment of the Governor only for unexpired terms. 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.

**MISSISSIPPI BOARD OF NURSING**

**SECTION 34.** 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. The members of the board as constituted on January 1, 2002, whose terms have not expired shall serve the balance of their terms, after which time the membership of the board shall be appointed as follows: There shall be appointed not less than two (2) members and not more than three (3) members of the board from each of the four (4) Mississippi congressional districts as they exist on January 1, 2002, and the Governor shall make appointments from the congressional district having the smallest number of board members until the membership includes at least two (2) members from each congressional district as required, and the nominating organization and/or association shall
make nominations to the Governor from the appropriate congressional district.

(2) Members of the Mississippi Board of Nursing, excepting the member of the State Board of Medical Licensure, shall be appointed by the Governor, with the advice and consent of the Senate, from lists of nominees submitted by any Mississippi registered nurse organization and/or association chartered by the State of Mississippi whose board of directors is elected by the membership and whose membership includes registered nurses statewide, for the nomination of registered nurses, and by the Mississippi Federation of Licensed Practical Nurses and the Mississippi Licensed Practical Nurses' Association for the nomination of a licensed practical nurse. Nominations submitted by any such registered nurse organization or association to fill vacancies on the board shall be made and voted on by registered nurses only. Each list of nominees shall contain a minimum of three (3) names for each vacancy to be filled. The list of names shall be submitted at least thirty (30) days before the expiration of the term for each position. If such list is not submitted, the Governor is authorized to make an appointment from the group affected and without nominations. 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 upon nominations from a list of nominees from the affected group to be submitted within not more than thirty (30) days after such a vacancy occurs. In the absence of such list, the Governor is...
authorized to fill such vacancy 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.

STATE BOARD OF OPTOMETRY

SECTION 35. 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. The members of the board as constituted on January 1, 2002, whose terms have not expired shall serve the balance of their terms, after which time the membership of the board shall be appointed as follows: There shall be appointed one (1) member of the board from each of the four (4) Mississippi congressional...
districts as they exist on January 1, 2002, and one (1) from the
state at large, and the Governor shall make appointments from the
congressional district having the smallest number of board members
until the membership includes one (1) member from each
congressional district as required; and the Mississippi Optometric
Association shall make nominations to the Governor from the
appropriate congressional district.

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, from a list
of names submitted by the Mississippi Optometric Association
consisting of three (3) of its members, or by appointment of any
qualified member of the association.

STATE BOARD OF PHARMACY

SECTION 36. 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, from a
list of five (5) names submitted by the Mississippi State
Pharmaceutical Association/Mississippi Pharmacists Association.
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.

The members of the board as constituted on January 1, 2002, whose terms have not expired shall serve the balance of their terms, after which time the membership of the board shall be appointed as follows: There shall be appointed one (1) member of the board from each of the four (4) Mississippi congressional districts as they exist on January 1, 2002, and three (3) members from the state at large, and the Governor shall make appointments from the congressional district having the smallest number of board members until the membership includes at least one (1) member from each congressional district as required; and the Mississippi Pharmaceutical Association/Mississippi Pharmacists Association shall make nominations to the Governor from the appropriate congressional district as required.

(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 Mississippi State Pharmaceutical Association/Mississippi Pharmacists Association shall submit a list of nominees no more than thirty (30) days after a vacancy occurs, and 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.

STATE BOARD OF LICENSED PROFESSIONAL COUNSELORS

SECTION 37. 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. A list shall be provided to the Governor by the
Mississippi Counseling Association from which the Governor may
choose board members. At least two (2) names shall be included
from each congressional district. The members of the board as
constituted on January 1, 2002, whose terms have not expired shall
serve the balance of their terms, after which time the membership
of the board shall be appointed as follows: There shall be
appointed one (1) member of the board from each of the four (4) Mississippi congressional districts as they exist on January 1, 2002, and one (1) member from the state at large; and the list of recommendations provided to the Governor by the Mississippi Counseling Association shall include at least two (2) names from the congressional district having the smallest number of board members until the membership includes one (1) member from each district as required. 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. The Mississippi Counseling Association shall provide a list of suggested board members for each vacancy.

(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 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.

MISSISSIPPI BOARD OF PSYCHOLOGY

SECTION 38. Section 73-31-5, Mississippi Code of 1972, is amended as follows:

73-31-5. (1) There is hereby created a Mississippi 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. All
appointments of psychologist members of the board shall be made from a list containing the names of at least three (3) eligible nominees for each vacancy submitted by the Mississippi Psychological Association. 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 (1) of the two (2) academic members appointed in 2002 will serve a four-year term.

The members of the board as constituted on January 1, 2002, whose terms have not expired shall serve the balance of their terms, after which time the membership of the board shall be appointed as follows: There shall be appointed one (1) member of the board from each of the four (4) Mississippi congressional districts as they exist on January 1, 2002, and three (3) from the state at large, and the Governor shall make appointments from the congressional district having the smallest number of board members until the membership includes at least one (1) member from each congressional district as required; and the association shall nominate members to the Governor from the appropriate congressional district as required.

(3) The Governor may remove any board member for misconduct, incompetency or neglect of duty after giving the board member a
(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, 2011.

STATE BOARD OF PUBLIC ACCOUNTANCY

SECTION 39. Section 73-33-3, Mississippi Code of 1972, is amended as follows:

73-33-3. (1) There shall be a board of public accountancy, consisting of seven (7) members, who are qualified electors of this state; their duties, powers and qualifications are herein prescribed by this chapter. The members of the Mississippi State Board of Public Accountancy shall be appointed from holders of certificates issued under and by virtue of this chapter.

(2) The present members of the Mississippi State Board of Public Accountancy shall continue to serve until January 1, 1984. After January 1, 1984, the appointments to the board shall be as hereinafter provided.

The Governor shall appoint five (5) members from the congressional districts as they are presently constituted, as follows: The initial member from the First Congressional District shall be appointed for a term of one (1) year; the initial member from the Second Congressional District shall be for a term of two (2) years; the initial member from the Third Congressional District shall be appointed for a term of three (3) years; the initial member from the Fourth Congressional District shall be appointed for a term of four (4) years; the initial member from the Fifth Congressional District shall be appointed for a term of five (5) years. The members of the board as constituted on January 1, 2002, who are appointed from congressional districts and whose terms have not expired shall serve the balance of their

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terms, after which time the membership of the board shall be
appointed as follows: There shall be appointed one (1) member of
the board from each of the four (4) Mississippi congressional
districts as they exist on January 1, 2002, and the Governor shall
make appointments from the congressional district having the
smallest number of board members until the membership includes one
(1) member from each district as required. In addition, the
Governor shall appoint three (3) members from the state at large,
each of whom shall serve for an initial term of four (4) years.
Subsequent terms for all members shall be for five (5) years.
All terms shall begin on January 1 of the appropriate year.

No member of the board shall hold any elected office.
Appointments made to fill a vacancy of a term shall be made by the
appointing officer within sixty (60) days after the vacancy
occurs. Any person appointed to fill an unexpired term shall hold
office only for and during the unexpired term of the member he
succeeds.

(3) Each member of the board shall take the oath prescribed
by Section 268 of the Mississippi Constitution. The board shall
elect from among its membership, to serve one-year terms, a
chairman who shall preside over meetings and a vice chairman who
shall preside in the absence of the chairman or when the chairman
shall be excused. A majority of the membership of the board shall
constitute a quorum for the transaction of any business. Any
board member who shall not attend three (3) consecutive regular
meetings of the board for reasons other than illness of said
member shall be subject to removal by a majority vote of the board
members.

(4) The board shall hold regular meetings and special
meetings as may be necessary for the purposes of conducting such
business as may be required. The board shall adopt rules and
regulations governing times and places for meetings, and governing
the manner of conducting its business. All meetings of the board shall be open to the public.

REAL ESTATE APPRAISER LICENSING BOARD

SECTION 40. Section 73-34-7, Mississippi Code of 1972, is amended as follows:

73-34-7. (1) (a) There is hereby established, as an adjunct board to the Mississippi Real Estate Commission, a board to be known as the Mississippi Real Estate Appraiser Licensing and Certification Board, which shall consist of six (6) members. Five (5) members shall be appointed by the Governor, with the advice and consent of the Senate, one (1) from each congressional district as such district existed on January 1, 1989; the Administrator of the Mississippi Real Estate Commission shall be an ex officio, nonvoting member.

(b) The initial appointments made by the Governor shall be in compliance with guidelines issued by the Federal Financial Institutions Examination Council or its designee; and the appointees shall serve for terms ending on December 31, 1991. Not more than two (2) positions on the board shall be filled with appointees who hold membership in the same professional organization.

(c) From and after January 1, 1992, gubernatorial appointments shall be made pursuant to the procedure established in this paragraph (c). The five (5) members shall be appointed by the Governor, with the advice and consent of the Senate, one (1) from each congressional district as such district existed on January 1, 1992. At least three (3) members shall be certified general real estate appraisers or at least two (2) members shall be certified general real estate appraisers and one (1) member may be a certified residential real estate appraiser. Not more than two (2) positions on the board shall be filled with appointees who hold membership in the same professional organization. Of the initial appointments made pursuant to this paragraph (c), two (2)
shall serve for three (3) years, two (2) shall serve for two (2)
years and one (1) shall serve for one (1) year. Thereafter, each
member shall serve for a term of four (4) years. Upon the
expiration of a member's term, such member shall continue to serve
until the appointment and qualification of a successor.
Commencing with appointments made in 1992, no person shall be
appointed as a member of the board for more than two (2)
consecutive terms. The Governor may remove an appointed member
for cause. The members of the board as constituted on January 1,
2002, whose terms have not expired shall serve the balance of
their terms, after which time the gubernatorial appointments to
the board shall be made as follows: There shall be appointed one
(1) member of the board from each of the four (4) Mississippi
congressional districts as they exist on January 1, 2002, and one
(1) from the state at large, and the Governor shall make
appointments from the congressional district having the smallest
number of board members until the membership includes at least one
(1) member from each congressional district as required.
(2) The board shall meet not less than twice a calendar
year. Written notice shall be given to each member of the time
and place of each meeting of the board at least ten (10) days
prior to the scheduled date of the meeting.
(3) A quorum of the board shall be three (3) voting members;
commencing January 1, 1992, at least one (1) present must be a
licensed certified general real estate appraiser or a certified
residential real estate appraiser. Appointed members of the board
are entitled to mileage and actual expenses as authorized by
Section 25-3-41 and per diem as provided by Section 25-3-69; ex
officio members are entitled to mileage and actual expenses only.
(4) The board shall elect a chairman and such other officers
as it deems necessary. Such officers shall serve as such for
terms established by the board.

REAL ESTATE COMMISSION
SECTION 41. Section 73-35-5, Mississippi Code of 1972, is amended as follows:

73-35-5. (1) There is hereby created the Mississippi Real Estate Commission. The commission shall consist of five (5) persons, to be appointed by the Governor with the advice and consent of the Senate. Each appointee shall have been a resident and citizen of this state for at least six (6) years prior to his appointment, and his vocation for at least five (5) years shall have been that of a real estate broker. One (1) member shall be appointed for the term of one (1) year; two (2) members for terms of two (2) years; two (2) members for terms of four (4) years; thereafter, the term of the members of said commission shall be for four (4) years and until their successors are appointed and qualify. There shall at no time be more than one (1) commissioner from any one (1) congressional district of which he is a bona fide resident, as such districts are constituted as of January 1, 1983. Members to fill vacancies shall be appointed by the Governor for the unexpired term. The Governor may remove any commissioner for cause. The State of Mississippi shall not be required to furnish office space for such commissioners. The provisions of this section shall not affect persons who are members of the Real Estate Commission as of July 1, 1988. Such members shall serve out their respective terms, upon the expiration of which the provisions of this section shall take effect. Nothing provided herein shall be construed as prohibiting the reappointment of any member of the said commission. The members of the commission as constituted on January 1, 2002, whose terms have not expired shall serve the balance of their terms, after which time the membership of the commission shall be appointed as follows: There shall be appointed one (1) member of the commission from each of the four (4) Mississippi congressional districts as they exist on January 1, 2002, and one (1) from the state at large, and the Governor shall make appointments from the congressional district having the
smallest number of commission members until the membership includes at least one (1) member from each congressional district as required.

(2) The commission shall organize by selecting from its members a 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 commission shall receive per diem as authorized in Section 25-3-69, Mississippi Code of 1972, and his actual and necessary expenses incurred in the performance of duties pertaining to his office as authorized in Section 25-3-41, Mississippi Code of 1972.

(3) The commission shall adopt a seal by which it shall authenticate its proceedings. Copies of all records and papers in the office of the commission, duly certified and authenticated by the seal of said commission, shall be received in evidence in all courts equally and with like effect as the original. All records kept in the office of the commission under authority of this chapter shall be open to public inspection except pending investigative files.

SOCIAL WORKER & FAMILY THERAPY BOARD

SECTION 42. 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.
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 social workers and two (2) of which shall be marriage and family therapists. Social worker members of the board shall be appointed from nominations submitted by the Mississippi Chapter of the National Association of Social Workers, and marriage and family therapist members of the board shall be appointed from nominations submitted by the Mississippi Marriage and Family Therapy Association. 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. The members of the board as constituted on January 1, 2002, whose terms have not expired shall serve the balance of their terms, after which time the membership of the board shall be appointed as follows: The appointments to the board made by the Governor shall be made one (1) from each of the four (4) Mississippi congressional districts as they exist on January 1, 2002, and two (2) from the state at large, and the appointments to the board made by the Lieutenant Governor shall be made one (1) from each of the four (4) Mississippi congressional districts as they exist on January 1, 2002, and each appointing officer shall make appointments from the congressional district having the smallest number of board members until the membership includes at least the minimum number from each congressional district as required; and the nominating organization shall submit nominations to the Governor or the Lieutenant Governor from the appropriate congressional district as required. 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. Appointments
to fill vacancies shall be made from nominations submitted by the
appropriate organization as specified in subsection (2) of this
section for the position being filled.

(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, subject to the approval of the State
Personnel Board. 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, Chapter 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.

HOME INSPECTOR REGULATORY BOARD

SECTION 43. Section 73-60-5, Mississippi Code of 1972, is
amended as follows:

73-60-5. (1) There is hereby created, as an adjunct board
to the Mississippi Real Estate Commission, a board to be known as
the Home Inspector Regulatory Board, which shall consist of five
members appointed by the Governor, with the advice and consent
of the Senate, to include one (1) representative from each of the
four (4) Mississippi congressional districts existing on January
1, 2002, and two (2) from the state at large and all shall be
licensed home inspectors.

(2) The Home Inspector Regulatory Board shall advise the
commission or its designee on all matters relating to this
chapter. The board shall meet no less than four (4) times
annually and shall be reimbursed for expenses on a per diem basis
pursuant to state law.
SECTION 44. 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. The members of the board as constituted on January 1, 2002, whose terms have not expired shall serve the balance of their terms, after which time the membership of the board shall be appointed as follows: There shall be appointed one (1) member of the board from each of the four (4) Mississippi congressional
districts as they exist on January 1, 2002, and the Governor shall make appointments from the congressional district having the smallest number of board members until the membership includes one (1) member from each district as required; and the nominating committee shall make recommendations to the Governor from the appropriate congressional district. 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.

(3) (a) Except as provided in paragraph (b) of this subsection, the board annually shall appoint a nominating committee. No board member shall participate on the nominating committee during the year in which that member's term expires. The nominating committee shall solicit nominees for membership to the board by mailing a notice to each registered professional geologist shown on the roster maintained by the board and residing in the state. Within thirty (30) days following mailing of the notices, any registered professional geologist meeting the qualifications under subsection (2) of this section may place or have placed his or her name in nomination. The nominating
committee shall compile a list of the nominees and submit that list to the registered professional geologists on the roster. Each geologist shall have one (1) vote and shall submit that vote in writing within fifteen (15) days following the mailing of the list of nominees. The nominating committee shall calculate the results and recommend to the Governor the three (3) nominees from the sector and congressional districts in which the vacancy occurs receiving the largest number of votes.

(b) The Task Force/Advisory Committee on Geologic Registration shall recommend fifteen (15) nominees to the Governor for appointment to the initial board.

STATE BOARD OF MASSAGE THERAPY

SECTION 45. Section 73-67-9, Mississippi Code of 1972, is amended as follows:

73-67-9. (1) There is created the State Board of Massage Therapy.

(2) The board shall consist of five (5) members appointed by the Governor, with the advice and consent of the Senate, as follows: At least three (3) members shall be appointed from a list submitted by State representatives of one or more nationally recognized professional massage therapy association(s), one (1) to be appointed from each Mississippi Supreme Court District and all of whom must be residents of Mississippi and must have engaged in the practice of massage therapy within the state for at least three (3) years; one (1) member shall be a licensed health professional in a health field other than massage therapy; one (1) member shall be a consumer at large who is not associated with or financially interested in the practice or business of massage therapy. The initial members of the board shall be appointed for staggered terms, as follows: one (1) member shall be appointed for a term that ends on June 30, 2002; one (1) member shall be appointed for a term that ends on June 30, 2003; one (1) member shall be appointed for a term that ends on June 30, 2004; and two
(2) Members shall be appointed for terms that end on June 30, 2005, to be designated at the time of appointment. Appointments shall be made within ninety (90) days from the effective date of this chapter.

(3) All subsequent appointments to the board shall be appointed by the Governor for terms of four (4) years from the expiration date of the previous term. No person shall be appointed for more than two (2) consecutive terms. By approval of the majority of the board, the service of a member may be extended at the completion of a four-year term until a new member is appointed or the current member is reappointed. The board shall elect one (1) of the appointed massage therapists as the chairman of the board.

(4) A majority of the board may elect an executive secretary and other such individuals, including an attorney, as may be necessary to implement the provisions of this chapter. The board may hold additional meetings at such times and places as it deems necessary. A majority of the board shall constitute a quorum and a majority of the board shall be required to grant or revoke a certificate of registration.

SECTION 46. This act shall take effect and be in force from and after July 1, 2002.