

By: Representative Fillingane

To: Apportionment and Elections

HOUSE BILL NO. 965

1 AN ACT TO PROVIDE THAT FROM AND AFTER JANUARY 1, 2002,
 2 APPOINTMENTS TO CERTAIN EXECUTIVE AGENCY BOARDS AND COMMISSIONS
 3 AND THE PEER COMMITTEE SHALL BE MADE FROM THE FOUR MISSISSIPPI
 4 CONGRESSIONAL DISTRICTS ON A PHASED-IN BASIS; TO AMEND SECTIONS
 5 5-3-55, 25-53-7, 31-3-3, 35-1-1, 35-3-24, 35-7-7, 37-4-3, 37-63-3,
 6 37-155-7, 39-3-101, 39-5-3, 39-11-1, 41-3-1, 41-4-3, 43-13-107,
 7 43-13-409, 43-55-5, 47-5-541, 47-7-5, 49-2-5, 49-4-4, 49-19-1,
 8 57-10-167, 63-17-57, 69-7-253, 69-9-3, 69-15-2, 69-21-107, 73-1-5,
 9 73-4-7, 73-6-3, 73-15-9, 73-19-7, 73-21-75, 73-30-5, 73-31-5,
 10 73-33-3, 73-34-7, 73-35-5, 73-53-8, 73-60-5, 73-63-9 AND 73-67-9,
 11 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO AMEND SECTION
 12 37-101-3, MISSISSIPPI CODE OF 1972, TO CONFORM THE APPOINTMENTS OF
 13 THE BOARD OF TRUSTEES OF THE STATE INSTITUTIONS OF HIGHER LEARNING
 14 TO SENATE CONCURRENT RESOLUTION NO. 522, 2002 REGULAR SESSION; AND
 15 FOR RELATED PURPOSES.

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

17 **PEER COMMITTEE**

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

20 5-3-55. The committee shall be composed of five (5) members
 21 from the Senate and five (5) members from the House of
 22 Representatives, one (1) from each of the congressional districts
 23 of the State of Mississippi, to be appointed by the Lieutenant
 24 Governor and the Speaker of the House of Representatives for a
 25 term concurrent with their term in their respective house.
 26 Beginning with the 2004 Regular Session, the committee shall be
 27 composed of five (5) members from the Senate and five (5) members
 28 from the House of Representatives, one (1) from each of the four
 29 (4) Mississippi congressional districts as they exist on January
 30 1, 2002, and one (1) from the state at large, to be appointed by
 31 the Lieutenant Governor and the Speaker of the House for a term
 32 concurrent with their term in their respective house. The
 33 Lieutenant Governor and Speaker shall make their appointments



34 within fifteen (15) days after the first calendar day of the
35 regular session in the first year of such four-year term. No
36 member of the committee shall serve as a member of the Legislative
37 Budget Committee. The term of each member shall be concurrent
38 with his term of office.

39 * * *

40 **MISSISSIPPI DEPARTMENT OF TECHNOLOGY SERVICES**

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

43 25-53-7. (1) The membership of the authority shall be
44 composed of five (5) members to be appointed by the Governor with
45 the advice and consent of the Senate. The initial terms of the
46 members shall be for one (1), two (2), three (3), four (4) and
47 five (5) years, respectively, and thereafter all terms shall be
48 for five (5) years. The initial appointments to the reconstituted
49 authority shall be made no later than June 30, 1984, for terms to
50 begin on July 1, 1984. The members of the authority as
51 constituted on January 1, 2002, whose terms have not expired shall
52 serve the balance of their terms, after which time the membership
53 of the authority shall be appointed as follows: There shall be
54 appointed one (1) member of the authority from each of the four
55 (4) Mississippi congressional districts as they exist on January
56 1, 2002, and one (1) from the state at large, and the Governor
57 shall make appointments from the congressional district having the
58 smallest number of authority members until the membership includes
59 one (1) member from each district as required. Vacancies shall be
60 filled in the same manner as original appointments for the
61 unexpired portion of the term vacated. Each member of the
62 authority shall have a minimum of four (4) years' experience in an
63 information technology-related executive position or prior service
64 as a member of the authority.

65 (2) Each member of the authority shall be required to
66 furnish a surety bond in the minimum amount of Fifty Thousand



67 Dollars (\$50,000.00) to be approved by the Secretary of State,
68 conditioned according to law and payable to the State of
69 Mississippi, before entering upon his duties. The premiums on
70 such bonds shall be paid from any funds available to the authority
71 for such purpose.

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

80 (4) The Lieutenant Governor may designate one (1) Senator
81 and the Speaker of the House of Representatives may designate one
82 (1) Representative to attend any meeting of the authority. The
83 appointing authorities may designate an alternate member from
84 their respective houses to serve when the regular designee is
85 unable to attend such meetings of the authority. Such legislative
86 designees shall have no jurisdiction or vote on any matter within
87 the jurisdiction of the authority. For attending meetings of the
88 authority, such legislators shall receive per diem and expenses
89 which shall be paid from the contingent expense funds of their
90 respective houses in the same amounts as provided for committee
91 meetings when the Legislature is not in session; however, no per
92 diem and expenses for attending meetings of the authority will be
93 paid while the Legislature is in session. No per diem and
94 expenses will be paid except for attending meetings of the
95 authority without prior approval of the proper committee in their
96 respective houses.

97 **STATE BOARD OF CONTRACTORS**

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



100 31-3-3. There is hereby created the State Board of
101 Contractors of the State of Mississippi, which shall consist of
102 ten (10) members who shall be appointed by the Governor. All
103 appointments to the board after July 1, 1980, shall be made with
104 the advice and consent of the Senate. Two (2) road contractors;
105 two (2) building contractors; two (2) residential builders as
106 defined in Section 73-59-1; one (1) plumbing or heating and air
107 conditioning contractor; one (1) electrical contractor; and one
108 (1) water and sewer contractor shall compose the board. From and
109 after July 1, 1992, the Governor shall appoint one (1) additional
110 member who shall be a roofing contractor and whose term of office
111 shall be five (5) years. Each member shall be an actual resident
112 of the State of Mississippi and must have been actually engaged in
113 the contracting business for a period of not less than ten (10)
114 years before appointment. The initial terms of the two (2)
115 residential builders shall be for two (2) and four (4) years,
116 respectively, beginning July 1, 1993.

117 Upon the expiration of the term of office of any member of
118 the board, the Governor shall appoint a new member for a term of
119 five (5) years, such new appointments being made so as to maintain
120 on the board two (2) building contractors; two (2) road
121 contractors; two (2) residential builders; one (1) plumbing or
122 heating and air conditioning contractor; one (1) electrical
123 contractor; and one (1) water and sewer contractor; and one (1)
124 roofing contractor. The members of the board as constituted on
125 January 1, 2002, whose terms have not expired shall serve the
126 balance of their terms, after which time the membership of the
127 board shall be appointed as follows: There shall be appointed not
128 more than three (3) members of the board from each of the four (4)
129 Mississippi congressional districts as they exist on January 1,
130 2002, and the Governor shall make appointments from the
131 congressional district having the smallest number of board members
132 until the membership includes not less than two (2) members from



133 each district as required. The Governor shall fill any vacancy by
134 appointment, such appointee to serve the balance of the term of
135 the original appointee. The Governor may remove any member of the
136 board for misconduct, incompetency or willful neglect of duty.

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

142 **VETERANS AFFAIRS BOARD**

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

145 35-1-1. (1) (a) There is hereby created a State Veterans
146 Affairs Board, to consist of seven (7) members, to be appointed by
147 the Governor, one (1) from each congressional district as they
148 existed on January 1, 1952, of the State of Mississippi. One (1)
149 shall be appointed for one (1) year, another for two (2) years,
150 another for three (3) years, another for four (4) years, another
151 for five (5) years, another for six (6) years, and another for
152 seven (7) years, thus staggered. At the end of such term for each
153 of said seven (7) members, a successor shall be appointed for a
154 term of seven (7) years, thus providing for seven (7) members, one
155 (1) of whom shall be appointed each year. In the event of death,
156 resignation or removal of a member of the board, such person
157 appointed to fill the vacancy shall be a legal resident of the
158 congressional district in which the vacancy shall occur, and shall
159 serve for the remainder of the term to which such member was
160 appointed. Members of the board shall be veterans of any war or
161 police action in which the Armed Forces of the United States have
162 been, are, or shall be committed for action, who have been
163 honorably discharged or honorably released.

164 (b) From and after May 14, 1992, terms of all members
165 then serving on the State Veterans Affairs Board shall terminate,



166 and the board shall be reconstituted as follows: The board shall
167 consist of seven (7) members. All members shall be appointed by
168 the Governor, with the advice and consent of the Senate. One (1)
169 member shall be appointed from each congressional district as such
170 districts existed on March 1, 1992, and two (2) members shall be
171 appointed from the state at large. Of the initial congressional
172 district appointees to the board, one (1) shall serve for a term
173 of one (1) year, one (1) for a term of two (2) years, one (1) for
174 a term of three (3) years, one (1) for a term of four (4) years
175 and one (1) for a term of five (5) years. Of the initial at-large
176 appointees, one (1) (who shall be that person appointed in January
177 1992 from the First Congressional District under the provisions of
178 paragraph (a) of this subsection) shall serve for a term of three
179 (3) years and one (1) (who shall be that person appointed in
180 January 1992 from the Seventh Congressional District under the
181 provisions of paragraph (a) of this subsection) shall serve for a
182 term of five (5) years. All appointees after the initial
183 appointees shall serve for terms of five (5) years each. In the
184 event of death, resignation or removal of a member of the board,
185 the vacancy shall be filled by appointment of the Governor, with
186 the advice and consent of the Senate, from the congressional
187 district in which the vacancy occurs, for the length of the
188 unexpired term only. Members of the board shall be honorably
189 discharged or released veterans of any war or police action in
190 which the Armed Forces of the United States have been, are, or
191 shall be committed for action. No state/department commander of
192 any federally recognized veterans organization, no national
193 officer of any federally recognized veterans organization and no
194 member of the Mississippi Council of Veterans Organizations shall
195 be eligible for appointment to the board until the expiration of a
196 period of three (3) years after the termination of their service
197 in such disqualifying positions. The members of the board as
198 constituted on January 1, 2002, whose terms have not expired shall



199 serve the balance of their terms, after which time the membership
200 of the board shall be appointed as follows: There shall be
201 appointed one (1) member of the board from each of the four (4)
202 Mississippi congressional districts as they exist on January 1,
203 2002, and three (3) from the state at large, and the Governor
204 shall make appointments from the congressional district having the
205 smallest number of board members until the membership includes at
206 least one (1) member from each congressional district as required.

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

212 **WAR VETERANS MEMORIAL COMMISSION**

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

215 35-3-24. There is hereby created a War Veterans Memorial
216 Commission, which is hereby charged with the duty of carrying out
217 the provisions as hereinafter set forth, and it shall be referred
218 to in the succeeding sections hereof as the "commission." The
219 commission shall consist of seven (7) commissioners, one (1)
220 member each from the American Legion, the Veterans of Foreign
221 Wars, Disabled American Veterans, American Ex-Prisoners of War,
222 Veterans of World War I, Sons of Confederate Veterans, and the
223 Mississippi National Guard. The commissioners shall be appointed
224 by the Governor on the recommendation of the state executive
225 governing body of each respective organization entitled to a
226 member of the commission. The initial terms of the members shall
227 be as follows, to be designated by the Governor at the time of
228 appointment: (a) two (2) members shall be appointed for terms of
229 two (2) years each; (b) two (2) members for terms of four (4)
230 years each; (c) two (2) members for terms of six (6) years each;
231 and (d) the member from the American Ex-Prisoners of War for a



232 term of four (4) years. Thereafter, each term shall be for six
233 (6) years or until a successor in office has been appointed and
234 qualified. The members of the commission as constituted on
235 January 1, 2002, whose terms have not expired shall serve the
236 balance of their terms, after which time the membership of the
237 commission shall be appointed as follows: There shall be
238 appointed one (1) member of the commission from each of the four
239 (4) Mississippi congressional districts as they exist on January
240 1, 2002, and three (3) from the state at large, and the Governor
241 shall make appointments from the congressional district having the
242 smallest number of commission members until the membership
243 includes at least one (1) member from each congressional district
244 as required; and the appropriate organization/association shall
245 submit nominations to the Governor from the proper congressional
246 district as required. In the event of any vacancy on the
247 commission, the Governor shall, within thirty (30) days, designate
248 a successor in the same manner as the original appointment was
249 made. No member of either branch of the Legislature nor any state
250 officer or employee shall serve on the commission.

251 **VETERANS' HOME PURCHASE BOARD**

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

254 35-7-7. The administration of the provisions hereof is
255 vested in a Veterans' Home Purchase Board consisting of six (6)
256 members who shall be appointed, or reappointed, by the Governor,
257 with the advice and consent of the Senate. Members appointed to
258 the board shall be veterans of either World War II, the Korean
259 Conflict, the Southeast Asia Conflict, the Persian Gulf Conflict
260 or have served in active duty for at least one hundred eighty
261 (180) days during a time of war or a conflict in which a campaign
262 ribbon or medal was issued and shall possess a background in
263 business, banking, real estate or the legal profession which
264 enables them to carry out the duties of the board. Appointments



265 shall be staggered, with each Governor appointing or reappointing
266 two (2) members in the first year of his administration; one (1)
267 member in the second year, two (2) members in the third year, and
268 one (1) member in the fourth year. Appointments for terms that
269 expire in 1988 shall be made as follows: one (1) shall be made
270 for a term ending on July 1, 1989; one (1) shall be made for a
271 term ending on July 1, 1991; and two (2) shall be made for a term
272 ending on July 1, 1992. Persons appointed to succeed the two (2)
273 members whose terms expired in 1986, or any such member holding
274 over after 1986 because no successor was appointed, shall serve
275 until July 1, 1990. After the expiration of the foregoing terms,
276 all appointments shall be for a term of four (4) years from the
277 expiration date of the previous term. From and after July 1,
278 1988, one (1) appointee shall be selected from each of the five
279 (5) congressional districts of this state as such districts are
280 composed on May 1, 1987, and one (1) appointee shall be selected
281 from the state at large. The members of the board as constituted
282 on January 1, 2002, whose terms have not expired shall serve the
283 balance of their terms, after which time the membership of the
284 board shall be appointed as follows: There shall be appointed one
285 (1) member of the board from each of the four (4) Mississippi
286 congressional districts as they exist on January 1, 2002, and two
287 (2) from the state at large, and the Governor shall make
288 appointments from the congressional district having the smallest
289 number of board members until the membership includes at least one
290 (1) from each congressional district as required. Any vacancy
291 occurring during a term shall be filled by appointment of a member
292 for the unexpired portion of the term.

293 The board is hereby authorized and empowered to make and
294 promulgate such reasonable rules and regulations under this
295 chapter as it shall deem to be necessary or advisable and to
296 enforce the same. The board shall have authority to render final
297 decision on the purchase application process, approval of



298 purchases, funding of purchase commitments, servicing loans and
299 default, property security, management, resale, release from
300 security, and all other matters relating to the purchases and
301 loans made under this law. The board shall likewise by an order
302 spread on its minutes elect a chairman and vice chairman to serve
303 for one-year terms, and all such officers are eligible to succeed
304 themselves in such offices. The chairman may appoint a
305 three-member loan committee from the membership of the board and
306 shall specify the conditions, responsibilities and authority of
307 such committee.

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

320 The director, or other executive officer employed by the
321 board, shall execute a surety bond in the sum of One Hundred
322 Thousand Dollars (\$100,000.00), conditioned upon the faithful
323 performance of his duties and upon his accounting for all monies
324 coming into his hands; and each employee handling funds shall
325 execute a like bond in the sum of Fifteen Thousand Dollars
326 (\$15,000.00), and the premiums thereon shall be paid from the
327 funds provided for administering this chapter.

328 The board may designate one (1) of its employees as the
329 acting director or executive officer by a vote of the majority of
330 the members of the board, officially recorded in the minutes of a



331 regular or special meeting, and such acting director shall be
332 vested with all the authority conferred upon the director by the
333 provisions of this chapter; but such acting director may not serve
334 for a continuous period of time in excess of six (6) months, and
335 the acting director, when so designated, will be required to
336 furnish surety bond in the same amount and under the same
337 conditions as the director. The purpose of this provision is to
338 designate an executive officer during any temporary illness,
339 absence or incapacity of the regularly designated director.

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

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

349 **STATE BOARD FOR COMMUNITY AND JUNIOR COLLEGES**

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

352 37-4-3. (1) From and after July 1, 1986, there shall be a
353 State Board for Community and Junior Colleges which shall receive
354 and distribute funds appropriated by the Legislature for the use
355 of the public community and junior colleges and funds from federal
356 and other sources that are transmitted through the state
357 governmental organization for use by said colleges. This board
358 shall provide general coordination of the public community and
359 junior colleges, assemble reports and such other duties as may be
360 prescribed by law.

361 (2) The board shall consist of ten (10) members of which
362 none shall be an elected official and none shall be engaged in the
363 educational profession. The Governor shall appoint two (2)



364 members from the First Mississippi Congressional District, one (1)
365 who shall serve an initial term of two (2) years and one (1) who
366 shall serve an initial term of five (5) years; two (2) members
367 from the Second Mississippi Congressional District, one (1) who
368 shall serve an initial term of five (5) years and one (1) who
369 shall serve an initial term of three (3) years; and two (2)
370 members from the Third Mississippi Congressional District, one (1)
371 who shall serve an initial term of four (4) years and one (1) who
372 shall serve an initial term of two (2) years; two (2) members from
373 the Fourth Mississippi Congressional District, one (1) who shall
374 serve an initial term of three (3) years and one (1) who shall
375 serve an initial term of four (4) years; and two (2) members from
376 the Fifth Mississippi Congressional District, one (1) who shall
377 serve an initial term of five (5) years and one (1) who shall
378 serve an initial term of two (2) years. The members of the board
379 as constituted on January 1, 2002, whose terms have not expired
380 shall serve the balance of their terms, after which time the
381 membership of the board shall be appointed as follows: There
382 shall be appointed two (2) members of the board from each of the
383 four (4) Mississippi congressional districts as they exist on
384 January 1, 2002, and the Governor shall make appointments from the
385 congressional district having the smallest number of board members
386 until the membership includes two (2) from each district as
387 required. All subsequent appointments shall be for a term of six
388 (6) years and continue until their successors are appointed and
389 qualify. An appointment to fill a vacancy which arises for
390 reasons other than by expiration of a term of office shall be for
391 the unexpired term only. No two (2) appointees shall reside in
392 the same junior college district. All members shall be appointed
393 with the advice and consent of the Senate.

394 (3) There shall be a chairman and vice chairman of the
395 board, elected by and from the membership of the board; and the
396 chairman shall be the presiding officer of the board. The board



397 shall adopt rules and regulations governing times and places for
398 meetings and governing the manner of conducting its business.

399 (4) The members of the board shall receive no annual salary,
400 but shall receive per diem compensation as authorized by Section
401 25-3-69, Mississippi Code of 1972, for each day devoted to the
402 discharge of official board duties and shall be entitled to
403 reimbursement for all actual and necessary expenses incurred in
404 the discharge of their duties, including mileage as authorized by
405 Section 25-3-41, Mississippi Code of 1972.

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

419 (6) The powers and duties of the State Board for Community
420 and Junior Colleges shall be:

421 (a) To authorize disbursements of state appropriated
422 funds to community and junior colleges through orders in the
423 minutes of the board.

424 (b) To make studies of the needs of the state as they
425 relate to the mission of the community and junior colleges.

426 (c) To approve new, changes to and deletions of
427 vocational and technical programs to the various colleges.

428 (d) To require community and junior colleges to supply
429 such information as the board may request and compile, publish and



430 make available such reports based thereon as the board may deem
431 advisable.

432 (e) To approve proposed new attendance centers (campus
433 locations) as the local boards of trustees should determine to be
434 in the best interest of the district. Provided, however, that no
435 new community/junior college branch campus shall be approved
436 without an authorizing act of the Legislature.

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

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

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

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

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

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

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

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



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

474 **MISSISSIPPI EDUCATIONAL TELEVISION AUTHORITY**

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

477 37-63-3. The Authority for Educational Television shall
478 consist of the State Superintendent of Public Education, or his
479 designee, and six (6) members appointed, with the advice and
480 consent of the Senate. The Governor shall appoint four (4)
481 members, one (1) of whom shall be actively engaged as a teacher or
482 principal in a secondary school system in the State of Mississippi
483 and one (1) of whom shall be actively engaged as a teacher or
484 principal in an elementary school system in the State of
485 Mississippi. Beginning July 1, 1994, the appointee actively
486 engaged as a teacher or principal in a secondary school shall be
487 appointed for an initial term of three (3) years. The member
488 actively engaged as a teacher or principal in an elementary school
489 shall be appointed for an initial term of four (4) years. The
490 remaining two (2) gubernatorial appointees shall serve until July
491 1, 1996. Beginning July 1, 1996, the Governor shall appoint two
492 (2) members for initial terms of three (3) and four (4) years,
493 with the Governor specifically designating which member shall be
494 appointed for three (3) years and which shall be appointed for
495 four (4) years. The gubernatorial appointees on the authority as



496 constituted on January 1, 2002, whose terms have not expired shall
497 serve the balance of their terms, after which time these
498 appointments shall be made as follows: The gubernatorial
499 appointees shall be appointed one (1) from each of the four (4)
500 Mississippi congressional districts as they exist on January 1,
501 2002, and the Governor shall make appointments from the
502 congressional district having the smallest number of authority
503 members until the membership includes one (1) member from each
504 district as required. The State Board for Community and Junior
505 Colleges shall appoint one (1) member, and the Board of Trustees
506 of the State Institutions of Higher Learning shall appoint one (1)
507 member. After the expiration of the initial terms, all members
508 shall serve for terms of four (4) years. An appointment to fill a
509 vacancy among the gubernatorial appointees, other than by
510 expiration of a term of office, shall be made by the Governor for
511 the balance of the unexpired term.

512 **BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING**

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

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

519 37-101-3. (1) The Governor, by and with the advice and
520 consent of the Senate, shall appoint the members of the Board of
521 Trustees of State Institutions of Higher Learning, one (1) member
522 from each congressional district of the state as existing as of
523 March 31, 1944, one (1) member from each Supreme Court district
524 and two (2) members from the state at large, with the terms of
525 each to begin on May 8, 1944. One-third (1/3) of the membership
526 of said board so appointed shall be appointed for a period of four
527 (4) years, one-third (1/3) for a period of eight (8) years and
528 one-third (1/3) for a period of twelve (12) years. On the



529 expiration of any of said terms of office the Governor shall
530 appoint successors, by and with the advice and consent of the
531 Senate, for terms of twelve (12) years in each case.

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

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



562 [From and after the date the amendment to Section 213-A in
563 Article 8 of the Mississippi Constitution of 1890, proposed by
564 Senate Concurrent Resolution No. 522, 2002 Regular Session, is
565 ratified by the electorate, Section 37-101-3 shall read as
566 follows:]

567 37-101-3. (1) The Governor, by and with the advice and
568 consent of the Senate, shall appoint the members of the Board of
569 Trustees of State Institutions of Higher Learning, one (1) member
570 from each congressional district of the state as existing as of
571 March 31, 1944, one (1) member from each Supreme Court district
572 and two (2) members from the state at large, with the terms of
573 each to begin on May 8, 1944. One-third (1/3) of the membership
574 of said board so appointed shall be appointed for a period of four
575 (4) years, one-third (1/3) for a period of eight (8) years and
576 one-third (1/3) for a period of twelve (12) years. On the
577 expiration of any of said terms of office the Governor shall
578 appoint successors, by and with the advice and consent of the
579 Senate, for terms of twelve (12) years in each case. The members
580 of the board of trustees as constituted on January 1, 2004, shall
581 continue to serve until expiration of their respective terms of
582 office. Appointments made to fill vacancies created by expiration
583 of members' terms of office occurring after January 1, 2004, shall
584 be as follows: The initial term of the members appointed in 2004
585 shall be for eleven (11) years; the initial term of the members
586 appointed in 2008 shall be for ten (10) years; and the initial
587 term of the members appointed in 2012 shall be for nine (9) years.
588 After the expiration of the initial terms, all terms shall be for
589 nine (9) years. Four (4) members of the board of trustees shall
590 be appointed from each of the three (3) Mississippi Supreme Court
591 districts and, as such vacancies occur, the Governor shall make
592 appointments from the Supreme Court district having the smallest
593 number of board members until the membership includes four (4)
594 members from each district.



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

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

625 **PREPAID AFFORDABLE COLLEGE TUITION BOARD**

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



628 37-155-7. (1) The board of directors shall consist of
629 thirteen (13) members as follows:

630 (a) Nine (9) voting members as follows: the State
631 Treasurer; the Commissioner of Higher Education; the Executive
632 Director of the Community and Junior College Board; Department of
633 Finance and Administration Executive Director; and one (1) member
634 from each congressional district to be appointed by the Governor
635 with the advice and consent of the Senate. One (1) member shall
636 be appointed for an initial term of one (1) year; one (1) member
637 shall be appointed for an initial term of two (2) years; one (1)
638 member for an initial term of three (3) years; one (1) member for
639 an initial term of four (4) years; and one (1) member for an
640 initial term of five (5) years. On the expiration of any of the
641 terms of office, the Governor shall appoint successors by and with
642 the advice and consent of the Senate for terms of five (5) years
643 in each case. The gubernatorial appointments of the board as
644 constituted on January 1, 2002, whose terms have not expired shall
645 serve the balance of their terms, after which time the
646 gubernatorial appointments shall be made as follows: There shall
647 be appointed one (1) member of the board from each of the four (4)
648 Mississippi congressional districts as they exist on January 1,
649 2002, and one (1) from the state at large, and the Governor shall
650 make appointments from the congressional district having the
651 smallest number of board members until the membership includes at
652 least one (1) member from each congressional district as required.

653 (b) Two (2) nonvoting, advisory members of the board
654 shall be appointed by each of the following officers: the
655 Lieutenant Governor and the Speaker of the House of
656 Representatives. Successors to the appointed members shall serve
657 for the length of the term for each appointing official and shall
658 be eligible for reappointment, and shall serve until a successor
659 is appointed. Any person appointed to fill a vacancy on the board



660 shall be appointed in a like manner and shall serve for only the
661 unexpired term.

662 (2) Each member appointed shall possess knowledge, skill and
663 experience in business or financial matters commensurate with the
664 duties and responsibilities of the trust fund.

665 (3) Members of the board of directors shall serve without
666 compensation, but shall be reimbursed for each day's official
667 duties of the board at the same per diem as established by Section
668 25-3-69 and actual travel and lodging expenses as established by
669 Section 25-3-41.

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

675 **MISSISSIPPI LIBRARY COMMISSION**

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

678 39-3-101. There is hereby created a board of commissioners
679 of the Mississippi Library Commission to be composed of five (5)
680 members appointed by the Governor with overlapping terms, the
681 members of the first board to be appointed one (1) for one (1)
682 year, one (1) for two (2) years, one (1) for three (3) years, one
683 (1) for four (4) years, one (1) for five (5) years, and their
684 successors each to be appointed for five-year terms, each member
685 to serve until his successor is appointed. Two (2) members shall
686 be appointed by the Governor from the state at large. Two (2)
687 members shall be appointed by the Governor from a list of not less
688 than six (6) names submitted by the Mississippi Library
689 Association, one (1) of whom shall be a librarian who is a
690 graduate of a library school accredited by the American Library
691 Association and actively engaged in full-time library work at the
692 time of the appointment and one (1) of whom shall be, at time of



693 the appointment, a member of a legally organized board of trustees
694 of a Mississippi free public library; and one (1) member shall be
695 the President of the Mississippi Federation of Women's Clubs, or a
696 member of said federation recommended by her; and which federation
697 member shall, when appointed, serve a full term as herein provided
698 for members to serve under a staggered term basis, and the
699 successor to the federation member shall be the president of the
700 federation then serving, or a member of the federation recommended
701 by her, when the term of the federation member shall expire; and
702 after the appointment of a federation member to the board, and
703 when her term as a member thereof shall expire, each succeeding
704 member of the federation who becomes a member of the board shall
705 serve a full term under the provisions of this article. The
706 members of the commission as constituted on January 1, 2002, whose
707 terms have not expired shall serve the balance of their terms,
708 after which time the membership of the board shall be appointed as
709 follows: There shall be appointed one (1) member of the
710 commission from each of the four (4) Mississippi congressional
711 districts as they exist on January 1, 2002, and the federation
712 member shall be considered an appointment from the state at large.
713 The Governor shall make appointments from the congressional
714 district having the smallest number of board members until the
715 membership includes one (1) member from each congressional
716 district as required, and the recommendations from the Mississippi
717 Library Association shall be made from the appropriate
718 congressional district. Vacancies created by resignation shall be
719 filled by appointment for the unexpired term.

720 **BOARD OF TRUSTEES OF MISSISSIPPI DEPARTMENT OF ARCHIVES & HISTORY**

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

723 39-5-3. The Department of Archives and History shall be
724 under the control of a board of nine (9) trustees. The board
725 shall have the power and authority to fill all vacancies occurring



726 therein, whether by expiration of term of service or by death or
727 resignation, but the names of all newly elected members shall be
728 communicated to the next ensuing session of the State Senate for
729 confirmation. The members of the board of trustees as constituted
730 on January 1, 2002, whose terms have not expired shall serve the
731 balance of their terms, after which time the membership of the
732 board of trustees shall be appointed as follows: The Governor
733 shall appoint two (2) members of the board of trustees from each
734 of the four (4) Mississippi congressional districts as they exist
735 on January 1, 2002, and one (1) from the state at large, with the
736 advice and consent of the Senate, with the congressional districts
737 to be designated at the time of appointment, and the Governor
738 shall make appointments from the congressional district having the
739 smallest number of board members until the membership includes two
740 (2) members from each congressional district as required. All
741 trustees chosen to succeed the present members or their successors
742 shall serve for a term of six (6) years; provided, however, that
743 trustees appointed after January 1, 2002, shall serve for a term
744 of four (4) years. The board of trustees shall hold at the State
745 Capitol at least one (1) regular meeting during the year, and as
746 many special meetings as may be necessary, and at said meetings
747 five (5) members shall constitute a quorum. The Director of the
748 Department of Archives and History, hereinafter provided, shall be
749 secretary of the board. The trustees shall receive no
750 compensation for their services other than the amount of their
751 necessary expenses actually paid out while in attendance on the
752 meetings of the board or the business of the department. The
753 board is empowered to adopt rules for its own government and for
754 the government of the department, to elect and fix the
755 compensation of a director not to exceed the maximum set by the
756 Legislature, and other officials or employees, and to do and
757 perform such other acts and things as may be necessary to carry
758 out the true intent and purposes of this chapter.



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MISSISSIPPI COMMISSION ON THE ARTS

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

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



792 engaged professionally in rendering health services or shall be
793 consumers of health services who have no financial interest in any
794 provider thereof. All appointees shall be persons knowledgeable
795 in at least one (1) of the matters of jurisdiction of the board.

796 (2) The original appointments of the reconstituted board
797 shall be made no later than June 30, 1980, for terms to begin on
798 July 1, 1980. The Governor shall designate the initial terms of
799 the members of the board as follows: Four (4) members shall be
800 appointed for a term which expires July 1, 1982; four (4) members
801 shall be appointed for a term which expires July 1, 1984; and five
802 (5) members shall be appointed for a term which expires July 1,
803 1986. Thereafter, all succeeding appointments shall be for terms
804 of six (6) years from the expiration of the previous term. The
805 members of the board as constituted on January 1, 2002, whose
806 terms have not expired shall serve the balance of their terms,
807 after which time the membership of the board shall be appointed as
808 follows: There shall be appointed three (3) members of the State
809 Board of Health from each of the four (4) Mississippi
810 congressional districts as they exist on January 1, 2002, and one
811 (1) from the state at large, and the Governor shall make
812 appointments from the congressional district having the smallest
813 number of board members until the membership includes three (3)
814 members from each district as required. Vacancies in office shall
815 be filled by appointment of the Governor in the same manner as the
816 appointment to the position which becomes vacant, subject to the
817 advice and consent of the Senate at the next regular session of
818 the Legislature. An appointment to fill a vacancy other than by
819 expiration of a term of office shall be for the balance of the
820 unexpired term.

821 **STATE BOARD OF MENTAL HEALTH**

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



824 41-4-3. (1) There is hereby created a State Board of Mental
825 Health, herein referred to as "board," consisting of nine (9)
826 members, to be appointed by the Governor, with the advice and
827 consent of the Senate, each of whom shall be a qualified elector.
828 One (1) member shall be appointed from each congressional district
829 as presently constituted; and four (4) members shall be appointed
830 from the state at large, one (1) of whom shall be a licensed
831 medical doctor who is a psychiatrist, one (1) of whom shall hold a
832 Ph.D. degree and be a licensed clinical psychologist, one (1) of
833 whom shall be a licensed medical doctor, and one (1) of whom shall
834 be a social worker with experience in the mental health field.

835 * * *

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

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

855 (2) Each board member shall be entitled to a per diem as is
856 authorized by law and all actual and necessary expenses, including



857 mileage as provided by law, incurred in the discharge of official
858 duties.

859 (3) The board shall hold regular meetings monthly and such
860 special meetings deemed necessary, except that no action shall be
861 taken unless there is present a quorum of at least five (5)
862 members.

863 **MEDICAID MEDICAL CARE ADVISORY COMMITTEE**

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

866 43-13-107. (1) The Division of Medicaid is created in the
867 Office of the Governor and established to administer this article
868 and perform such other duties as are prescribed by law.

869 (2) (a) The Governor shall appoint a full-time executive
870 director, with the advice and consent of the Senate, who shall be
871 either (i) a physician with administrative experience in a medical
872 care or health program, or (ii) a person holding a graduate degree
873 in medical care administration, public health, hospital
874 administration, or the equivalent, or (iii) a person holding a
875 bachelor's degree in business administration or hospital
876 administration, with at least ten (10) years' experience in
877 management-level administration of Medicaid programs, and who
878 shall serve at the will and pleasure of the Governor. The
879 executive director shall be the official secretary and legal
880 custodian of the records of the division; shall be the agent of
881 the division for the purpose of receiving all service of process,
882 summons and notices directed to the division; and shall perform
883 such other duties as the Governor may prescribe from time to time.

884 (b) The executive director, with the approval of the
885 Governor and subject to the rules and regulations of the State
886 Personnel Board, shall employ such professional, administrative,
887 stenographic, secretarial, clerical and technical assistance as
888 may be necessary to perform the duties required in administering
889 this article and fix the compensation therefor, all in accordance



890 with a state merit system meeting federal requirements when the
891 salary of the executive director is not set by law, that salary
892 shall be set by the State Personnel Board. No employees of the
893 Division of Medicaid shall be considered to be staff members of
894 the immediate Office of the Governor; however, the provisions of
895 Section 25-9-107(c) (xv) shall apply to the executive director and
896 other administrative heads of the division.

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

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

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

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

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

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

915 (c) The respective chairmen of the House Public Health
916 and Welfare Committee, the House Appropriations Committee, the
917 Senate Public Health and Welfare Committee and the Senate
918 Appropriations Committee, or their designees, one (1) member of
919 the State Senate appointed by the Lieutenant Governor and one (1)
920 member of the House of Representatives appointed by the Speaker of
921 the House, shall serve as ex officio nonvoting members of the
922 advisory committee.



923 (d) In addition to the committee members required by
924 paragraph (b), the advisory committee shall consist of such other
925 members as are necessary to meet the requirements of the federal
926 regulation applicable to the advisory committee, who shall be
927 appointed as provided in the federal regulation.

928 (e) The chairmanship of the advisory committee shall
929 alternate for twelve-month periods between the chairmen of the
930 House and Senate Public Health and Welfare Committees, with the
931 Chairman of the House Public Health and Welfare Committee serving
932 as the first chairman.

933 (f) The members of the advisory committee specified in
934 paragraph (b) shall serve for terms that are concurrent with the
935 terms of members of the Legislature, and any member appointed
936 under paragraph (b) may be reappointed to the advisory committee.
937 The members of the advisory committee specified in paragraph (b)
938 shall serve without compensation, but shall receive reimbursement
939 to defray actual expenses incurred in the performance of committee
940 business as authorized by law. Legislators shall receive per diem
941 and expenses which may be paid from the contingent expense funds
942 of their respective houses in the same amounts as provided for
943 committee meetings when the Legislature is not in session.

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

948 (h) The executive director shall submit to the advisory
949 committee all amendments, modifications and changes to the state
950 plan for the operation of the Medicaid program, for review by the
951 advisory committee before the amendments, modifications or changes
952 may be implemented by the division.

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



955 (i) Advise the division with respect to
956 amendments, modifications and changes to the state plan for the
957 operation of the Medicaid program;

958 (ii) Advise the division with respect to issues
959 concerning receipt and disbursement of funds and eligibility for
960 Medicaid;

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

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

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

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

976 (4) (a) There is established a Drug Use Review Board, which
977 shall be the board that is required by federal law to:

978 (i) Review and initiate retrospective drug use,
979 review including ongoing periodic examination of claims data and
980 other records in order to identify patterns of fraud, abuse, gross
981 overuse, or inappropriate or medically unnecessary care, among
982 physicians, pharmacists and individuals receiving Medicaid
983 benefits or associated with specific drugs or groups of drugs.

984 (ii) Review and initiate ongoing interventions for
985 physicians and pharmacists, targeted toward therapy problems or
986 individuals identified in the course of retrospective drug use
987 reviews.



988 (iii) On an ongoing basis, assess data on drug use
989 against explicit predetermined standards using the compendia and
990 literature set forth in federal law and regulations.

991 (b) The board shall consist of not less than twelve
992 (12) members appointed by the Governor, or his designee.

993 (c) The board shall meet at least quarterly, and board
994 members shall be furnished written notice of the meetings at least
995 ten (10) days before the date of the meeting.

996 (d) The board meetings shall be open to the public,
997 members of the press, legislators and consumers. Additionally,
998 all documents provided to board members shall be available to
999 members of the Legislature in the same manner, and shall be made
1000 available to others for a reasonable fee for copying. However,
1001 patient confidentiality and provider confidentiality shall be
1002 protected by blinding patient names and provider names with
1003 numerical or other anonymous identifiers. The board meetings
1004 shall be subject to the Open Meetings Act (Section 25-41-1 et
1005 seq.). Board meetings conducted in violation of this section
1006 shall be deemed unlawful.

1007 (5) (a) There is established a Pharmacy and Therapeutics
1008 Committee, which shall be appointed by the Governor, or his
1009 designee.

1010 (b) The committee shall meet at least quarterly, and
1011 committee members shall be furnished written notice of the
1012 meetings at least ten (10) days before the date of the meeting.

1013 (c) The committee meetings shall be open to the public,
1014 members of the press, legislators and consumers. Additionally,
1015 all documents provided to committee members shall be available to
1016 members of the Legislature in the same manner, and shall be made
1017 available to others for a reasonable fee for copying. However,
1018 patient confidentiality and provider confidentiality shall be
1019 protected by blinding patient names and provider names with
1020 numerical or other anonymous identifiers. The committee meetings



1021 shall be subject to the Open Meetings Act (Section 25-41-1 et
1022 seq.). Committee meetings conducted in violation of this section
1023 shall be deemed unlawful.

1024 (d) After a thirty-day public notice, the executive
1025 director or his or her designee shall present the division's
1026 recommendation regarding prior approval for a therapeutic class of
1027 drugs to the committee.

1028 (e) Upon reviewing the information and recommendations,
1029 the committee shall forward a written recommendation approved by a
1030 majority of the committee to the executive director or his or her
1031 designee. The decisions of the committee regarding any
1032 limitations to be imposed on any drug or its use for a specified
1033 indication shall be based on sound clinical evidence found in
1034 labeling, drug compendia, and peer reviewed clinical literature
1035 pertaining to use of the drug in the relevant population.

1036 (f) Upon reviewing and considering all recommendations
1037 including recommendation of the committee, comments, and data, the
1038 executive director shall make a final determination whether to
1039 require prior approval of a therapeutic class of drugs, or modify
1040 existing prior approval requirements for a therapeutic class of
1041 drugs.

1042 (g) At least thirty (30) days before the executive
1043 director implements new or amended prior authorization decisions,
1044 written notice of the executive director's decision shall be
1045 provided to all prescribing Medicaid providers, all Medicaid
1046 enrolled pharmacies, and any other party who has requested the
1047 notification. However, notice given under Section 25-43-7(1) will
1048 substitute for and meet the requirement for notice under this
1049 subsection.

1050 (6) This section shall stand repealed on July 1, 2004.

1051 **HEALTH CARE TRUST FUND AND EXPENDABLE FUND BOARD**

1052 **SECTION 17.** Section 43-13-409, Mississippi Code of 1972, is
1053 amended as follows:



1054 43-13-409. (1) There is established a board of directors to
1055 invest the funds in the Health Care Trust Fund and the Health Care
1056 Expendable Fund. The board of directors shall consist of thirteen
1057 (13) members as follows:

1058 (a) Seven (7) voting members as follows: the State
1059 Treasurer, or his designee, the Attorney General, or his designee,
1060 and one (1) member from each congressional district to be
1061 appointed by the Governor with the advice and consent of the
1062 Senate. Of the members appointed by the Governor, one (1) member
1063 shall be appointed for an initial term that expires on March 1,
1064 2000; one (1) member shall be appointed for an initial term that
1065 expires on March 1, 2001; one (1) member shall be appointed for an
1066 initial term that expires on March 1, 2002; one (1) member shall
1067 be appointed for an initial term that expires on March 1, 2003;
1068 and one (1) member shall be appointed for an initial term that
1069 expires on March 1, 2004. Upon the expiration of any of the
1070 initial terms of office, the Governor shall appoint successors by
1071 and with the advice and consent of the Senate for terms of five
1072 (5) years from the expiration date of the previous term. Any
1073 member appointed by the Governor shall be eligible for
1074 reappointment. Each member appointed by the Governor shall
1075 possess knowledge, skill and experience in business or financial
1076 matters commensurate with the duties and responsibilities of the
1077 board of directors in administering the Health Care Trust Fund and
1078 the Health Care Expendable Fund. The members appointed by the
1079 Governor as constituted on January 1, 2002, whose terms have not
1080 expired shall serve the balance of their terms, after which time
1081 the gubernatorial appointments shall be made as follows: There
1082 shall be appointed one (1) member of the board from each of the
1083 four (4) Mississippi congressional districts as they exist on
1084 January 1, 2002, and one (1) from the state at large, and the
1085 Governor shall make appointments from the congressional district



1086 having the smallest number of board members until the membership
1087 includes one (1) member from each district as required.

1088 (b) Two (2) nonvoting, advisory members of the Senate
1089 shall be appointed by the Lieutenant Governor, and one (1)
1090 nonvoting, advisory representative of the health care community
1091 shall be appointed by the Lieutenant Governor, who shall serve for
1092 the length of the term of the appointing official and shall be
1093 eligible for reappointment.

1094 (c) Two (2) nonvoting, advisory members of the House of
1095 Representatives shall be appointed by the Speaker of the House,
1096 and one (1) nonvoting, advisory representative of the health care
1097 community shall be appointed by the Speaker of the House, who
1098 shall serve for the length of the term of the appointing official
1099 and shall be eligible for reappointment.

1100 (d) Any person appointed to fill a vacancy on the board
1101 of directors shall be appointed in the same manner as for a
1102 regular appointment and shall serve for the remainder of the
1103 unexpired term only.

1104 (2) Nonlegislative members of the board of directors shall
1105 serve without compensation, but shall be reimbursed for each day's
1106 official duties of the board at the same per diem as established
1107 by Section 25-3-69, and actual travel and lodging expenses as
1108 established by Section 25-3-41. Legislative members of the board
1109 of directors shall receive the same per diem and expense
1110 reimbursement as for attending committee meetings when the
1111 Legislature is not in regular session.

1112 (3) The State Treasurer shall be the chairman of the board
1113 of directors. The board of directors shall annually elect one (1)
1114 member to serve as vice chairman of the board. The vice chairman
1115 shall act as chairman in the absence of or upon the disability of
1116 the chairman or if there is a vacancy in the office of chairman.

1117 (4) All expenses of the board of directors in carrying out
1118 its duties and responsibilities under this article, including the



1119 payment of per diem and expenses of the nonlegislative members of
1120 the board, shall be paid from funds appropriated to the State
1121 Treasurer's office for that purpose.

1122 (5) The board of directors shall invest the funds in the
1123 Health Care Trust Fund and the Health Care Expendable Fund in any
1124 of the investments authorized for the Mississippi Prepaid
1125 Affordable College Tuition Program under Section 37-155-9, and
1126 those investments shall be subject to the limitations prescribed
1127 by Section 37-155-9.

1128 (6) In furtherance of the powers granted under subsection
1129 (5) of this section, the board of directors shall have such powers
1130 as necessary or convenient to carry out the purposes and
1131 provisions of this article, including, but not limited to, the
1132 following express powers:

1133 (a) To contract for necessary goods and services, to
1134 employ necessary personnel, and to engage the services of
1135 consultants for administrative and technical assistance in
1136 carrying out its duties and responsibilities in administering the
1137 Health Care Trust Fund and the Health Care Expendable Fund;

1138 (b) To administer the Health Care Trust Fund and the
1139 Health Care Expendable Fund in a manner that is sufficiently
1140 actuarially sound to meet the obligations of this article and to
1141 establish a comprehensive investment plan for the purposes of this
1142 article, which shall specify the investment policies to be
1143 utilized by the board of directors in administering the funds;

1144 (c) Subject to the terms, conditions, limitations and
1145 restrictions specified in Section 37-155-9, the board of directors
1146 shall have power to sell, assign, transfer and dispose of any of
1147 the securities and investments of the Health Care Trust Fund and
1148 the Health Care Expendable Fund, provided that any such sale,
1149 assignment or transfer has the majority approval of the entire
1150 board; and



1151 (d) To annually prepare or cause to be prepared a
1152 report setting forth in appropriate detail an accounting of the
1153 Health Care Trust Fund and the Health Care Expendable Fund and a
1154 description of the financial condition of the funds at the close
1155 of each fiscal year, including any recommendations for legislation
1156 regarding the investment authority of the board of directors over
1157 the funds. The report shall be submitted to the Governor and the
1158 Legislative Budget Office on or before September 1 of each fiscal
1159 year.

1160 **MISSISSIPPI COMMISSION FOR VOLUNTEER SERVICE**

1161 **SECTION 18.** Section 43-55-5, Mississippi Code of 1972, is
1162 amended as follows:

1163 43-55-5. (1) Members of the Commission for Volunteer
1164 Service shall be appointed by the Governor. The commission shall
1165 consist of no fewer than fifteen (15) and no more than twenty-five
1166 (25) members.

1167 (2) The commission members shall include as voting members,
1168 except as otherwise indicated, at least one (1) of each of the
1169 following:

1170 (a) An individual with expertise in the educational,
1171 training, and developmental needs of youth, particularly
1172 disadvantaged youth.

1173 (b) An individual with experience in promoting service
1174 and volunteerism among older adults.

1175 (c) A representative of a community-based agency.

1176 (d) The superintendent of the State Department of
1177 Education, or his or her designee.

1178 (e) A representative of local government.

1179 (f) A representative of local labor organizations.

1180 (g) A representative of business.

1181 (h) An individual between the ages of sixteen (16) and
1182 twenty-five (25) who is a participant or supervisor in a program
1183 as defined in Section 101 of Title I, 42 USCS 12511.



1184 (i) A representative of a national service program
1185 described in Section 122(a) of Title I, 42 USCS 12572.

1186 (j) The employee of the corporation designated under
1187 Section 195 of Title I, 42 USCS 12651f, as the representative of
1188 the corporation in this state, as a nonvoting member.

1189 (3) In addition to the members described in subsection (2),
1190 the commission may include as voting members any of the following:

1191 (a) Local educators.

1192 (b) Experts in the delivery of human, educational,
1193 environmental, or public safety services to communities and
1194 persons.

1195 (c) Representative of Native American tribes.

1196 (d) Out-of-school youth or other at-risk youth.

1197 (e) Representatives of entities that receive assistance
1198 under the Domestic Volunteer Service Act of 1973, Public Law
1199 93-113, 87 Stat. 394.

1200 (f) A member of the Board of Trustees of State
1201 Institutions of Higher Learning.

1202 (4) Not more than twenty-five percent (25%) of the voting
1203 commission members shall be officers or employees of this state.
1204 The Governor may appoint additional officers or employees of state
1205 agencies operating community service, youth service, education,
1206 social service, senior service, and job training programs, as
1207 nonvoting, ex officio members of the commission.

1208 (5) The Governor shall ensure, to the maximum extent
1209 possible, that the commission membership is diverse with respect
1210 to race, ethnicity, age, gender, and disability characteristics.

1211 (6) Except as provided in this subsection, members of the
1212 commission shall serve for staggered three-year terms expiring on
1213 October 1. The members constituting the Mississippi Commission
1214 for Volunteer Service under Executive Order No. 1994-742 on March
1215 28, 1996, shall serve on the commission for the remainder of the
1216 terms for which they were appointed. Of the additional members,



1217 the Governor shall appoint one-third (1/3) of the initial members
1218 for a term of one (1) year; one-third (1/3) for a term of two (2)
1219 years; and one-third (1/3) for a term of three (3) years.
1220 Following expiration of these initial terms, all appointments
1221 shall be for three-year renewable terms. The members of the
1222 commission as constituted on January 1, 2002, whose terms have not
1223 expired shall serve the balance of their terms, after which time
1224 the membership of the commission shall be appointed as follows:
1225 To the extent practicable, there shall be appointed one-fourth
1226 (1/4) of the membership of the commission from each of the four
1227 (4) Mississippi congressional districts as they exist on January
1228 1, 2002, and the Governor shall make appointments from the
1229 congressional district having the smallest number of board members
1230 until one-fourth (1/4) of the membership is from each
1231 congressional district as required. Members of the commission may
1232 not serve more than two (2) consecutive terms.

1233 (7) A vacancy on the commission shall be filled in the same
1234 manner as the original appointments, and any member so appointed
1235 shall serve during the remainder of the term for which the vacancy
1236 occurred. The vacancy shall not affect the power of the remaining
1237 commission members to execute the duties of the commission.

1238 **PRISON INDUSTRY CORPORATION BOARD OF DIRECTORS**

1239 **SECTION 19.** Section 47-5-541, Mississippi Code of 1972, is
1240 amended as follows:

1241 47-5-541. (1) The corporation shall be governed by a board
1242 of directors. The board of directors of the nonprofit corporation
1243 shall be composed of the following eleven (11) members who shall
1244 be appointed by the Governor with the advice and consent of the
1245 Senate: one (1) representative of the manufacturing industry, one
1246 (1) representative of the agriculture industry, one (1)
1247 representative of the banking and finance industry, one (1)
1248 representative of the labor industry, one (1) representative from
1249 the marketing industry and six (6) members from the state at



1250 large. In addition, the State Commissioner of Corrections and the
1251 President of Mississippi Delta Community College shall be ex
1252 officio members of the board of directors with full voting
1253 privileges. In making initial appointments, three (3) members
1254 shall be appointed for a term of two (2) years; four (4) members
1255 shall be appointed for a term of three (3) years; and four (4)
1256 members shall be appointed for a term of four (4) years; to be
1257 designated by the Governor at the time of appointment; and all
1258 succeeding terms shall be for four (4) years from the expiration
1259 date of the previous term. Initial appointments shall be made
1260 within thirty (30) days after passage of Sections 47-5-531 through
1261 47-5-575. Any vacancy shall be filled by the Governor, with the
1262 advice and consent of the Senate. The members of the board as
1263 constituted on January 1, 2002, whose terms have not expired shall
1264 serve the balance of their terms, after which time the membership
1265 of the board of directors shall be appointed as follows: There
1266 shall be appointed two (2) members of the board from each of the
1267 four (4) Mississippi congressional districts as they exist on
1268 January 1, 2002, and three (3) from the state at large, and the
1269 Governor shall make appointments from the congressional district
1270 having the smallest number of board members until the membership
1271 includes at least two (2) members from each congressional district
1272 as required. The officers of the corporation shall consist of a
1273 chairman, vice chairman and a secretary-treasurer. The officers
1274 shall be selected by the members of the board. However, the
1275 Commissioner of Corrections and the President of Mississippi Delta
1276 Community College shall not be eligible to serve as an officer of
1277 the corporation. The superintendent for the Parchman facility of
1278 the Department of Corrections shall attend all meetings of the
1279 board of directors. In addition, the superintendents of the
1280 Rankin County and Greene County facilities of the Department of
1281 Corrections shall attend any meeting of the board of directors
1282 wherein the business relates to their respective facilities.



1283 (2) The board of directors shall select and employ a chief
1284 executive officer of the corporation who shall serve at the
1285 pleasure of the board. The board shall set the compensation of
1286 the chief executive officer. The chief executive officer shall be
1287 responsible for the general business and entire operations of the
1288 corporation, and shall be responsible for operating the
1289 corporation in compliance with the bylaws of the corporation and
1290 in compliance with any provision of law. The board shall be
1291 authorized and empowered to do only those acts provided by law and
1292 by the bylaws of the corporation. Except as otherwise
1293 specifically provided by law, such board shall have the authority
1294 to establish prison industries, to cease the operation of any
1295 industry which it deems unsuitable or unprofitable, to enter into
1296 any lease or contract for the corporation and it shall have the
1297 full authority to establish prices for any industry good.

1298 (3) No member of the board of directors shall vote on any
1299 matter that comes before the board that could result in pecuniary
1300 benefit for himself or for any entity in which such member has an
1301 interest.

1302 (4) In addition to the board of directors, an advisory board
1303 may be set up for the benefit of each industry which is
1304 established pursuant to the provisions of Sections 47-5-531
1305 through 47-5-575. Such boards shall be advisory only, and may be
1306 set up in the discretion of the board of directors of the
1307 corporation.

1308 (5) Each member of the board of directors of the corporation
1309 shall receive per diem as provided in Section 25-3-69 for each day
1310 or fraction thereof spent in actual discharge of his official
1311 duties and shall be reimbursed for mileage and actual expenses
1312 incurred in the performance of his official duties in accordance
1313 with the requirements of Section 25-3-41, Mississippi Code of
1314 1972.



1348 from each of the four (4) Mississippi congressional districts as
1349 they exist on January 1, 2002, and one (1) member from the state
1350 at large, and the Governor shall make appointments from the
1351 congressional district having the smallest number of board members
1352 until the membership includes one (1) member from each
1353 congressional district as required. Any vacancy shall be filled
1354 by the Governor, with the advice and consent of the Senate. The
1355 Governor shall appoint a chairman of the board.

1356 (2) Any person who is appointed to serve on the board shall
1357 possess at least a bachelor's degree or a high school diploma and
1358 four (4) years' work experience. Each member shall devote his
1359 full time to the duties of his office and shall not engage in any
1360 other business or profession or hold any other public office. A
1361 member shall not receive compensation or per diem in addition to
1362 his salary as prohibited under Section 25-3-38. Each member shall
1363 keep such hours and workdays as required of full-time state
1364 employees under Section 25-1-98. Individuals shall be appointed
1365 to serve on the board without reference to their political
1366 affiliations. Each board member, including the chairman, may be
1367 reimbursed for actual and necessary expenses as authorized by
1368 Section 25-3-41; but a member shall not be reimbursed for travel
1369 expenses from his residence to the nearest State Penitentiary.

1370 (3) The board shall have exclusive responsibility for the
1371 granting of parole as provided by Sections 47-7-3 and 47-7-17 and
1372 shall have exclusive authority for revocation of the same. The
1373 board shall have exclusive responsibility for investigating
1374 clemency recommendations upon request of the Governor.

1375 (4) The board, its members and staff, shall be immune from
1376 civil liability for any official acts taken in good faith and in
1377 exercise of the board's legitimate governmental authority.

1378 (5) The budget of the board shall be funded through a
1379 separate line item within the general appropriation bill for the
1380 support and maintenance of the department. Employees of the



1381 department which are employed by or assigned to the board shall
1382 work under the guidance and supervision of the board. There shall
1383 be an executive secretary to the board who shall be responsible
1384 for all administrative and general accounting duties related to
1385 the board. The executive secretary shall keep and preserve all
1386 records and papers pertaining to the board.

1387 (6) The board shall have no authority or responsibility for
1388 supervision of offenders granted a release for any reason,
1389 including, but not limited to, probation, parole or executive
1390 clemency or other offenders requiring the same through interstate
1391 compact agreements. The supervision shall be provided exclusively
1392 by the staff of the Division of Community Corrections of the
1393 department.

1394 (7) The State Parole Board shall review and investigate all
1395 cases where offenders have been diagnosed with a serious illness.
1396 If the Medical Director of the Department of Corrections certifies
1397 to the State Parole Board that an offender is suffering from a
1398 terminal illness, the State Parole Board shall parole the offender
1399 with the approval and consent of the Commissioner of the
1400 Department of Corrections and the medical director.

1401 (8) (a) The Parole Board shall maintain a central registry
1402 of paroled inmates. The Parole Board shall place the following
1403 information on the registry: name, address, photograph, crime for
1404 which paroled, the date of the end of parole or flat-time date and
1405 other information deemed necessary. The Parole Board shall
1406 immediately remove information on a parolee at the end of his
1407 parole or flat-time date.

1408 (b) When a person is placed on parole, the Parole Board
1409 shall inform the parolee of the duty to report to the Parole
1410 Officer any change in address ten (10) days before changing
1411 address.

1412 (c) The Parole Board shall utilize an Internet website
1413 or other electronic means to release or publish the information.



1414 (d) Records maintained on the registry shall be open to
1415 law enforcement agencies and the public and shall be available no
1416 later than July 1, 2003.

1417 (9) This section shall stand repealed on July 1, 2004.

1418 **COMMISSION ON ENVIRONMENTAL QUALITY**

1419 **SECTION 21.** Section 49-2-5, Mississippi Code of 1972, is
1420 amended as follows:

1421 49-2-5. (1) There is hereby created the Mississippi
1422 Commission on Environmental Quality, to be composed of seven (7)
1423 persons appointed by the Governor, with the advice and consent of
1424 the Senate, for a term of seven (7) years. One (1) person shall
1425 be appointed from each congressional district as constituted
1426 January 1, 1978, and two (2) members shall be appointed from the
1427 state at large. The initial terms of the members from
1428 congressional districts shall be for one (1), two (2), three (3),
1429 four (4) and five (5) years respectively, and the initial terms of
1430 the members from the state at large shall be one (1) for six (6)
1431 years and one (1) for seven (7) years. Thereafter, all terms
1432 shall be for seven (7) years. The members serving on the
1433 predecessor Commission on Natural Resources on June 30, 1989,
1434 shall continue to serve as members of the successor Commission on
1435 Environmental Quality until the expiration of the term of their
1436 appointment to the predecessor commission. The members of the
1437 commission as constituted on January 1, 2002, whose terms have not
1438 expired shall serve the balance of their terms, after which time
1439 the membership of the commission shall be appointed as follows:
1440 There shall be appointed one (1) member of the commission from
1441 each of the four (4) Mississippi congressional districts as they
1442 exist on January 1, 2002, and three (3) from the state at large,
1443 and the Governor shall make appointments from the congressional
1444 district having the smallest number of commission members until
1445 the membership includes one (1) member from each district as
1446 required.



1447 (2) The commission shall elect from its membership a
1448 chairman who shall preside over meetings and a vice chairman who
1449 shall preside in the absence of the chairman or when the chairman
1450 shall be excused.

1451 (3) The commission shall adopt rules and regulations
1452 governing times and places for meetings, and governing the manner
1453 of conducting its business. Each member of the commission shall
1454 take the oath prescribed by Section 268 of the Constitution and
1455 shall enter into bond in the amount of Thirty Thousand Dollars
1456 (\$30,000.00) to be approved by the Secretary of State, conditioned
1457 according to law and payable to the State of Mississippi before
1458 assuming the duties of office. Any member who shall not attend
1459 three (3) consecutive regular meetings of the commission shall be
1460 subject to removal by a majority vote of the commission members.

1461 (4) The members of the commission shall receive no annual
1462 salary, but shall receive per diem compensation as authorized by
1463 law for each day devoted to the discharge of official duties, and
1464 shall be entitled to reimbursement for all actual and necessary
1465 expenses incurred in the discharge of their duties, including
1466 mileage as authorized by law.

1467 The commission shall be composed of persons with extensive
1468 knowledge of or practical experience in at least one (1) of the
1469 matters of jurisdiction of the commission.

1470 (5) The commission is authorized and empowered to use and
1471 expend any funds received by it from any source for the purposes
1472 of this chapter. Such funds shall be expended in accordance with
1473 the statutes governing the expenditure of state funds.

1474 **COMMISSION ON WILDLIFE, FISHERIES & PARKS**

1475 **SECTION 22.** Section 49-4-4, Mississippi Code of 1972, is
1476 amended as follows:

1477 49-4-4. (1) There is hereby created the Mississippi
1478 Commission on Wildlife, Fisheries and Parks, to be composed of
1479 five (5) persons appointed by the Governor, with the advice and



1480 consent of the Senate, for a term of five (5) years. One (1)
1481 person shall be appointed from each congressional district. The
1482 initial terms of the members shall be one (1), two (2), three (3),
1483 four (4) and five (5) years, respectively. Thereafter, all terms
1484 shall be for five (5) years. An appointment to fill a vacancy
1485 which arises for reasons other than by expiration of a term of
1486 office shall be made from the respective congressional district
1487 for the unexpired term only. The members of the commission as
1488 constituted on January 1, 2002, whose terms have not expired shall
1489 serve the balance of their terms, after which time the membership
1490 of the commission shall be appointed as follows: There shall be
1491 appointed one (1) member of the commission from each of the four
1492 (4) Mississippi congressional districts as they exist on January
1493 1, 2002, and one (1) from the state at large, and the Governor
1494 shall make appointments from the congressional district having the
1495 smallest number of commission members until the membership
1496 includes at least one (1) member from each congressional district
1497 as required.

1498 (2) The commission shall elect from its membership a
1499 chairman who shall preside over meetings and a vice chairman who
1500 shall preside in the absence of the chairman or when the chairman
1501 shall be excused.

1502 (3) The commission shall adopt rules and regulations
1503 governing times and places for meetings and governing the manner
1504 of conducting its business. Each member of the commission shall
1505 take the oath prescribed by Section 268 of the Constitution, and
1506 shall enter into bond in the amount of Thirty Thousand Dollars
1507 (\$30,000.00) to be approved by the Secretary of State, conditioned
1508 according to law, and payable to the State of Mississippi before
1509 assuming the duties of office. Any member who shall not attend
1510 three (3) consecutive regular meetings of the commission shall be
1511 subject to removal by a majority vote of the commission members.



1512 (4) The members of the commission shall receive no annual
1513 salary but shall receive per diem compensation as authorized by
1514 law for each day devoted to the discharge of official duties and
1515 shall be entitled to reimbursement for all actual and necessary
1516 expenses incurred in the discharge of their duties, including
1517 mileage as authorized by law.

1518 The commission shall be composed of persons with a
1519 demonstrated history of involvement in at least one (1) of the
1520 matters of jurisdiction of the commission and whose employment and
1521 activities are not in conflict. All of the commissioners shall be
1522 an active outdoorsman holding a resident hunting or fishing
1523 license in at least five (5) of the ten (10) years preceding
1524 appointment. A member shall not have a record of conviction of
1525 violation of fish or game laws and regulations within five (5)
1526 years preceding appointment or a record of any felony conviction.

1527 (5) The commission shall have the power to adopt, amend and
1528 repeal such regulations and rules as may be necessary for the
1529 operation of the department.

1530 (6) The commission shall have the power and authority to
1531 issue all licenses and permits under the jurisdiction of the
1532 department.

1533 (7) In the furtherance of its duties and responsibilities,
1534 the commission may conduct hearings, gather testimony and perform
1535 other functions required to carry out its powers and duties as
1536 prescribed by statute.

1537 (8) The commission shall have all power for conserving,
1538 managing and developing wildlife and fishery resources except for
1539 saltwater aquatic life and marine resources under the jurisdiction
1540 of the Mississippi Commission on Marine Resources.

1541 **FORESTRY COMMISSION**

1542 **SECTION 23.** Section 49-19-1, Mississippi Code of 1972, is
1543 amended as follows:



1544 49-19-1. (1) There shall be a State Forestry Commission
1545 composed of nine (9) members, who shall be qualified electors of
1546 the state. The Dean of the School of Forest Resources at
1547 Mississippi State University shall be an ex officio member of the
1548 commission, with full voting authority. The Governor shall
1549 appoint eight (8) members, with the advice and consent of the
1550 Senate, for a term of six (6) years. The Governor shall appoint
1551 one (1) member from each congressional district as constituted at
1552 the time the appointments are made and shall appoint the remainder
1553 of the members from the state at large. The members of the
1554 commission as constituted on January 1, 2002, whose terms have not
1555 expired shall serve the balance of their terms, after which time
1556 the membership of the commission shall be appointed as follows:
1557 There shall be appointed two (2) members of the commission from
1558 each of the four (4) Mississippi congressional districts as they
1559 exist on January 1, 2002, and the Governor shall make appointments
1560 from the congressional district having the smallest number of
1561 board members until the membership includes two (2) members from
1562 each district as required. A member * * * must be a certified
1563 tree farmer who owns eighty (80) or more acres of forest land or a
1564 person who derives a major portion of his personal income from
1565 forest-related business, industry or other related
1566 activities. * * *

1567 (2) The members of the commission shall receive no annual
1568 salary but each member of the commission shall receive a per diem
1569 plus expenses and mileage as authorized by law for each day
1570 devoted to the discharge of official duties. No member of the
1571 commission shall receive total per diem in excess of twenty-four
1572 (24) days' compensation per annum.

1573 (3) If a vacancy occurs in the office of an appointed member
1574 of the commission, the vacancy shall be filled by appointment for
1575 the balance of the unexpired term.



1576 (4) The commission shall elect from its membership a
1577 chairman, who shall preside over meetings, and a vice chairman,
1578 who shall preside in the absence of the chairman or when the
1579 chairman is excused.

1580 (5) The commission shall adopt rules and regulations
1581 governing times and places for meetings, and governing the manner
1582 of conducting its business. Each member of the commission shall
1583 take the oath prescribed by Section 268 of the Constitution and
1584 shall enter into bond in the amount of Thirty Thousand Dollars
1585 (\$30,000.00) to be approved by the Secretary of State, conditioned
1586 according to law and payable to the State of Mississippi before
1587 assuming the duties of office.

1588 (6) Any appointment made to the commission contrary to this
1589 section shall be void, and it is unlawful for the State Fiscal
1590 Officer to pay any per diem or authorize the expenses of the
1591 appointee.

1592 **MISSISSIPPI BUSINESS FINANCE CORPORATION**

1593 **SECTION 24.** Section 57-10-167, Mississippi Code of 1972, is
1594 amended as follows:

1595 57-10-167. There is hereby established the Certified
1596 Development Company of Mississippi, Inc., a public corporation,
1597 which shall be an incorporated certified development company
1598 pursuant to Section 503 of the Small Business Investment Act of
1599 1958, as amended.

1600 The Certified Development Company of Mississippi, Inc.,
1601 hereinafter referred to as the "committee" unless the context
1602 clearly indicates otherwise, shall be composed of twenty-five (25)
1603 members as follows:

1604 (a) The State Treasurer; the Executive Director of the
1605 University Research Center or his designee; the Executive Director
1606 of the Mississippi Development Authority; the Executive Director
1607 of the Small Business Development Center; six (6) persons
1608 associated with small business to be appointed by the Governor,



1609 one (1) for a term of one (1) year, one (1) for a term of two (2)
1610 years, one (1) for a term of three (3) years, one (1) for a term
1611 of four (4) years, one (1) for a term of five (5) years and one
1612 (1) for a term of six (6) years; three (3) persons associated with
1613 small business to be appointed by the Lieutenant Governor, one (1)
1614 for a term of one (1) year, one (1) for a term of two (2) years
1615 and one (1) for a term of three (3) years; five (5) persons
1616 involved in banking or small business to be appointed by the
1617 Governor, one (1) for a term of one (1) year, one (1) for a term
1618 of two (2) years, one (1) for a term of three (3) years, one (1)
1619 for a term of four (4) years and one (1) for a term of five (5)
1620 years; and two (2) persons involved in banking or small business
1621 to be appointed by the Lieutenant Governor, one (1) for a term of
1622 one (1) year and one (1) for a term of two (2) years. The members
1623 described above and serving on the committee on June 30, 1984,
1624 shall continue to serve on the committee until the expiration of
1625 their terms.

1626 (b) For terms to begin on July 1, 1984, the Governor
1627 shall appoint one (1) person associated with small business for a
1628 term of six (6) years; the Secretary of State shall appoint one
1629 (1) person associated with small business for a term of one (1)
1630 year; the Attorney General shall appoint one (1) person involved
1631 in banking or small business for a term of six (6) years; and the
1632 State Treasurer shall appoint two (2) persons, one (1) for a term
1633 of one (1) year and one (1) for a term of two (2) years, and after
1634 the expiration of the term of the person appointed hereinabove by
1635 the Attorney General, that vacancy shall be filled thereafter by a
1636 person involved in banking or small business appointed by the
1637 State Treasurer for a term of six (6) years.

1638 The members of the committee as constituted on January 1,
1639 2002, who are appointed by the Governor and whose terms have not
1640 expired shall serve the balance of their terms, after which time
1641 these members shall be appointed as follows: The Governor shall



1642 appoint three (3) members of the board from each of the four (4)
1643 Mississippi congressional districts as they exist on January 1,
1644 2002, and the Governor shall make appointments from the
1645 congressional district having the smallest number of members until
1646 the membership includes three (3) members from each district as
1647 required.

1648 All appointments after the initial appointment shall be for
1649 terms of six (6) years each. All such appointments will be
1650 subject to the approval of the Senate. An appointment to fill a
1651 vacancy existing for any reason other than the expiration of a
1652 term shall be for the balance of the unexpired term. Members
1653 serving by reason of their ex officio designation shall continue
1654 to serve as long as they occupy the position which entitles them
1655 to membership.

1656 Members who are officers or employees of the state shall
1657 receive no compensation for their services, and other committee
1658 members shall receive a per diem as provided in Section 25-3-69,
1659 Mississippi Code of 1972. All members shall receive reimbursement
1660 for actual traveling and subsistence expenses incurred in the
1661 performance of their duties under this article, such reimbursement
1662 to be as provided in Section 25-3-41, Mississippi Code of 1972.

1663 The Certified Development Company of Mississippi, Inc., shall
1664 have an executive director who shall be appointed by the board of
1665 directors.

1666 The Certified Development Company of Mississippi, Inc., shall
1667 elect from among its membership a nine-member board of directors,
1668 a majority of whom shall be a quorum, a president and vice
1669 president and may appoint a secretary and a treasurer.

1670 From and after July 1, 1989, the Certified Development
1671 Company of Mississippi, Inc., shall be known as the Mississippi
1672 Business Finance Corporation, and wherever the term "Certified
1673 Development Company of Mississippi, Inc.," appears in the laws of



1674 this state it shall mean the Mississippi Business Finance
1675 Corporation.

1676 **MOTOR VEHICLE COMMISSION**

1677 **SECTION 25.** Section 63-17-57, Mississippi Code of 1972, is
1678 amended as follows:

1679 63-17-57. There is hereby created the Mississippi Motor
1680 Vehicle Commission to be composed of eight (8) members, one (1) of
1681 whom shall be appointed by the Attorney General from the state at
1682 large for a term of four (4) years and one (1) of whom shall be
1683 appointed by the Secretary of State from the state at large for a
1684 term of four (4) years, and six (6) licensees who shall be
1685 appointed by the Governor, one (1) from the state at large and one
1686 (1) from each of the five (5) congressional districts of this
1687 state for terms of the following duration: the term of the member
1688 from the state at large shall expire at the time the incumbent
1689 Governor's term expires, the term of the member appointed from the
1690 First Congressional District shall expire on June 30, 1973, the
1691 term of the member appointed from the Second Congressional
1692 District shall expire on June 30, 1974, the term of the member
1693 appointed from the Third Congressional District shall expire on
1694 June 30, 1976, the term of the member from the Fourth
1695 Congressional District shall expire on June 30, 1977, and the term
1696 of the member appointed from the Fifth Congressional District
1697 shall expire on June 30, 1978. Each member shall serve until his
1698 successor is appointed and qualified. At the expiration of the
1699 term of the member initially appointed by the Attorney General
1700 each successor member shall be appointed for a term of four (4)
1701 years by the incumbent Attorney General, and at the expiration of
1702 the term of the member appointed by the Secretary of State each
1703 successor member shall be appointed for a term of four (4) years
1704 by the incumbent Secretary. At the expiration of a term for which
1705 each of the initial appointments of the Governor is made, each
1706 successor member shall be appointed for a term of seven (7) years



1707 except that the term of the member appointed from the state at
1708 large shall be coterminous with that of the Governor making the
1709 appointment. The members of the commission appointed by the
1710 Governor as constituted on January 1, 2002, whose terms have not
1711 expired shall serve the balance of their terms, after which time
1712 the gubernatorial appointments shall be made as follows: The
1713 Governor shall appoint one (1) member of the commission from each
1714 of the four (4) Mississippi congressional districts as they exist
1715 on January 1, 2002, and two (2) from the state at large, and the
1716 Governor shall make appointments from the congressional district
1717 having the smallest number of commission members until the
1718 membership includes one (1) from each congressional district as
1719 required.

1720 One (1) of the members appointed from the state at large by
1721 the Governor shall be designated by him to serve as chairman of
1722 the commission and one (1) of the other members appointed by the
1723 Governor shall be designated by him to serve as vice chairman. In
1724 the absence of the chairman at any meeting of the commission the
1725 vice chairman shall preside and perform the duties of the
1726 chairman.

1727 In the event of a vacancy created by the death, resignation
1728 or removal of any member of the commission the vacancy shall be
1729 filled by appointment of the Governor, Attorney General or the
1730 Secretary of State, as the case may be, for the unexpired portion
1731 of the term. All appointments hereunder shall be made with the
1732 advice and consent of the Senate.

1733 **EGG MARKETING BOARD**

1734 **SECTION 26.** Section 69-7-253, Mississippi Code of 1972, is
1735 amended as follows:

1736 69-7-253. There is hereby continued the Mississippi Egg
1737 Marketing Board with domicile at the capital city of the state.
1738 The board shall be composed of five (5) members: one (1) member
1739 shall be the Commissioner of Agriculture and Commerce as ex



1740 officio member. One (1) member shall be an egg producer as
1741 defined in this article. Three (3) members shall be employed by
1742 or associated with egg industry related businesses, or disciplines
1743 which include poultry support, marketing, promotion, home
1744 economist, extension poultry science agencies and the Mississippi
1745 Department of Agriculture and Commerce. No more than one (1)
1746 industry-related business or discipline member shall be employed
1747 by, associated with or have a financial interest in the same
1748 company or subsidiary.

1749 The Governor shall appoint the members, with the advice and
1750 consent of the Senate. The Governor shall appoint a member from a
1751 list of not more than three (3) producers and not less than three
1752 (3) individuals representing egg industry related businesses or
1753 disciplines, provided by the board based upon a poll of its
1754 members. The members of the board as constituted on January 1,
1755 2002, whose terms have not expired shall serve the balance of
1756 their terms, after which time the membership of the board shall be
1757 appointed as follows: There shall be appointed one (1) member of
1758 the board from each of the four (4) Mississippi congressional
1759 districts as they exist on January 1, 2002, and the Governor shall
1760 make appointments from the congressional district having the
1761 smallest number of board members until the membership includes one
1762 (1) member from each congressional district as required; and the
1763 board shall provide the Governor with its recommendations from the
1764 appropriate congressional district. The terms shall be for six
1765 (6) years. Each member shall serve, after the completion of his
1766 term, until his successor is appointed and duly qualified. Each
1767 vacancy shall be filled by appointment for the unexpired term.

1768 The terms of office of persons appointed under the original
1769 act shall continue until the expiration of the terms to which they
1770 were appointed, the intent of this article being to continue the
1771 Mississippi Egg Marketing Board.

1772

SOYBEAN PROMOTION BOARD



1773 **SECTION 27.** Section 69-9-3, Mississippi Code of 1972, is
1774 amended as follows:

1775 69-9-3. (1) The Mississippi Soybean Promotion Board is
1776 hereby created, to be composed of twelve (12) members to be
1777 appointed by the Governor to serve terms of three (3) years, as
1778 hereinafter provided. All of the twelve (12) members of the board
1779 shall be producers of soybeans in the State of Mississippi.
1780 Within ten (10) days following the effective date of this chapter,
1781 each of the following organizations, namely, Mississippi Farm
1782 Bureau Federation, Inc., Mississippi Feed and Grain Association,
1783 Mississippi Soybean Association and Delta Council shall submit the
1784 names of six (6) soybean producers to the Governor, and he shall
1785 appoint three (3) members from the nominees of each organization
1786 to serve on the board on rotating three-year terms. The original
1787 board shall be appointed with members of each of the aforementioned
1788 organizations appointed as follows: one (1) for one (1) year, one
1789 (1) for two (2) years, and one (1) for three (3) years. Each year
1790 thereafter, not less than thirty (30) days prior to the expiration
1791 of the terms of expiring board members, the aforementioned
1792 organizations shall submit the names of three (3) nominees to the
1793 Governor and succeeding boards shall be appointed by the Governor
1794 in the same manner, giving equal representation to each
1795 organization. The members of the board as constituted on January
1796 1, 2002, whose terms have not expired shall serve the balance of
1797 their terms, after which time the membership of the board shall be
1798 appointed as follows: There shall be appointed three (3) members
1799 of the board from each of the four (4) Mississippi congressional
1800 districts as they exist on January 1, 2002, and the Governor shall
1801 make appointments from the congressional district having the
1802 smallest number of board members until the membership includes
1803 three (3) members from each congressional district as required;
1804 and the proper association shall submit nominations to the
1805 Governor from the appropriate congressional district as required.



1806 Vacancies which occur shall be filled in the same manner as the
1807 original appointments were made.

1808 (2) The members of the board shall meet and organize
1809 immediately after their appointment, and shall elect a chairman,
1810 vice chairman and secretary-treasurer from the membership of the
1811 board, whose duties shall be those customarily exercised by such
1812 officers or specifically designated by the board. The chairman,
1813 vice chairman and secretary-treasurer shall be bonded in an amount
1814 not less than Twenty Thousand Dollars (\$20,000.00). The cost of
1815 said bonds shall be paid from the funds received under the
1816 provisions of this chapter. Such bond shall be a security for any
1817 illegal act of such member of the board and recovery thereon may
1818 be had by the state for any injury by such illegal act of such
1819 member. The board may establish rules and regulations for its own
1820 government and the administration of the affairs of the board.

1821 **BOARD OF ANIMAL HEALTH**

1822 **SECTION 28.** Section 69-15-2, Mississippi Code of 1972, is
1823 amended as follows:

1824 69-15-2. (1) The Mississippi Board of Animal Health is to
1825 be composed of the Commissioner of Agriculture and Commerce, the
1826 Dean of the College of Veterinary Medicine and the heads of the
1827 Animal and Dairy Science and Poultry Science Departments at
1828 Mississippi State University of Agriculture and Applied Science
1829 and one (1) person appointed by the President of Alcorn State
1830 University from its land grant staff as five (5) ex officio
1831 members with full voting rights, and eleven (11) other members of
1832 the board to be appointed by the Governor as hereinafter provided.
1833 The board shall select annually a chairman and vice chairman from
1834 any members of the board.

1835 (2) The Governor, with the advice and consent of the Senate,
1836 shall appoint eleven (11) other members from the following groups
1837 or associations from a written list of three (3) recommendations
1838 from such groups or associations:



1839 One (1) licensed and practicing veterinarian who holds a
1840 doctor of veterinary medicine degree, from a written list of three
1841 (3) recommendations submitted by the Mississippi State Veterinary
1842 Medical Association;

1843 One (1) general farmer from a written list of three (3)
1844 recommendations submitted by the Mississippi Farm Bureau
1845 Federation;

1846 One (1) poultry breeder and producer from a written list of
1847 three (3) recommendations submitted by the Mississippi Poultry
1848 Improvement Association;

1849 One (1) sheep breeder and producer from a written list of
1850 three (3) recommendations submitted by the Mississippi Sheep
1851 Producers' Association;

1852 One (1) beef cattle breeder and producer from a written list
1853 of three (3) recommendations submitted by the Mississippi
1854 Cattlemen's Association;

1855 One (1) swine breeder and producer from a written list of
1856 three (3) recommendations submitted by the Mississippi Pork
1857 Producers' Association;

1858 One (1) dairy breeder and producer from a written list of
1859 three (3) recommendations submitted by the American Dairy
1860 Association of Mississippi;

1861 One (1) horse breeder and producer from a written list of
1862 three (3) recommendations submitted by the Mississippi Horse
1863 Council;

1864 One (1) catfish breeder and producer from a written list of
1865 three (3) recommendations submitted by the Mississippi Catfish
1866 Association;

1867 One (1) member of the Mississippi Independent Meat Packers'
1868 Association from a written list of three (3) recommendations
1869 submitted by the Mississippi Independent Meat Packers'
1870 Association;



1871 One (1) member of the Mississippi Livestock Auction
1872 Association from a written list of three (3) recommendations
1873 submitted by the Mississippi Livestock Auction Association.

1874 All members shall take and subscribe to the general oath of
1875 office as provided in Section 268, Mississippi Constitution of
1876 1890, and file the same with the Commissioner of Agriculture and
1877 Commerce.

1878 (3) Effective August 1, 1968, the dairy producer member
1879 shall be appointed for a one-year term; the Livestock Auction
1880 Association member shall be appointed for a two-year term; * * *
1881 the meat packer member shall be appointed for a three-year term;
1882 the catfish producer member shall be appointed for a four-year
1883 term; and the horse producer member shall be appointed for a
1884 five-year term.

1885 Effective August 1, 1969, the poultry producer member shall
1886 be appointed for a two-year term; on August 1, 1970, the sheep
1887 producer member shall be appointed for a three-year term; on
1888 August 1, 1971, the swine producing member shall be appointed for
1889 a four-year term; on August 1, 1972, the general farmer member
1890 shall be appointed for a five-year term; on August 1, 1973, the
1891 veterinarian member shall be appointed for a six-year term; and on
1892 August 1, 1974, the beef cattle producer member shall be appointed
1893 for a seven-year term.

1894 The members of the board as constituted on January 1, 2002,
1895 who are appointed by the Governor and whose terms have not expired
1896 shall serve the balance of their terms, after which time the
1897 membership of the board shall be appointed as follows: Not more
1898 than three (3) members of the board shall be appointed from any of
1899 the four (4) Mississippi congressional districts as they exist on
1900 January 1, 2002, and the Governor shall make appointments from the
1901 congressional district having the smallest number of board members
1902 until the membership includes not less than two (2) members from
1903 each district as required.



1904 All subsequent appointments shall be for four-year terms,
1905 except for appointments to fill vacancies which shall be for the
1906 unexpired term only.

1907 (4) (a) "Commissioner" means the Commissioner of
1908 Agriculture and Commerce.

1909 (b) "Department" means the Department of Agriculture
1910 and Commerce.

1911 (5) On or before July 1, 1998, the board shall appoint, from
1912 a written list of not less than three (3) licensed veterinarians
1913 submitted by the commissioner, the State Veterinarian.

1914 (6) There is created an advisory council to advise the Board
1915 of Animal Health on matters concerning the board. The council
1916 shall be composed of the Chairman of the Senate Agriculture
1917 Committee, the Chairman of the House Agriculture Committee, and
1918 one (1) appointee of the Lieutenant Governor and one (1) appointee
1919 of the Speaker of the House of Representatives. The members of
1920 the advisory council shall serve in an advisory capacity only.
1921 For attending meetings of the council, such legislators shall
1922 receive per diem and expenses which shall be paid from the
1923 contingent expense funds of their respective houses in the same
1924 amounts provided for committee meetings when the Legislature is
1925 not in session; however, no per diem or expenses for attending
1926 meetings of the council shall be paid while the Legislature is in
1927 session. No per diem and expenses shall be paid except for
1928 attending meetings of the council without prior approval of the
1929 proper committee in their respective houses.

1930 **BOARD OF AGRICULTURAL AVIATION**

1931 **SECTION 29.** Section 69-21-107, Mississippi Code of 1972, is
1932 amended as follows:

1933 69-21-107. There is hereby created a State Board of
1934 Agricultural Aviation composed of five (5) members as follows:
1935 two (2) licensed applicators to be appointed by the Governor with
1936 the advice and consent of the Senate from a list of four (4)



1937 applicators submitted to the Governor by the Mississippi
1938 Agricultural Aviation Association, the Executive Director of the
1939 Department of Environmental Quality, or his designee, a registered
1940 forester and a licensed engineer with agricultural emphasis to be
1941 appointed by the Governor with the advice and consent of the
1942 Senate. The term of office of one (1) board member shall be one
1943 (1) year; the term of office of the second board member shall be
1944 two (2) years; the term of office of the third board member shall
1945 be three (3) years; the term of office of the fourth board member
1946 shall be four (4) years as specified by the Governor in his
1947 initial appointments to the board. The members of the board who
1948 are licensed pilots as constituted on January 1, 2002, whose terms
1949 have not expired shall serve the balance of their terms, after
1950 which time the licensed pilot membership shall be appointed as
1951 follows: There shall be appointed one (1) member from each of the
1952 four (4) Mississippi congressional districts as they exist on
1953 January 1, 2002, and the Governor shall make appointments from the
1954 congressional district having the smallest number of board members
1955 until the membership includes one (1) member from each district as
1956 required. After the initial appointment, succeeding board members
1957 shall serve a staggered four-year term of office. The Executive
1958 Director of the Department of Environmental Quality, or his
1959 designee, shall continue to serve each term by virtue of his
1960 office. Each board member shall serve until his successor is
1961 appointed.

1962 Vacancies on the board shall be filled as herein stated by
1963 appointment of the Governor.

1964 A quorum necessary to conduct business shall be a majority of
1965 the five (5) board members. Any member who shall not attend three
1966 (3) consecutive meetings of the board shall be subject to removal
1967 by the Governor. The chairman of the board shall notify the
1968 Governor in writing when any such member has failed to attend
1969 three (3) consecutive regular meetings.



1970 Each member of the Agricultural Aviation Board shall receive
1971 a per diem as is authorized by law and actual expenses as provided
1972 by law incidental to attending meetings of the board, and other
1973 authorized business as provided by board authorization as spread
1974 on the board minutes.

1975 **STATE BOARD OF ARCHITECTURE**

1976 **SECTION 30.** Section 73-1-5, Mississippi Code of 1972, is
1977 amended as follows:

1978 73-1-5. The State Board of Architecture is composed of five
1979 (5) members who are licensed architects residing in this state and
1980 who have been engaged in the practice of architecture not less
1981 than seven (7) years. It is the duty of the board to carry out
1982 the purposes of this chapter as herein provided.

1983 The Governor shall appoint the members of the board, and each
1984 member shall serve for a term of five (5) years. The terms shall
1985 be staggered so that the term of not more than one (1) member
1986 shall expire each year on June 1. The members of the board as
1987 constituted on January 1, 2002, whose terms have not expired shall
1988 serve the balance of their terms, after which time the membership
1989 of the board shall be appointed as follows: There shall be
1990 appointed one (1) member of the board from each of the four (4)
1991 Mississippi congressional districts as they exist on January 1,
1992 2002, and one (1) from the state at large, and the Governor shall
1993 make appointments from the congressional district having the
1994 smallest number of board members until the membership includes one
1995 (1) member from each district as required.

1996 Each member shall hold over after the expiration of his term
1997 until his successor is duly appointed and qualified. The Governor
1998 shall fill any vacancy occurring in the membership of the board
1999 for the unexpired term of such membership. The Governor may
2000 remove any of the members of said board for inefficiency, neglect
2001 of duty or dishonorable conduct.

2002 **MISSISSIPPI AUCTIONEER COMMISSION**



2003 **SECTION 31.** Section 73-4-7, Mississippi Code of 1972, is
2004 amended as follows:

2005 73-4-7. (1) The Mississippi Auctioneer Commission is
2006 created, and it shall have the authority to make such rules and
2007 regulations as are reasonable and necessary for the orderly
2008 regulation of the auctioneering profession and the protection of
2009 the public, which rules and regulations are not inconsistent with
2010 the Mississippi Constitution of 1890 and state laws. The
2011 commission shall have the following powers:

2012 (a) The power to set reasonable license fees, to
2013 collect and hold such fees and to disburse such fees in any manner
2014 not inconsistent with this chapter.

2015 (b) The power to make such rules and regulations as
2016 will promote the orderly functioning of the auction profession and
2017 ensure the protection of the public.

2018 (c) The power to hire and retain such staff and support
2019 personnel as are necessary to conduct business and assure
2020 compliance with this chapter.

2021 (d) The power to conduct investigations, hold hearings,
2022 subpoena witnesses, make findings of fact and otherwise enforce
2023 the disciplinary provisions contained in this chapter.

2024 (2) The Mississippi Auctioneer Commission shall consist of
2025 five (5) members, one (1) from each congressional district, who
2026 shall be appointed by the Governor. All appointees shall possess
2027 the following minimum qualifications:

2028 (a) An appointee shall be a citizen of Mississippi.

2029 (b) An appointee shall have been engaged as an
2030 auctioneer for a period of not less than five (5) years
2031 immediately preceding his appointment.

2032 (c) An appointee shall be of good reputation,
2033 trustworthy and knowledgeable in the auction profession.

2034 An individual may not act as a member of the commission while
2035 holding another elected or appointed office in either the state or



2036 federal government or while owning a school or other facility to
2037 train individuals to be auctioneers.

2038 (3) In order to assure continuity, the Governor shall
2039 appoint the initial members of the commission for the following
2040 terms:

2041 (a) The member appointed from the First Congressional
2042 District shall serve a term of one (1) year;

2043 (b) The member appointed from the Second Congressional
2044 District shall serve a term of two (2) years;

2045 (c) The member appointed from the Third Congressional
2046 District shall serve a term of three (3) years;

2047 (d) The member appointed from the Fourth Congressional
2048 District shall serve a term of four (4) years; and

2049 (e) The member appointed from the Fifth Congressional
2050 District shall serve a term of five (5) years.

2051 The members of the commission as constituted on January 1,
2052 2002, whose terms have not expired shall serve the balance of
2053 their terms, after which time the membership of the commission
2054 shall be appointed as follows: There shall be appointed one (1)
2055 member of the commission from each of the four (4) Mississippi
2056 congressional districts as they exist on January 1, 2002, and one
2057 (1) from the state at large, and the Governor shall make
2058 appointments from the congressional district having the smallest
2059 number of commission members until the membership includes one (1)
2060 member from each district as required.

2061 Subsequent terms shall be for five (5) years, except for
2062 interim appointments to fill unexpired terms which shall be only
2063 for the unexpired term.

2064 (4) Each member of the commission shall receive a per diem
2065 as provided by Section 25-3-69 per meeting and shall be reimbursed
2066 for ordinary and necessary expenses incurred in the performance of
2067 official duties as provided in Section 25-3-41.

2068 **STATE BOARD OF CHIROPRACTIC EXAMINERS**



2069 **SECTION 32.** Section 73-6-3, Mississippi Code of 1972, is
2070 amended as follows:

2071 73-6-3. There is hereby created a State Board of
2072 Chiropractic Examiners. This board shall consist of six (6)
2073 members, one (1) of whom shall be the executive officer of the
2074 State Board of Health or his designee, and one (1) from each
2075 congressional district as presently constituted, to be appointed
2076 by the Governor with the advice and consent of the Senate. Each
2077 member except the executive officer of the State Board of Health
2078 shall be a qualified elector of the State of Mississippi having
2079 been continuously engaged in the practice of chiropractic in
2080 Mississippi for at least five (5) years prior to appointment. No
2081 member shall be a stockholder in or member of the faculty or board
2082 of trustees of any school of chiropractic. Each member appointed
2083 to the board shall serve for five (5) years and until his
2084 successor is appointed and qualified; except the terms of the
2085 initial members appointed by the Governor shall expire one (1)
2086 each for five (5) years or until their successors are appointed
2087 and qualified. The members of the board as constituted on January
2088 1, 2002, whose terms have not expired shall serve the balance of
2089 their terms, after which time the membership of the board shall be
2090 appointed as follows: There shall be appointed one (1) member of
2091 the board from each of the four (4) Mississippi congressional
2092 districts as they exist on January 1, 2002, and one (1) from the
2093 state at large, and the Governor shall make appointments from the
2094 congressional district having the smallest number of board members
2095 until the membership includes one (1) member from each district as
2096 required. Vacancies on the board, except for the executive
2097 officer of the State Board of Health or his designee, shall be
2098 filled by appointment of the Governor only for unexpired terms.
2099 Any member who shall not attend two (2) consecutive meetings of
2100 the board shall be subject to removal by the Governor. The
2101 chairman of the board shall notify the Governor in writing when



2102 any such member has failed to attend two (2) consecutive regular
2103 meetings.

2104 **MISSISSIPPI BOARD OF NURSING**

2105 **SECTION 33.** Section 73-15-9, Mississippi Code of 1972, is
2106 amended as follows:

2107 73-15-9. (1) There is hereby created a board to be known as
2108 the Mississippi Board of Nursing, composed of thirteen (13)
2109 members, two (2) of whom shall be nurse educators; three (3) of
2110 whom shall be registered nurses in clinical practice; two (2) to
2111 have as basic nursing preparation an associate degree or diploma
2112 and one (1) to have as basic nursing preparation a baccalaureate
2113 degree; one (1) of whom shall be a registered nurse at large; one
2114 (1) of whom shall be a registered nurse practitioner; four (4) of
2115 whom shall be licensed practical nurses; one (1) of whom shall be
2116 a licensed physician who shall always be a member of the State
2117 Board of Medical Licensure; and one (1) of whom shall represent
2118 consumers of health services. There shall be at least one (1)
2119 board member from each congressional district in the state;
2120 provided, however, that the physician member, the consumer
2121 representative member and one (1) registered nurse member shall be
2122 at large always. The members of the board as constituted on
2123 January 1, 2002, whose terms have not expired shall serve the
2124 balance of their terms, after which time the membership of the
2125 board shall be appointed as follows: There shall be appointed not
2126 less than two (2) members and not more than three (3) members of
2127 the board from each of the four (4) Mississippi congressional
2128 districts as they exist on January 1, 2002, and the Governor shall
2129 make appointments from the congressional district having the
2130 smallest number of board members until the membership includes at
2131 least two (2) members from each congressional district as
2132 required, and the nominating organization and/or association shall
2133 make nominations to the Governor from the appropriate
2134 congressional district.



2135 (2) Members of the Mississippi Board of Nursing, excepting
2136 the member of the State Board of Medical Licensure, shall be
2137 appointed by the Governor, with the advice and consent of the
2138 Senate, from lists of nominees submitted by any Mississippi
2139 registered nurse organization and/or association chartered by the
2140 State of Mississippi whose board of directors is elected by the
2141 membership and whose membership includes registered nurses
2142 statewide, for the nomination of registered nurses, and by the
2143 Mississippi Federation of Licensed Practical Nurses and the
2144 Mississippi Licensed Practical Nurses' Association for the
2145 nomination of a licensed practical nurse. Nominations submitted
2146 by any such registered nurse organization or association to fill
2147 vacancies on the board shall be made and voted on by registered
2148 nurses only. Each list of nominees shall contain a minimum of
2149 three (3) names for each vacancy to be filled. The list of names
2150 shall be submitted at least thirty (30) days before the expiration
2151 of the term for each position. If such list is not submitted, the
2152 Governor is authorized to make an appointment from the group
2153 affected and without nominations. Appointments made to fill
2154 vacancies for unexpired terms shall be for the duration of such
2155 terms and until a successor is duly appointed.

2156 (3) Members of the board shall be appointed in staggered
2157 terms for four (4) years or until a successor shall be duly
2158 qualified. No member may serve more than two (2) consecutive full
2159 terms. Members of the board serving on July 1, 1988, shall
2160 continue to serve for their appointed terms.

2161 (4) Vacancies occurring by reason of resignation, death or
2162 otherwise shall be filled by appointment of the Governor upon
2163 nominations from a list of nominees from the affected group to be
2164 submitted within not more than thirty (30) days after such a
2165 vacancy occurs. In the absence of such list, the Governor is
2166 authorized to fill such vacancy in accordance with the provisions



2167 for making full-term appointments. All vacancy appointments shall
2168 be for the unexpired terms.

2169 (5) Any member may be removed from the board by the Governor
2170 after a hearing by the board and provided such removal is
2171 recommended by the executive committee of the affected group.

2172 **STATE BOARD OF OPTOMETRY**

2173 **SECTION 34.** Section 73-19-7, Mississippi Code of 1972, is
2174 amended as follows:

2175 73-19-7. The Governor, with the advice and consent of the
2176 Senate, shall appoint a State Board of Optometry, consisting of
2177 five (5) persons, citizens of Mississippi, each of whom shall be a
2178 nonmedical man or woman actually engaged in the practice of
2179 optometry for five (5) years next preceding his appointment.
2180 Within ninety (90) days after March 25, 1974, the Governor shall
2181 appoint: one (1) member for a term of one (1) year, one (1)
2182 member for a term of two (2) years, one (1) member for a term of
2183 three (3) years, one (1) member for a term of four (4) years, and
2184 one (1) member for a term of five (5) years; and upon the
2185 expiration of all such terms their successors shall be appointed
2186 by the Governor for a term of five (5) years. From and after July
2187 1, 1983, the appointments to the board shall be made with one (1)
2188 member to be appointed from each of the congressional districts as
2189 existing on January 1, 1980; provided that the present members of
2190 the State Board of Optometry whose terms have not expired by July
2191 1, 1983, shall continue to serve until their terms of office have
2192 expired. Each member shall remain in office after the expiration
2193 of his term until his successor shall be duly appointed and
2194 qualified. The members of the board as constituted on January 1,
2195 2002, whose terms have not expired shall serve the balance of
2196 their terms, after which time the membership of the board shall be
2197 appointed as follows: There shall be appointed one (1) member of
2198 the board from each of the four (4) Mississippi congressional
2199 districts as they exist on January 1, 2002, and one (1) from the



2200 state at large, and the Governor shall make appointments from the
2201 congressional district having the smallest number of board members
2202 until the membership includes one (1) member from each
2203 congressional district as required; and the Mississippi Optometric
2204 Association shall make nominations to the Governor from the
2205 appropriate congressional district.

2206 No person so appointed shall be a stockholder in or a member
2207 of the faculty or of the board of trustees of any school of
2208 optometry, or serve to exceed two (2) five-year terms.

2209 Vacancies on said board shall be filled by appointment by the
2210 Governor, with the advice and consent of the Senate, from a list
2211 of names submitted by the Mississippi Optometric Association
2212 consisting of three (3) of its members, or by appointment of any
2213 qualified member of the association.

2214 **STATE BOARD OF PHARMACY**

2215 **SECTION 35.** Section 73-21-75, Mississippi Code of 1972, is
2216 amended as follows:

2217 73-21-75. (1) The State Board of Pharmacy created by former
2218 Section 73-21-9 is hereby continued and reconstituted as follows:
2219 The board shall consist of seven (7) appointed members. At least
2220 one (1) appointment shall be made from each congressional
2221 district. Each appointed member of the board shall be appointed
2222 by the Governor, with the advice and consent of the Senate, from a
2223 list of five (5) names submitted by the Mississippi Pharmacists
2224 Association, with input from the Magnolia Pharmaceutical Society
2225 and other pharmacist associations or societies. Of the members
2226 appointed, one (1) shall, at the time of appointment, have had
2227 five (5) years' experience as a pharmacist at a facility holding
2228 an institutional permit, and one (1) shall, at the time of
2229 appointment, have had five (5) years' experience as a pharmacist
2230 at a facility holding a retail permit. Any person appointed to
2231 the board shall be limited to two (2) full terms of office during



2232 any fifteen-year period, including any member serving on May 14,
2233 1992.

2234 (2) The members of the board appointed and serving prior to
2235 July 1, 1983, whose terms have not expired by July 1, 1983, shall
2236 serve the balance of their terms as members of the reconstituted
2237 board, and they shall be considered to be from the same
2238 congressional districts from which they were originally appointed
2239 if they still reside therein, even if the district boundaries have
2240 changed subsequent to their original appointments. The Governor
2241 shall appoint the remaining members of the reconstituted board in
2242 the manner prescribed in subsection (1) of this section on July 1,
2243 1983. The initial members of the reconstituted board shall serve
2244 terms of office as follows:

2245 (a) The term of the member from the First Congressional
2246 District shall expire on July 1, 1984; and from and after July 1,
2247 1996, this appointment shall be designated as Post 1.

2248 (b) The term of the member from the Second
2249 Congressional District shall expire on July 1, 1988; and from and
2250 after July 1, 1996, this appointment shall be designated as Post
2251 2.

2252 (c) The term of the member from the Third Congressional
2253 District shall expire on July 1, 1986; and from and after July 1,
2254 1996, this appointment shall be designated as Post 3.

2255 (d) The term of the member from the Fourth
2256 Congressional District shall expire on July 1, 1985; and from and
2257 after July 1, 1996, this appointment shall be designated as Post
2258 4.

2259 (e) The term of the member from the Fifth Congressional
2260 District shall expire on July 1, 1987; and from and after July 1,
2261 1996, this appointment shall be designated as Post 5.

2262 (f) The term of one (1) of the members from the state
2263 at large shall expire on July 1, 1985; and from and after July 1,
2264 1996, this appointment shall be designated as Post 6.



2265 (g) The term of the other member from the state at
2266 large shall expire on July 1, 1988; and from and after July 1,
2267 1996, this appointment shall be designated as Post 7.

2268 The members of the board as constituted on January 1, 2002,
2269 whose terms have not expired shall serve the balance of their
2270 terms, after which time the membership of the board shall be
2271 appointed as follows: There shall be appointed one (1) member of
2272 the board from each of the four (4) Mississippi congressional
2273 districts as they exist on January 1, 2002, and three (3) members
2274 from the state at large, and the Governor shall make appointments
2275 from the congressional district having the smallest number of
2276 board members until the membership includes at least one (1)
2277 member from each congressional district as required; and the
2278 Mississippi Pharmaceutical Association/Mississippi Pharmacists
2279 Association shall make nominations to the Governor from the
2280 appropriate congressional district as required.

2281 (3) At the expiration of a term, members of the board shall
2282 be appointed in the manner prescribed in subsection (1) of this
2283 section for terms of five (5) years from the expiration date of
2284 the previous terms. Any vacancy on the board prior to the
2285 expiration of a term for any reason, including resignation,
2286 removal, disqualification, death or disability, shall be filled by
2287 appointment of the Governor in the manner prescribed in subsection
2288 (1) of this section for the balance of the unexpired term. The
2289 Mississippi Pharmacists Association, with input from the Magnolia
2290 Pharmaceutical Society and other pharmacist associations or
2291 societies, shall submit a list of nominees no more than thirty
2292 (30) days after a vacancy occurs, and the Governor shall fill such
2293 vacancies within ninety (90) days after each such vacancy occurs.

2294 (4) To be qualified to be a member of the board, a person
2295 shall:

2296 (a) Be an adult citizen of Mississippi for a period of
2297 at least five (5) years preceding his appointment to the board;



2298 (b) Be a pharmacist licensed and in good standing to
2299 practice pharmacy in the State of Mississippi;

2300 (c) Have at least five (5) years' experience as a
2301 pharmacist; and

2302 (d) Be actively engaged full time in the practice of
2303 pharmacy in Mississippi.

2304 (5) The Governor may remove any or all members of the board
2305 on proof of unprofessional conduct, continued absence from the
2306 state, or for failure to perform the duties of his office. Any
2307 member who shall not attend two (2) consecutive meetings of the
2308 board for any reason other than illness of such member shall be
2309 subject to removal by the Governor. The president of the board
2310 shall notify the Governor in writing when any such member has
2311 failed to attend two (2) consecutive regular meetings. No removal
2312 shall be made without first giving the accused an opportunity to
2313 be heard in refutation of the charges made against him, and he
2314 shall be entitled to receive a copy of the charges at the time of
2315 filing.

2316 **STATE BOARD OF LICENSED PROFESSIONAL COUNSELORS**

2317 **SECTION 36.** Section 73-30-5, Mississippi Code of 1972, is
2318 amended as follows:

2319 73-30-5. (1) There is hereby established the Mississippi
2320 State Board of Examiners for Licensed Professional Counselors
2321 which shall consist of five (5) members, one (1) member from each
2322 of the five (5) congressional districts of Mississippi, who shall
2323 be appointed by the Governor with the advice and consent of the
2324 Senate. A list shall be provided to the Governor by the
2325 Mississippi Counseling Association from which the Governor may
2326 choose board members. At least two (2) names shall be included
2327 from each congressional district. The members of the board as
2328 constituted on January 1, 2002, whose terms have not expired shall
2329 serve the balance of their terms, after which time the membership
2330 of the board shall be appointed as follows: There shall be



2331 appointed one (1) member of the board from each of the four (4)
2332 Mississippi congressional districts as they exist on January 1,
2333 2002, and one (1) member from the state at large; and the list of
2334 recommendations provided to the Governor by the Mississippi
2335 Counseling Association shall include at least two (2) names from
2336 the congressional district having the smallest number of board
2337 members until the membership includes one (1) member from each
2338 district as required. Such appointments shall be made initially
2339 within sixty (60) days of the submission of the list of qualified
2340 counselors by the Mississippi Counseling Association. Thereafter,
2341 all vacancies occurring on the board shall be filled by the
2342 Governor within sixty (60) days after the vacancy occurs. The
2343 Mississippi Counseling Association shall provide a list of
2344 suggested board members for each vacancy.

2345 (2) The board shall consist of five (5) licensed counselors,
2346 three (3) of whom are primarily engaged as licensed counselors in
2347 private or institutional practice and two (2) who are primarily
2348 engaged in teaching, training or research in counseling at the
2349 corporate or university level. All members shall be qualified
2350 electors of the State of Mississippi.

2351 (3) The initial appointments to the board shall be for
2352 staggered terms, to be designated by the Governor at the time of
2353 appointment as follows: two (2) members to serve for three (3)
2354 years, two (2) members to serve for two (2) years, and one (1)
2355 member to serve for one (1) year. Thereafter, all terms shall be
2356 for three (3) years. No board member shall succeed himself
2357 without waiting a period of three (3) years after having served
2358 one (1) full three-year term.

2359 (4) There shall be appointed to the board no more than one
2360 (1) person who is employed by, or receives compensation from, any
2361 one institution, organization or partnership at the time of
2362 appointment.



2363 (5) Board members shall be reimbursed for necessary and
2364 ordinary expenses and mileage incurred while performing their
2365 duties as members of the board, at the rate authorized for public
2366 employees, from fees collected for license applications and
2367 renewals.

2368 **MISSISSIPPI BOARD OF PSYCHOLOGY**

2369 **SECTION 37.** Section 73-31-5, Mississippi Code of 1972, is
2370 amended as follows:

2371 73-31-5. (1) There is hereby created a Mississippi Board of
2372 Psychology consisting of seven (7) members who are citizens of the
2373 United States and residing in the State of Mississippi. One (1)
2374 member of the board shall be a person who is not a psychologist or
2375 a mental health professional but who has expressed a continuing
2376 interest in the field of psychology. Each board member shall
2377 otherwise be licensed under this chapter. At all times the board
2378 shall be composed of three (3) members who are faculty at
2379 institutions of higher learning that grant doctoral degrees, or
2380 staff or faculty of an American Psychological Association approved
2381 doctoral level internship. Three (3) members of the board shall
2382 be engaged in the professional practice of psychology. The
2383 membership of the board shall reflect a diversity of practice
2384 specialties.

2385 (2) When the term of each psychologist member ends the
2386 Governor shall, within thirty (30) days, appoint as his successor,
2387 for a term of five (5) years, a psychologist who holds a doctoral
2388 degree from an institution of higher education and who has been
2389 licensed under this chapter. When the term of the member who is
2390 not a psychologist ends, the Governor shall, within thirty (30)
2391 days, appoint a qualified person as his successor for a term of
2392 five (5) years. No board member shall serve for consecutive
2393 terms. Any vacancy occurring in the board membership other than
2394 by expiration of term shall be filled by the Governor by
2395 appointment for the unexpired term of such member. All



2396 appointments of psychologist members of the board shall be made
2397 from a list containing the names of at least three (3) eligible
2398 nominees for each vacancy submitted by the Mississippi
2399 Psychological Association. Each board member shall receive a
2400 certificate of appointment from the Governor before entering on
2401 the discharge of his duties, and within thirty (30) days from the
2402 effective date of his appointment shall subscribe an oath for the
2403 faithful performance of his official duty before any officer
2404 authorized to administer oaths in this state, and shall file the
2405 same with the Secretary of State. To enable the board to have
2406 regular, planned changes in membership the following one-time
2407 changes in length of terms of board members is enacted:

2408 (a) One (1) of the two (2) practice members appointed
2409 in 1998 will serve a three-year term.

2410 (b) The practice member appointed in 2002 will serve a
2411 three-year term.

2412 (c) One (1) of the two (2) academic members appointed
2413 in 2002 will serve a four-year term.

2414 The members of the board as constituted on January 1, 2002,
2415 whose terms have not expired shall serve the balance of their
2416 terms, after which time the membership of the board shall be
2417 appointed as follows: There shall be appointed one (1) member of
2418 the board from each of the four (4) Mississippi congressional
2419 districts as they exist on January 1, 2002, and three (3) from the
2420 state at large, and the Governor shall make appointments from the
2421 congressional district having the smallest number of board members
2422 until the membership includes at least one (1) member from each
2423 congressional district as required; and the association shall
2424 nominate members to the Governor from the appropriate
2425 congressional district as required.

2426 (3) The Governor may remove any board member for misconduct,
2427 incompetency, or neglect of duty after giving the board member a



2428 written statement of the charges and an opportunity to be heard
2429 thereon.

2430 (4) Each board member shall serve without compensation, but
2431 shall receive actual traveling and incidental expenses necessarily
2432 incurred while engaged in the discharge of official duties.

2433 This section shall stand repealed from and after July 1,
2434 2011.

2435 **STATE BOARD OF PUBLIC ACCOUNTANCY**

2436 **SECTION 38.** Section 73-33-3, Mississippi Code of 1972, is
2437 amended as follows:

2438 73-33-3. (1) There shall be a board of public accountancy,
2439 consisting of seven (7) members, who are qualified electors of
2440 this state; their duties, powers and qualifications are herein
2441 prescribed by this chapter. The members of the Mississippi State
2442 Board of Public Accountancy shall be appointed from holders of
2443 certificates issued under and by virtue of this chapter.

2444 (2) The present members of the Mississippi State Board of
2445 Public Accountancy shall continue to serve until January 1, 1984.
2446 After January 1, 1984, the appointments to the board shall be as
2447 hereinafter provided.

2448 The Governor shall appoint five (5) members from the
2449 congressional districts as they are presently constituted, as
2450 follows: The initial member from the First Congressional District
2451 shall be appointed for a term of one (1) year; the initial member
2452 from the Second Congressional District shall be for a term of two
2453 (2) years; the initial member from the Third Congressional
2454 District shall be appointed for a term of three (3) years; the
2455 initial member from the Fourth Congressional District shall be
2456 appointed for a term of four (4) years; the initial member from
2457 the Fifth Congressional District shall be appointed for a term of
2458 five (5) years. The members of the board as constituted on
2459 January 1, 2002, who are appointed from congressional districts
2460 and whose terms have not expired shall serve the balance of their



2461 terms, after which time the membership of the board shall be
2462 appointed as follows: There shall be appointed one (1) member of
2463 the board from each of the four (4) Mississippi congressional
2464 districts as they exist on January 1, 2002, and the Governor shall
2465 make appointments from the congressional district having the
2466 smallest number of board members until the membership includes one
2467 (1) member from each district as required. In addition, the
2468 Governor shall appoint three (3) members from the state at large,
2469 each of whom shall serve for an initial term of four (4) years.
2470 Subsequent terms for all members shall be for five (5) years.

2471 All terms shall begin on January 1 of the appropriate year.

2472 No member of the board shall hold any elected office.

2473 Appointments made to fill a vacancy of a term shall be made by the
2474 appointing officer within sixty (60) days after the vacancy
2475 occurs. Any person appointed to fill an unexpired term shall hold
2476 office only for and during the unexpired term of the member he
2477 succeeds.

2478 (3) Each member of the board shall take the oath prescribed
2479 by Section 268 of the Mississippi Constitution. The board shall
2480 elect from among its membership, to serve one-year terms, a
2481 chairman who shall preside over meetings and a vice chairman who
2482 shall preside in the absence of the chairman or when the chairman
2483 shall be excused. A majority of the membership of the board shall
2484 constitute a quorum for the transaction of any business. Any
2485 board member who shall not attend three (3) consecutive regular
2486 meetings of the board for reasons other than illness of said
2487 member shall be subject to removal by a majority vote of the board
2488 members.

2489 (4) The board shall hold regular meetings and special
2490 meetings as may be necessary for the purposes of conducting such
2491 business as may be required. The board shall adopt rules and
2492 regulations governing times and places for meetings, and governing



2493 the manner of conducting its business. All meetings of the board
2494 shall be open to the public.

2495 **REAL ESTATE APPRAISER LICENSING BOARD**

2496 **SECTION 39.** Section 73-34-7, Mississippi Code of 1972, is
2497 amended as follows:

2498 73-34-7. (1) (a) There is hereby established, as an
2499 adjunct board to the Mississippi Real Estate Commission, a board
2500 to be known as the Mississippi Real Estate Appraiser Licensing and
2501 Certification Board, which shall consist of six (6) members. Five
2502 (5) members shall be appointed by the Governor, with the advice
2503 and consent of the Senate, one (1) from each congressional
2504 district as such district existed on January 1, 1989; the
2505 Administrator of the Mississippi Real Estate Commission shall be
2506 an ex officio, nonvoting member.

2507 (b) The initial appointments made by the Governor shall
2508 be in compliance with guidelines issued by the Federal Financial
2509 Institutions Examination Council or its designee; and the
2510 appointees shall serve for terms ending on December 31, 1991. Not
2511 more than two (2) positions on the board shall be filled with
2512 appointees who hold membership in the same professional
2513 organization.

2514 (c) From and after January 1, 1992, gubernatorial
2515 appointments shall be made pursuant to the procedure established
2516 in this paragraph (c). The five (5) members shall be appointed by
2517 the Governor, with the advice and consent of the Senate, one (1)
2518 from each congressional district as such district existed on
2519 January 1, 1992. At least three (3) members shall be certified
2520 general real estate appraisers or at least two (2) members shall
2521 be certified general real estate appraisers and one (1) member may
2522 be a certified residential real estate appraiser. Not more than
2523 two (2) positions on the board shall be filled with appointees who
2524 hold membership in the same professional organization. Of the
2525 initial appointments made pursuant to this paragraph (c), two (2)



2526 shall serve for three (3) years, two (2) shall serve for two (2)
2527 years and one (1) shall serve for one (1) year. Thereafter, each
2528 member shall serve for a term of four (4) years. Upon the
2529 expiration of a member's term, such member shall continue to serve
2530 until the appointment and qualification of a successor.
2531 Commencing with appointments made in 1992, no person shall be
2532 appointed as a member of the board for more than two (2)
2533 consecutive terms. The Governor may remove an appointed member
2534 for cause. The members of the board as constituted on January 1,
2535 2002, whose terms have not expired shall serve the balance of
2536 their terms, after which time the gubernatorial appointments to
2537 the board shall be made as follows: There shall be appointed one
2538 (1) member of the board from each of the four (4) Mississippi
2539 congressional districts as they exist on January 1, 2002, and one
2540 (1) from the state at large, and the Governor shall make
2541 appointments from the congressional district having the smallest
2542 number of board members until the membership includes at least one
2543 (1) member from each congressional district as required.

2544 (2) The board shall meet not less than twice a calendar
2545 year. Written notice shall be given to each member of the time
2546 and place of each meeting of the board at least ten (10) days
2547 prior to the scheduled date of the meeting.

2548 (3) A quorum of the board shall be three (3) voting members;
2549 commencing January 1, 1992, at least one (1) present must be a
2550 licensed certified general real estate appraiser or a certified
2551 residential real estate appraiser. Appointed members of the board
2552 are entitled to mileage and actual expenses as authorized by
2553 Section 25-3-41 and per diem as provided by Section 25-3-69; ex
2554 officio members are entitled to mileage and actual expenses only.

2555 (4) The board shall elect a chairman and such other officers
2556 as it deems necessary. Such officers shall serve as such for
2557 terms established by the board.

2558

REAL ESTATE COMMISSION



2559 **SECTION 40.** Section 73-35-5, Mississippi Code of 1972, is
2560 amended as follows:

2561 73-35-5. (1) There is hereby created the Mississippi Real
2562 Estate Commission. The commission shall consist of five (5)
2563 persons, to be appointed by the Governor with the advice and
2564 consent of the Senate. Each appointee shall have been a resident
2565 and citizen of this state for at least six (6) years prior to his
2566 appointment, and his vocation for at least five (5) years shall
2567 have been that of a real estate broker. One (1) member shall be
2568 appointed for the term of one (1) year; two (2) members for terms
2569 of two (2) years; two (2) members for terms of four (4) years;
2570 thereafter, the term of the members of said commission shall be
2571 for four (4) years and until their successors are appointed and
2572 qualify. There shall be at least one (1) commissioner from each
2573 congressional district, as such districts are constituted as of
2574 July 1, 2002. The commissioners appointed from each of the
2575 congressional districts shall be bona fide residents of the
2576 district from which each is appointed. One (1) additional
2577 commissioner shall be appointed without regard to residence in any
2578 particular congressional district. Members to fill vacancies
2579 shall be appointed by the Governor for the unexpired term. The
2580 Governor may remove any commissioner for cause. The State of
2581 Mississippi shall not be required to furnish office space for such
2582 commissioners. The provisions of this section shall not affect
2583 persons who are members of the Real Estate Commission as of
2584 January 1, 2002. Such members shall serve out their respective
2585 terms, upon the expiration of which the provisions of this section
2586 shall take effect. Nothing provided herein shall be construed as
2587 prohibiting the reappointment of any member of the said
2588 commission. The members of the commission as constituted on
2589 January 1, 2002, whose terms have not expired shall serve the
2590 balance of their terms, after which time the membership of the
2591 commission shall be appointed as follows: There shall be



2592 appointed one (1) member of the commission from each of the four
2593 (4) Mississippi congressional districts as they exist on January
2594 1, 2002, and one (1) from the state at large, and the Governor
2595 shall make appointments from the congressional district having the
2596 smallest number of commission members until the membership
2597 includes at least one (1) member from each congressional district
2598 as required.

2599 (2) The commission shall organize by selecting from its
2600 members a chairman, and may do all things necessary and convenient
2601 for carrying into effect the provisions of this chapter, and may
2602 from time to time promulgate rules and regulations. Each member
2603 of the commission shall receive per diem as authorized in Section
2604 25-3-69, Mississippi Code of 1972, and his actual and necessary
2605 expenses incurred in the performance of duties pertaining to his
2606 office as authorized in Section 25-3-41, Mississippi Code of 1972.

2607 (3) The commission shall adopt a seal by which it shall
2608 authenticate its proceedings. Copies of all records and papers in
2609 the office of the commission, duly certified and authenticated by
2610 the seal of said commission, shall be received in evidence in all
2611 courts equally and with like effect as the original. All records
2612 kept in the office of the commission under authority of this
2613 chapter shall be open to public inspection except pending
2614 investigative files.

2615 **SOCIAL WORKER & FAMILY THERAPY BOARD**

2616 **SECTION 41.** Section 73-53-8, Mississippi Code of 1972, is
2617 amended as follows:

2618 73-53-8. (1) There is created the Board of Examiners for
2619 Social Workers and Marriage and Family Therapists to license and
2620 regulate social workers and marriage and family therapists. The
2621 board shall be composed of ten (10) members, six (6) of which
2622 shall be social workers and four (4) of which shall be marriage
2623 and family therapists.



2624 (2) Of the social worker members of the board, two (2) must
2625 be licensed social workers, and four (4) must be licensed master
2626 social workers or licensed certified social workers or a
2627 combination thereof. The marriage and family therapist members of
2628 the board must be licensed marriage and family therapists. For at
2629 least five (5) years immediately preceding his or her appointment,
2630 each marriage and family therapist appointee must have been
2631 actively engaged as a marriage and family therapist in rendering
2632 professional services in marriage and family therapy, or in the
2633 education and training of master's, doctoral or post-doctoral
2634 students of marriage and family therapy, or in marriage and family
2635 therapy research, and during the two (2) years preceding his or
2636 her appointment, must have spent the majority of the time devoted
2637 to that activity in this state. The initial marriage and family
2638 therapist appointees shall be deemed to be and shall become
2639 licensed practicing marriage and family therapists immediately
2640 upon their appointment and qualification as members of the board.
2641 All subsequent marriage and family therapist appointees to the
2642 board must be licensed marriage and family therapists before their
2643 appointment.

2644 (3) The Governor shall appoint six (6) members of the board,
2645 four (4) of which shall be social workers and two (2) of which
2646 shall be marriage and family therapists, and the Lieutenant
2647 Governor shall appoint four (4) members of the board, two (2) of
2648 which shall be social workers and two (2) of which shall be
2649 marriage and family therapists. Social worker members of the
2650 board shall be appointed from nominations submitted by the
2651 Mississippi Chapter of the National Association of Social Workers,
2652 and marriage and family therapist members of the board shall be
2653 appointed from nominations submitted by the Mississippi Marriage
2654 and Family Therapy Association. All appointments shall be made
2655 with the advice and consent of the Senate.



2656 (4) The initial appointments to the board shall be made as
2657 follows: The Governor shall appoint one (1) social worker member
2658 for a term that expires on June 30, 1999, one (1) social worker
2659 member for a term that expires on June 30, 2001, two (2) social
2660 worker members for terms that expire on June 30, 2002, one (1)
2661 marriage and family therapist member for a term that expires on
2662 June 30, 1998, and one (1) marriage and family therapist member
2663 for a term that expires on June 30, 2000. The Lieutenant Governor
2664 shall appoint one (1) social worker member for a term that expires
2665 on June 30, 1998, one (1) social worker member for a term that
2666 expires on June 30, 2000, one (1) marriage and family therapist
2667 member for a term that expires on June 30, 1999, and one (1)
2668 marriage and family therapist member of the board for a term that
2669 expires on June 30, 2001. After the expiration of the initial
2670 terms, all subsequent appointments shall be made by the original
2671 appointing authorities for terms of four (4) years from the
2672 expiration date of the previous term. The members of the board as
2673 constituted on January 1, 2002, whose terms have not expired shall
2674 serve the balance of their terms, after which time the membership
2675 of the board shall be appointed as follows: The appointments to
2676 the board made by the Governor shall be made one (1) from each of
2677 the four (4) Mississippi congressional districts as they exist on
2678 January 1, 2002, and two (2) from the state at large, and the
2679 appointments to the board made by the Lieutenant Governor shall be
2680 made one (1) from each of the four (4) Mississippi congressional
2681 districts as they exist on January 1, 2002, and each appointing
2682 officer shall make appointments from the congressional district
2683 having the smallest number of board members until the membership
2684 includes at least the minimum number from each congressional
2685 district as required; and the nominating organization shall submit
2686 nominations to the Governor or the Lieutenant Governor from the
2687 appropriate congressional district as required. Upon the
2688 expiration of his or her term of office, a board member shall



2689 continue to serve until his or her successor has been appointed
2690 and has qualified. No person may be appointed more than once to
2691 fill an unexpired term or more than two (2) consecutive full
2692 terms.

2693 (5) Any vacancy on the board before the expiration of a term
2694 shall be filled by appointment of the original appointing
2695 authority for the remainder of the unexpired term. Appointments
2696 to fill vacancies shall be made from nominations submitted by the
2697 appropriate organization as specified in subsection (2) of this
2698 section for the position being filled.

2699 (6) The appointing authorities shall give due regard to
2700 geographic distribution, race and sex in making all appointments
2701 to the board.

2702 (7) The board shall select one (1) of its members to serve
2703 as chairman during the term of his or her appointment to the
2704 board. No person may serve as chairman for more than four (4)
2705 years. The board may remove any member of the board or the
2706 chairman from his or her position as chairman for (a) malfeasance
2707 in office, or (b) conviction of a felony or a crime of moral
2708 turpitude while in office, or (c) failure to attend three (3)
2709 consecutive board meetings. However, no member may be removed
2710 until after a public hearing of the charges against him or her,
2711 and at least thirty (30) days' prior written notice to the accused
2712 member of the charges against him or her and of the date fixed for
2713 such hearing. No board member shall participate in any matter
2714 before the board in which he has a pecuniary interest, personal
2715 bias or other similar conflict of interest.

2716 (8) Board members shall receive no compensation for their
2717 services, but shall be reimbursed for their actual and necessary
2718 expenses incurred in the performance of official board business as
2719 provided in Section 25-3-41.

2720 (9) Four (4) social worker members and three (3) marriage
2721 and family therapist members of the board shall constitute a



2722 quorum of the board. In making its decisions and taking actions
2723 affecting the members of one (1) of the professions regulated by
2724 the board, the board shall consider the recommendations of the
2725 board members who are members of that profession.

2726 (10) The principal office of the board shall be in the City
2727 of Jackson, but the board may act and exercise all of its powers
2728 at any other place. The board shall adopt an official seal, which
2729 shall be judicially noticed and which shall be affixed to all
2730 licenses issued by the board.

2731 (11) The board is authorized to employ, subject to the
2732 approval of the State Personnel Board, an executive director and
2733 such attorneys, experts and other employees as it may, from time
2734 to time, find necessary for the proper performance of its duties
2735 and for which the necessary funds are available, and to set the
2736 salary of the executive director, subject to the approval of the
2737 State Personnel Board. The board is strongly encouraged to employ
2738 any employees of the State Department of Health who may be
2739 displaced as a result of the enactment of Laws, 1997, Chapter 516.

2740 (12) The board, by a majority vote, from time to time may
2741 make such provisions as it deems appropriate to authorize the
2742 performance by any board member or members, employee or other
2743 agent of the board of any function given the board in this chapter
2744 or Sections 73-54-1 through 73-54-39.

2745 **HOME INSPECTOR REGULATORY BOARD**

2746 **SECTION 42.** Section 73-60-5, Mississippi Code of 1972, is
2747 amended as follows:

2748 73-60-5. (1) There is hereby created, as an adjunct board
2749 to the Mississippi Real Estate Commission, a board to be known as
2750 the Home Inspector Regulatory Board, which shall consist of five
2751 (5) members appointed by the Governor, with the advice and consent
2752 of the Senate, to include one (1) representative from each of the
2753 four (4) Mississippi congressional districts existing on January



2754 1, 2002, and two (2) from the state at large and all shall be
2755 licensed home inspectors.

2756 (2) The Home Inspector Regulatory Board shall advise the
2757 commission or its designee on all matters relating to this
2758 chapter. The board shall meet no less than four (4) times
2759 annually and shall be reimbursed for expenses on a per diem basis
2760 pursuant to state law.

2761 **BOARD OF REGISTERED PROFESSIONAL GEOLOGISTS**

2762 **SECTION 43.** Section 73-63-9, Mississippi Code of 1972, is
2763 amended as follows:

2764 73-63-9. (1) There is created the Board of Registered
2765 Professional Geologists to administer this chapter. The board
2766 shall consist of five (5) registered professional geologists
2767 appointed by the Governor from nominees recommended by the
2768 committee created in subsection (3) of this section, but
2769 geologists initially appointed to the board shall be qualified for
2770 registration under this chapter and shall register within the
2771 first year of their term. The Governor shall require adequate
2772 disclosure of potential conflicts of interest by appointees to the
2773 board. The board shall, to the extent practicable, consist of one
2774 (1) member appointed from the governmental sector, one (1) member
2775 appointed from academia, one (1) member appointed from the
2776 geotechnical/environmental industrial sector, one (1) member
2777 appointed from the mining/mineral extraction industrial sector,
2778 and one (1) member appointed at large. The initial term of the
2779 members shall be as follows: two (2) members shall be appointed
2780 for terms of four (4) years, two (2) members shall be appointed
2781 for terms of three (3) years, and one (1) member shall be
2782 appointed for a term of two (2) years. Following appointment of
2783 the initial board, all terms shall be for four (4) years. The
2784 term of members shall begin and end on July 1 of the appropriate
2785 year regardless of the date of appointment. Upon expiration of a
2786 member's term, the Governor may appoint a new member or may



2787 reappoint the existing member to one (1) additional term. No
2788 member of the board shall serve more than two (2) consecutive
2789 terms. The members of the board as constituted on January 1,
2790 2002, whose terms have not expired shall serve the balance of
2791 their terms, after which time the membership of the board shall be
2792 appointed as follows: There shall be appointed one (1) member of
2793 the board from each of the four (4) Mississippi congressional
2794 districts as they exist on January 1, 2002, and the Governor shall
2795 make appointments from the congressional district having the
2796 smallest number of board members until the membership includes one
2797 (1) member from each district as required; and the nominating
2798 committee shall make recommendations to the Governor from the
2799 appropriate congressional district. Members shall hold office
2800 until their successors have been appointed and qualified.

2801 Vacancies in the membership of the board shall be filled for the
2802 unexpired term by appointment in the same manner as the original
2803 appointments. Before assuming the duties of office, each member
2804 of the board shall take the oath prescribed in Section 268 of the
2805 Constitution and shall give a surety bond in the amount of Fifty
2806 Thousand Dollars (\$50,000.00) to be approved by the Secretary of
2807 State, conditioned according to law and payable to the State of
2808 Mississippi. The premium on the bond shall be a proper and
2809 necessary expense of the board. Each member shall receive a
2810 certificate of appointment from the Governor. Original
2811 appointments to the board shall be made before October 1, 1997.

2812 (2) Each member of the board shall be a citizen of the
2813 United States, a resident of this state for at least five (5)
2814 years immediately preceding that person's appointment, and at
2815 least thirty (30) years of age.

2816 (3) (a) Except as provided in paragraph (b) of this
2817 subsection, the board annually shall appoint a nominating
2818 committee. No board member shall participate on the nominating
2819 committee during the year in which that member's term expires.



2820 The nominating committee shall solicit nominees for membership to
2821 the board by mailing a notice to each registered professional
2822 geologist shown on the roster maintained by the board and residing
2823 in the state. Within thirty (30) days following mailing of the
2824 notices, any registered professional geologist meeting the
2825 qualifications under subsection (2) of this section may place or
2826 have placed his or her name in nomination. The nominating
2827 committee shall compile a list of the nominees and submit that
2828 list to the registered professional geologists on the roster.
2829 Each geologist shall have one (1) vote and shall submit that vote
2830 in writing within fifteen (15) days following the mailing of the
2831 list of nominees. The nominating committee shall calculate the
2832 results and recommend to the Governor the three (3) nominees from
2833 the sector and congressional districts in which the vacancy occurs
2834 receiving the largest number of votes.

2835 (b) The Task Force/Advisory Committee on Geologic
2836 Registration shall recommend fifteen (15) nominees to the Governor
2837 for appointment to the initial board.

2838 **STATE BOARD OF MASSAGE THERAPY**

2839 **SECTION 44.** Section 73-67-9, Mississippi Code of 1972, is
2840 amended as follows:

2841 73-67-9. (1) There is created the State Board of Massage
2842 Therapy.

2843 (2) The board shall consist of five (5) members appointed by
2844 the Governor, with the advice and consent of the Senate, as
2845 follows: At least three (3) members shall be appointed from a
2846 list submitted by state representatives of one or more nationally
2847 recognized professional massage therapy association(s), one (1) to
2848 be appointed from each Mississippi Supreme Court district and all
2849 of whom must be residents of Mississippi and must have engaged in
2850 the practice of massage therapy within the state for at least
2851 three (3) years; one (1) member shall be a licensed health
2852 professional in a health field other than massage therapy; and one



2853 (1) member shall be a consumer at large who is not associated with
2854 or financially interested in the practice or business of massage
2855 therapy. The initial members of the board shall be appointed for
2856 staggered terms, as follows: one (1) member shall be appointed
2857 for a term that ends on June 30, 2002; one (1) member shall be
2858 appointed for a term that ends on June 30, 2003; one (1) member
2859 shall be appointed for a term that ends on June 30, 2004; and two
2860 (2) members shall be appointed for terms that end on June 30,
2861 2005, to be designated at the time of appointment. Appointments
2862 shall be made within ninety (90) days from the effective date of
2863 this chapter.

2864 (3) All subsequent appointments to the board shall be
2865 appointed by the Governor for terms of four (4) years from the
2866 expiration date of the previous term. No person shall be
2867 appointed for more than two (2) consecutive terms. By approval of
2868 the majority of the board, the service of a member may be extended
2869 at the completion of a four-year term until a new member is
2870 appointed or the current member is reappointed. The board shall
2871 elect one (1) of the appointed massage therapists as the chairman
2872 of the board.

2873 (4) A majority of the board may elect an executive secretary
2874 and other such individuals, including an attorney, as may be
2875 necessary to implement the provisions of this chapter. The board
2876 may hold additional meetings at such times and places as it deems
2877 necessary. A majority of the board shall constitute a quorum and
2878 a majority of the board shall be required to grant or revoke a
2879 certificate of registration.

2880 **SECTION 45.** This act shall take effect and be in force from
2881 and after July 1, 2003.

