

By: Senator(s) Dawkins

To: Fees, Salaries and Administration

SENATE BILL NO. 2477

1 AN ACT TO PROVIDE THAT FROM AND AFTER JULY 1, 2003,
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 37-101-3, 37-155-7, 39-3-101, 39-5-3, 39-11-1, 41-3-1, 41-4-3,
7 43-13-107, 43-13-409, 43-55-5, 47-5-541, 47-7-5, 49-2-5, 49-4-4,
8 49-19-1, 57-10-167, 63-17-57, 69-7-253, 69-9-3, 69-15-2, 73-1-5,
9 73-4-7, 73-6-3, 73-15-9, 73-19-7, 73-30-5, 73-31-5, 73-33-3,
10 73-34-7, 73-53-8, 73-60-5, 73-63-9 AND 73-67-9, MISSISSIPPI CODE
11 OF 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

13 **PEER COMMITTEE**

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

16 5-3-55. The committee shall be composed of five (5) members
17 from the Senate and five (5) members from the House of
18 Representatives, one (1) from each of the congressional districts
19 of the State of Mississippi, to be appointed by the Lieutenant
20 Governor and the Speaker of the House of Representatives for a
21 term concurrent with their term in their respective house.
22 Beginning with the 2004 Regular Session, the committee shall be
23 composed of five (5) members from the Senate and five (5) members
24 from the House of Representatives, one (1) from each of the four
25 (4) Mississippi congressional districts as they currently exist,
26 and one (1) from the state at large, to be appointed by the
27 Lieutenant Governor and the Speaker of the House for a term
28 concurrent with their term in their respective house. * * * The
29 Lieutenant Governor and Speaker shall make their appointments
30 within fifteen (15) days after the first calendar day of the
31 regular session in the first year of such four-year term. No



32 member of the committee shall serve as a member of the Legislative
33 Budget Committee * * *. The term of each member shall be
34 concurrent with his term of office.

35 * * *

36 **MISSISSIPPI DEPARTMENT OF TECHNOLOGY SERVICES**

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

39 25-53-7. (1) The membership of the authority shall be
40 composed of five (5) members to be appointed by the governor with
41 the advice and consent of the Senate. The initial terms of the
42 members shall be for one (1), two (2), three (3), four (4) and
43 five (5) years, respectively, and thereafter all terms shall be
44 for five (5) years. The initial appointments to the reconstituted
45 authority shall be made no later than June 30, 1984, for terms to
46 begin on July 1, 1984. The members of the authority as
47 constituted on July 1, 2003, whose terms have not expired shall
48 serve the balance of their terms, after which time the membership
49 of the authority shall be appointed as follows: There shall be
50 appointed one (1) member of the authority from each of the four
51 (4) Mississippi congressional districts as they currently exist,
52 and one (1) from the state at large, and the Governor shall make
53 appointments from the congressional district having the smallest
54 number of authority members until the membership includes one (1)
55 member from each district as required. Vacancies shall be filled
56 in the same manner as original appointments for the unexpired
57 portion of the term vacated. Each member of the authority shall
58 have a minimum of four (4) years' experience in an information
59 technology-related executive position or prior service as a member
60 of the authority.

61 (2) Each member of the authority shall be required to
62 furnish a surety bond in the minimum amount of Fifty Thousand
63 Dollars (\$50,000.00) to be approved by the Secretary of State,
64 conditioned according to law and payable to the State of



65 Mississippi, before entering upon his duties. The premiums on
66 such bonds shall be paid from any funds available to the authority
67 for such purpose.

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

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

93 **STATE BOARD OF CONTRACTORS**

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

96 31-3-3. There is hereby created the State Board of
97 Contractors of the State of Mississippi, which shall consist of



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

113 Upon the expiration of the term of office of any member of
114 the board, the Governor shall appoint a new member for a term of
115 five (5) years, such new appointments being made so as to maintain
116 on the board two (2) building contractors; two (2) road
117 contractors; two (2) residential builders; one (1) plumbing or
118 heating and air conditioning contractor; one (1) electrical
119 contractor; and one (1) water and sewer contractor; and one (1)
120 roofing contractor. The members of the board as constituted on
121 July 1, 2003, whose terms have not expired shall serve the balance
122 of their terms, after which time the membership of the board shall
123 be appointed as follows: There shall be appointed not more than
124 three (3) members of the board from each of the four (4)
125 Mississippi congressional districts as they currently exist, and
126 the Governor shall make appointments from the congressional
127 district having the smallest number of board members until the
128 membership includes not less than two (2) members from each
129 district as required. The Governor shall fill any vacancy by
130 appointment, such appointee to serve the balance of the term of



131 the original appointee. The Governor may remove any member of the
132 board for misconduct, incompetency or willful neglect of duty.

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

138 VETERANS AFFAIRS BOARD

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

141 35-1-1. (1) (a) There is hereby created a State Veterans
142 Affairs Board, to consist of seven (7) members, to be appointed by
143 the Governor, one (1) from each congressional district as they
144 existed on January 1, 1952, of the State of Mississippi. One (1)
145 shall be appointed for one (1) year, another for two (2) years,
146 another for three (3) years, another for four (4) years, another
147 for five (5) years, another for six (6) years, and another for
148 seven (7) years, thus staggered. At the end of such term for each
149 of said seven (7) members, a successor shall be appointed for a
150 term of seven (7) years, thus providing for seven (7) members, one
151 (1) of whom shall be appointed each year. In the event of death,
152 resignation or removal of a member of the board, such person
153 appointed to fill the vacancy shall be a legal resident of the
154 congressional district in which the vacancy shall occur, and shall
155 serve for the remainder of the term to which such member was
156 appointed. Members of the board shall be veterans of any war or
157 police action in which the Armed Forces of the United States have
158 been, are, or shall be committed for action, who have been
159 honorably discharged or honorably released.

160 (b) From and after May 14, 1992, terms of all members
161 then serving on the State Veterans Affairs Board shall terminate,
162 and the board shall be reconstituted as follows: The board shall
163 consist of seven (7) members. All members shall be appointed by



164 the Governor, with the advice and consent of the Senate. One (1)
165 member shall be appointed from each congressional district as such
166 districts existed on March 1, 1992, and two (2) members shall be
167 appointed from the state at large. Of the initial congressional
168 district appointees to the board, one (1) shall serve for a term
169 of one (1) year, one (1) for a term of two (2) years, one (1) for
170 a term of three (3) years, one (1) for a term of four (4) years
171 and one (1) for a term of five (5) years. Of the initial at-large
172 appointees, one (1) (who shall be that person appointed in January
173 1992 from the First Congressional District under the provisions of
174 paragraph (a) of this subsection) shall serve for a term of three
175 (3) years and one (1) (who shall be that person appointed in
176 January 1992 from the Seventh Congressional District under the
177 provisions of paragraph (a) of this subsection) shall serve for a
178 term of five (5) years. All appointees after the initial
179 appointees shall serve for terms of five (5) years each. In the
180 event of death, resignation or removal of a member of the board,
181 the vacancy shall be filled by appointment of the Governor, with
182 the advice and consent of the Senate, from the congressional
183 district in which the vacancy occurs, for the length of the
184 unexpired term only. Members of the board shall be honorably
185 discharged or released veterans of any war or police action in
186 which the Armed Forces of the United States have been, are, or
187 shall be committed for action. No state/department commander of
188 any federally recognized veterans organization, no national
189 officer of any federally recognized veterans organization and no
190 member of the Mississippi Council of Veterans Organizations shall
191 be eligible for appointment to the board until the expiration of a
192 period of three (3) years after the termination of their service
193 in such disqualifying positions. The members of the board as
194 constituted on July 1, 2003, whose terms have not expired shall
195 serve the balance of their terms, after which time the membership
196 of the board shall be appointed as follows: There shall be



197 appointed one (1) member of the board from each of the four (4)
198 Mississippi congressional districts as they currently exist, and
199 three (3) from the state at large, and the Governor shall make
200 appointments from the congressional district having the smallest
201 number of board members until the membership includes at least one
202 (1) member from each congressional district as required.

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

208 **WAR VETERANS MEMORIAL COMMISSION**

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

211 35-3-24. There is hereby created a War Veterans Memorial
212 Commission, which is hereby charged with the duty of carrying out
213 the provisions as hereinafter set forth, and it shall be referred
214 to in the succeeding sections hereof as the "commission." The
215 commission shall consist of seven (7) commissioners, one (1)
216 member each from the American Legion, the Veterans of Foreign
217 Wars, Disabled American Veterans, American Ex-Prisoners of War,
218 Veterans of World War I, Sons of Confederate Veterans, and the
219 Mississippi National Guard. The commissioners shall be appointed
220 by the Governor on the recommendation of the state executive
221 governing body of each respective organization entitled to a
222 member of the commission. The initial terms of the members shall
223 be as follows, to be designated by the Governor at the time of
224 appointment: (a) two (2) members shall be appointed for terms of
225 two (2) years each; (b) two (2) members for terms of four (4)
226 years each; (c) two (2) members for terms of six (6) years each;
227 and (d) the member from the American Ex-Prisoners of War for a
228 term of four (4) years. Thereafter, each term shall be for six
229 (6) years or until a successor in office has been appointed and



230 qualified. The members of the commission as constituted on July
231 1, 2003, whose terms have not expired shall serve the balance of
232 their terms, after which time the membership of the commission
233 shall be appointed as follows: There shall be appointed one (1)
234 member of the commission from each of the four (4) Mississippi
235 congressional districts as they currently exist, and three (3)
236 from the state at large, and the Governor shall make appointments
237 from the congressional district having the smallest number of
238 commission members until the membership includes at least one (1)
239 member from each congressional district as required; and the
240 appropriate organization/association shall submit nominations to
241 the Governor from the proper congressional district as required.
242 In the event of any vacancy on the commission, the Governor shall,
243 within thirty (30) days, designate a successor in the same manner
244 as the original appointment was made. No member of either branch
245 of the Legislature nor any state officer or employee shall serve
246 on the commission.

247 **VETERANS HOME PURCHASE BOARD**

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

250 35-7-7. The administration of the provisions hereof is
251 vested in a Veterans' Home Purchase Board consisting of six (6)
252 members who shall be appointed, or reappointed, by the Governor,
253 with the advice and consent of the Senate. Members appointed to
254 the board shall be veterans of either World War II, the Korean
255 Conflict, the Southeast Asia Conflict, the Persian Gulf Conflict
256 or have served in active duty for at least one hundred eighty
257 (180) days during a time of war or a conflict in which a campaign
258 ribbon or medal was issued and shall possess a background in
259 business, banking, real estate or the legal profession which
260 enables them to carry out the duties of the board. Appointments
261 shall be staggered, with each Governor appointing or reappointing
262 two (2) members in the first year of his administration; one (1)



263 member in the second year, two (2) members in the third year, and
264 one (1) member in the fourth year. Appointments for terms that
265 expire in 1988 shall be made as follows: one (1) shall be made
266 for a term ending on July 1, 1989; one (1) shall be made for a
267 term ending on July 1, 1991; and two (2) shall be made for a term
268 ending on July 1, 1992. Persons appointed to succeed the two (2)
269 members whose terms expired in 1986, or any such member holding
270 over after 1986 because no successor was appointed, shall serve
271 until July 1, 1990. After the expiration of the foregoing terms,
272 all appointments shall be for a term of four (4) years from the
273 expiration date of the previous term. From and after July 1,
274 1988, one (1) appointee shall be selected from each of the five
275 (5) congressional districts of this state as such districts are
276 composed on May 1, 1987, and one (1) appointee shall be selected
277 from the state at large. The members of the board as constituted
278 on July 1, 2003, whose terms have not expired shall serve the
279 balance of their terms, after which time the membership of the
280 board shall be appointed as follows: There shall be appointed one
281 (1) member of the board from each of the four (4) Mississippi
282 congressional districts as they currently exist, and two (2) from
283 the state at large, and the Governor shall make appointments from
284 the congressional district having the smallest number of board
285 members until the membership includes at least one (1) from each
286 congressional district as required. Any vacancy occurring during
287 a term shall be filled by appointment of a member for the
288 unexpired portion of the term.

289 The board is hereby authorized and empowered to make and
290 promulgate such reasonable rules and regulations under this
291 chapter as it shall deem to be necessary or advisable and to
292 enforce the same. The board shall have authority to render final
293 decision on the purchase application process, approval of
294 purchases, funding of purchase commitments, servicing loans and
295 default, property security, management, resale, release from



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

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

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

324 The board may designate one (1) of its employees as the
325 acting director or executive officer by a vote of the majority of
326 the members of the board, officially recorded in the minutes of a
327 regular or special meeting, and such acting director shall be
328 vested with all the authority conferred upon the director by the



329 provisions of this chapter; but such acting director may not serve
330 for a continuous period of time in excess of six (6) months, and
331 the acting director, when so designated, will be required to
332 furnish surety bond in the same amount and under the same
333 conditions as the director. The purpose of this provision is to
334 designate an executive officer during any temporary illness,
335 absence or incapacity of the regularly designated director.

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

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

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

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

348 37-4-3. (1) From and after July 1, 1986, there shall be a
349 State Board for Community and Junior Colleges which shall receive
350 and distribute funds appropriated by the Legislature for the use
351 of the public community and junior colleges and funds from federal
352 and other sources that are transmitted through the state
353 governmental organization for use by said colleges. This board
354 shall provide general coordination of the public community and
355 junior colleges, assemble reports and such other duties as may be
356 prescribed by law.

357 (2) The board shall consist of ten (10) members of which
358 none shall be an elected official and none shall be engaged in the
359 educational profession. The Governor shall appoint two (2)
360 members from the First Mississippi Congressional District, one (1)
361 who shall serve an initial term of two (2) years and one (1) who



362 shall serve an initial term of five (5) years; two (2) members
363 from the Second Mississippi Congressional District, one (1) who
364 shall serve an initial term of five (5) years and one (1) who
365 shall serve an initial term of three (3) years; and two (2)
366 members from the Third Mississippi Congressional District, one (1)
367 who shall serve an initial term of four (4) years and one (1) who
368 shall serve an initial term of two (2) years; two (2) members from
369 the Fourth Mississippi Congressional District, one (1) who shall
370 serve an initial term of three (3) years and one (1) who shall
371 serve an initial term of four (4) years; and two (2) members from
372 the Fifth Mississippi Congressional District, one (1) who shall
373 serve an initial term of five (5) years and one (1) who shall
374 serve an initial term of two (2) years. The members of the board
375 as constituted on July 1, 2003, whose terms have not expired shall
376 serve the balance of their terms, after which time the membership
377 of the board shall be appointed as follows: There shall be
378 appointed two (2) members of the board from each of the four (4)
379 Mississippi congressional districts as they currently exist, and
380 the Governor shall make appointments from the congressional
381 district having the smallest number of board members until the
382 membership includes two (2) from each district as required. All
383 subsequent appointments shall be for a term of six (6) years and
384 continue until their successors are appointed and qualify. An
385 appointment to fill a vacancy which arises for reasons other than
386 by expiration of a term of office shall be for the unexpired term
387 only. No two (2) appointees shall reside in the same junior
388 college district. All members shall be appointed with the advice
389 and consent of the Senate.

390 (3) There shall be a chairman and vice chairman of the
391 board, elected by and from the membership of the board; and the
392 chairman shall be the presiding officer of the board. The board
393 shall adopt rules and regulations governing times and places for
394 meetings and governing the manner of conducting its business.



395 (4) The members of the board shall receive no annual salary,
396 but shall receive per diem compensation as authorized by Section
397 25-3-69, Mississippi Code of 1972, for each day devoted to the
398 discharge of official board duties and shall be entitled to
399 reimbursement for all actual and necessary expenses incurred in
400 the discharge of their duties, including mileage as authorized by
401 Section 25-3-41, Mississippi Code of 1972.

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

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

417 (a) To authorize disbursements of state appropriated
418 funds to community and junior colleges through orders in the
419 minutes of the board.

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

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

424 (d) To require community and junior colleges to supply
425 such information as the board may request and compile, publish and
426 make available such reports based thereon as the board may deem
427 advisable.



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

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

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

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

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

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

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

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

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

459 (n) To approve or disapprove of any proposed inclusion
460 within municipal corporate limits of state-owned buildings and



461 grounds of any community college or junior college and to approve
462 or disapprove of land use development, zoning requirements,
463 building codes and delivery of governmental services applicable to
464 state-owned buildings and grounds of any community college or
465 junior college. Any agreement by a local board of trustees of a
466 community college or junior college to annexation of state-owned
467 property or other conditions described in this paragraph shall be
468 void unless approved by the board and by the board of supervisors
469 of the county in which the state-owned property is located.

470 **MISSISSIPPI EDUCATIONAL TELEVISION AUTHORITY**

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

473 37-63-3. The Authority for Educational Television shall
474 consist of the State Superintendent of Public Education, or his
475 designee, and six (6) members appointed, with the advice and
476 consent of the Senate. The Governor shall appoint four (4)
477 members, one (1) of whom shall be actively engaged as a teacher or
478 principal in a secondary school system in the State of Mississippi
479 and one (1) of whom shall be actively engaged as a teacher or
480 principal in an elementary school system in the State of
481 Mississippi. Beginning July 1, 1994, the appointee actively
482 engaged as a teacher or principal in a secondary school shall be
483 appointed for an initial term of three (3) years. The member
484 actively engaged as a teacher or principal in an elementary school
485 shall be appointed for an initial term of four (4) years. The
486 remaining two (2) gubernatorial appointees shall serve until July
487 1, 1996. Beginning July 1, 1996, the Governor shall appoint two
488 (2) members for initial terms of three (3) and four (4) years,
489 with the Governor specifically designating which member shall be
490 appointed for three (3) years and which shall be appointed for
491 four (4) years. The gubernatorial appointees on the authority as
492 constituted on July 1, 2003, whose terms have not expired shall
493 serve the balance of their terms, after which time these



494 appointments shall be made as follows: The gubernatorial
495 appointees shall be appointed one (1) from each of the four (4)
496 Mississippi congressional districts as they currently exist, and
497 the Governor shall make appointments from the congressional
498 district having the smallest number of authority members until the
499 membership includes one (1) member from each district as required.
500 The State Board for Community and Junior Colleges shall appoint
501 one (1) member, and the Board of Trustees of the State
502 Institutions of Higher Learning shall appoint one (1) member.
503 After the expiration of the initial terms, all members shall serve
504 for terms of four (4) years. An appointment to fill a vacancy
505 among the gubernatorial appointees, other than by expiration of a
506 term of office, shall be made by the Governor for the balance of
507 the unexpired term.

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

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

511 [Until the amendment to Section 213-A in Article 8 of the
512 Mississippi Constitution of 1890, proposed by Senate Concurrent
513 Resolution No. _____, 2003 Regular Session, is ratified by the
514 electorate, Section 37-101-3 shall read as follows:]

515 37-101-3. (1) The Governor, by and with the advice and
516 consent of the Senate, shall appoint the members of the Board of
517 Trustees of State Institutions of Higher Learning, one (1) member
518 from each congressional district of the state as existing as of
519 March 31, 1944, one (1) member from each Supreme Court district
520 and two (2) members from the state at large, with the terms of
521 each to begin on May 8, 1944. One-third (1/3) of the membership
522 of said board so appointed shall be appointed for a period of four
523 (4) years, one-third (1/3) for a period of eight (8) years and
524 one-third (1/3) for a period of twelve (12) years. On the
525 expiration of any of said terms of office the Governor shall



526 appoint successors, by and with the advice and consent of the
527 Senate, for terms of twelve (12) years in each case.

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

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



558 [From and after the date the amendment to Section 213-A in
559 Article 8 of the Mississippi Constitution of 1890, proposed by
560 Senate Concurrent Resolution No. , 2003 Regular Session, is
561 ratified by the electorate, Section 37-101-3 shall read as
562 follows:]

563 37-101-3. (1) The Governor, by and with the advice and
564 consent of the Senate, shall appoint the members of the Board of
565 Trustees of State Institutions of Higher Learning, one (1) member
566 from each congressional district of the state as existing as of
567 March 31, 1944, one (1) member from each Supreme Court district
568 and two (2) members from the state at large, with the terms of
569 each to begin on May 8, 1944. One-third (1/3) of the membership
570 of said board so appointed shall be appointed for a period of four
571 (4) years, one-third (1/3) for a period of eight (8) years and
572 one-third (1/3) for a period of twelve (12) years. On the
573 expiration of any of said terms of office the Governor shall
574 appoint successors, by and with the advice and consent of the
575 Senate, for terms of twelve (12) years in each case. The board of
576 trustees shall be composed of twelve (12) members. The members of
577 the board of trustees as constituted on January 1, 2004, shall
578 continue to serve until expiration of their respective terms of
579 office. Appointments made to fill vacancies created by expiration
580 of members' terms of office occurring after January 1, 2004, shall
581 be as follows: The initial term of the members appointed in 2004
582 shall be for eleven (11) years; the initial term of the members
583 appointed in 2008 shall be for ten (10) years; and the initial
584 term of the members appointed in 2012 shall be for nine (9) years.
585 After the expiration of the initial terms, all terms shall be for
586 nine (9) years. Four (4) members of the board of trustees shall
587 be appointed from each of the three (3) Mississippi Supreme Court
588 districts and, as such vacancies occur, the Governor shall make
589 appointments from the Supreme Court district having the smallest



590 number of board members until the membership includes four (4)
591 members from each district.

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

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

622 **PREPAID AFFORDABLE COLLEGE TUITION BOARD**



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

625 37-155-7. (1) The board of directors shall consist of
626 thirteen (13) members as follows:

627 (a) Nine (9) voting members as follows: the State
628 Treasurer; the Commissioner of Higher Education; the Executive
629 Director of the Community and Junior College Board; Department of
630 Finance and Administration Executive Director; and one (1) member
631 from each congressional district to be appointed by the Governor
632 with the advice and consent of the Senate. One (1) member shall
633 be appointed for an initial term of one (1) year; one (1) member
634 shall be appointed for an initial term of two (2) years; one (1)
635 member for an initial term of three (3) years; one (1) member for
636 an initial term of four (4) years; and one (1) member for an
637 initial term of five (5) years. On the expiration of any of the
638 terms of office, the Governor shall appoint successors by and with
639 the advice and consent of the Senate for terms of five (5) years
640 in each case. The gubernatorial appointments of the board as
641 constituted on July 1, 2003, whose terms have not expired shall
642 serve the balance of their terms, after which time the
643 gubernatorial appointments shall be made as follows: There shall
644 be appointed one (1) member of the board from each of the four (4)
645 Mississippi congressional districts as they currently exist, and
646 one (1) from the state at large, and the Governor shall make
647 appointments from the congressional district having the smallest
648 number of board members until the membership includes at least one
649 (1) member from each congressional district as required.

650 (b) Two (2) nonvoting, advisory members of the board
651 shall be appointed by each of the following officers: the
652 Lieutenant Governor and the Speaker of the House of
653 Representatives. Successors to the appointed members shall serve
654 for the length of the term for each appointing official and shall
655 be eligible for reappointment, and shall serve until a successor



656 is appointed. Any person appointed to fill a vacancy on the board
657 shall be appointed in a like manner and shall serve for only the
658 unexpired term.

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

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

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

672 **MISSISSIPPI LIBRARY COMMISSION**

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

675 39-3-101. There is hereby created a board of commissioners
676 of the Mississippi Library Commission to be composed of five (5)
677 members appointed by the Governor with overlapping terms, the
678 members of the first board to be appointed one (1) for one (1)
679 year, one (1) for two (2) years, one (1) for three (3) years, one
680 (1) for four (4) years, one (1) for five (5) years, and their
681 successors each to be appointed for five-year terms, each member
682 to serve until his successor is appointed. Two (2) members shall
683 be appointed by the Governor from the state at large. Two (2)
684 members shall be appointed by the Governor from a list of not less
685 than six (6) names submitted by the Mississippi Library
686 Association, one (1) of whom shall be a librarian who is a
687 graduate of a library school accredited by the American Library
688 Association and actively engaged in full-time library work at the



689 time of the appointment and one (1) of whom shall be, at time of
690 the appointment, a member of a legally organized board of trustees
691 of a Mississippi free public library; and one (1) member shall be
692 the President of the Mississippi Federation of Women's Clubs, or a
693 member of said federation recommended by her; and which federation
694 member shall, when appointed, serve a full term as herein provided
695 for members to serve under a staggered term basis, and the
696 successor to the federation member shall be the president of the
697 federation then serving, or a member of the federation recommended
698 by her, when the term of the federation member shall expire; and
699 after the appointment of a federation member to the board, and
700 when her term as a member thereof shall expire, each succeeding
701 member of the federation who becomes a member of the board shall
702 serve a full term under the provisions of this article. The
703 members of the commission as constituted on July 1, 2003, whose
704 terms have not expired shall serve the balance of their terms,
705 after which time the membership of the board shall be appointed as
706 follows: There shall be appointed one (1) member of the
707 commission from each of the four (4) Mississippi congressional
708 districts as they currently exist, and the federation member shall
709 be considered an appointment from the state at large. The
710 Governor shall make appointments from the congressional district
711 having the smallest number of board members until the membership
712 includes one (1) member from each congressional district as
713 required, and the recommendations from the Mississippi Library
714 Association shall be made from the appropriate congressional
715 district. Vacancies created by resignation shall be filled by
716 appointment for the unexpired term.

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

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

720 39-5-3. The Department of Archives and History shall be
721 under the control of a board of nine (9) trustees. The board



722 shall have the power and authority to fill all vacancies occurring
723 therein, whether by expiration of term of service or by death or
724 resignation, but the names of all newly elected members shall be
725 communicated to the next ensuing session of the State Senate for
726 confirmation * * *. The members of the board of trustees as
727 constituted on July 1, 2003, whose terms have not expired shall
728 serve the balance of their terms, after which time the membership
729 of the board of trustees shall be appointed as follows: The
730 Governor shall appoint two (2) members of the board of trustees
731 from each of the four (4) Mississippi congressional districts as
732 they currently exist, and one (1) from the state at large, with
733 the advice and consent of the Senate, with the congressional
734 districts to be designated at the time of appointment, and the
735 Governor shall make appointments from the congressional district
736 having the smallest number of board members until the membership
737 includes two (2) members from each congressional district as
738 required. All trustees chosen to succeed the present members or
739 their successors shall serve for a term of six (6) years;
740 provided, however, that trustees appointed after July 1, 2003,
741 shall serve for a term of four (4) years. The board of trustees
742 shall hold at the State Capitol at least one (1) regular meeting
743 during the year, and as many special meetings as may be necessary,
744 and at said meetings five (5) members shall constitute a quorum.
745 The Director of the Department of Archives and History,
746 hereinafter provided, shall be secretary of the board. The
747 trustees shall receive no compensation for their services other
748 than the amount of their necessary expenses actually paid out
749 while in attendance on the meetings of the board or the business
750 of the department. The board is empowered to adopt rules for its
751 own government and for the government of the department, to elect
752 and fix the compensation of a director not to exceed the maximum
753 set by the Legislature, and other officials or employees, and to



754 do and perform such other acts and things as may be necessary to
755 carry out the true intent and purposes of this chapter.

756 **MISSISSIPPI COMMISSION ON THE ARTS**

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

759 39-11-1. There is hereby created and established a state
760 commission to be known as the Mississippi Arts Commission, to
761 consist of fifteen (15) members broadly representative of all
762 fields of the performing, visual, literary arts and the business
763 community, and who are to be appointed by the Governor from among
764 citizens of the state who have demonstrated a vital interest in
765 the performing, visual or literary arts. These members shall also
766 be representative of the different geographical areas of the
767 state. The members of the commission as constituted on July 1,
768 2003, whose terms have not expired shall serve the balance of
769 their terms, after which time the membership of the board shall be
770 appointed as follows: No more than four (4) members of the
771 commission shall be appointed from each of the four (4)
772 Mississippi congressional districts as they currently exist, and
773 the Governor shall make appointments from the congressional
774 district having the smallest number of commission members until
775 the membership includes at least three (3) members from each
776 district as required.

777 **STATE BOARD OF HEALTH**

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

780 41-3-1. (1) The present members of the State Board of
781 Health shall continue to serve until July 1, 1980, whereupon the
782 board shall be reconstituted as follows:

783 There is hereby created the State Board of Health which shall
784 consist of thirteen (13) members, appointed by the Governor with
785 the advice and consent of the Senate, as hereinafter set forth:
786 two (2) of whom shall be from each congressional district as



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

793 (2) The original appointments of the reconstituted board
794 shall be made no later than June 30, 1980, for terms to begin on
795 July 1, 1980. The Governor shall designate the initial terms of
796 the members of the board as follows: Four (4) members shall be
797 appointed for a term which expires July 1, 1982; four (4) members
798 shall be appointed for a term which expires July 1, 1984; and five
799 (5) members shall be appointed for a term which expires July 1,
800 1986. Thereafter, all succeeding appointments shall be for terms
801 of six (6) years from the expiration of the previous term. The
802 members of the board as constituted on July 1, 2003, whose terms
803 have not expired shall serve the balance of their terms, after
804 which time the membership of the board shall be appointed as
805 follows: There shall be appointed three (3) members of the State
806 Board of Health from each of the four (4) Mississippi
807 congressional districts as they currently exist, and one (1) from
808 the state at large, and the Governor shall make appointments from
809 the congressional district having the smallest number of board
810 members until the membership includes three (3) members from each
811 district as required. Vacancies in office shall be filled by
812 appointment of the Governor in the same manner as the appointment
813 to the position which becomes vacant, subject to the advice and
814 consent of the Senate at the next regular session of the
815 Legislature. An appointment to fill a vacancy other than by
816 expiration of a term of office shall be for the balance of the
817 unexpired term.

818

STATE BOARD OF MENTAL HEALTH



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

821 41-4-3. (1) There is hereby created a State Board of Mental
822 Health, herein referred to as "board," consisting of nine (9)
823 members, to be appointed by the Governor, with the advice and
824 consent of the Senate, each of whom shall be a qualified elector.
825 One (1) member shall be appointed from each congressional district
826 as presently constituted; and four (4) members shall be appointed
827 from the state at large, one (1) of whom shall be a licensed
828 medical doctor who is a psychiatrist, one (1) of whom shall hold a
829 Ph.D. degree and be a licensed clinical psychologist, one (1) of
830 whom shall be a licensed medical doctor, and one (1) of whom shall
831 be a social worker with experience in the mental health field.

832 * * *

833 Each member of the initial board shall serve for a term of
834 years represented by the number of his congressional district; two
835 (2) state-at-large members shall serve for a term of six (6)
836 years; two (2) state-at-large members shall serve for a term of
837 seven (7) years; subsequent appointments shall be for seven-year
838 terms and the Governor shall fill any vacancy for the unexpired
839 term. The members of the board as constituted on July 1, 2003,
840 whose terms have not expired shall serve the balance of their
841 terms, after which time the membership of the board shall be
842 appointed as follows: There shall be appointed two (2) members of
843 the board from each of the four (4) Mississippi congressional
844 districts as they currently exist, and one (1) from the state at
845 large, to be designated at the time of appointment, and the
846 Governor shall make appointments from the congressional district
847 having the smallest number of board members until the membership
848 includes two (2) members from each congressional district as
849 required.

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



852 (2) Each board member shall be entitled to a per diem as is
853 authorized by law and all actual and necessary expenses, including
854 mileage as provided by law, incurred in the discharge of official
855 duties.

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

860 **MEDICAID MEDICAL CARE ADVISORY COMMITTEE**

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

863 43-13-107. (1) The Division of Medicaid is created in the
864 Office of the Governor and established to administer this article
865 and perform such other duties as are prescribed by law.

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

881 (b) The executive director, with the approval of the
882 Governor and subject to the rules and regulations of the State
883 Personnel Board, shall employ such professional, administrative,
884 stenographic, secretarial, clerical and technical assistance as



885 may be necessary to perform the duties required in administering
886 this article and fix the compensation therefor, all in accordance
887 with a state merit system meeting federal requirements when the
888 salary of the executive director is not set by law, that salary
889 shall be set by the State Personnel Board. No employees of the
890 Division of Medicaid shall be considered to be staff members of
891 the immediate Office of the Governor; however, the provisions of
892 Section 25-9-107(c) (xv) shall apply to the executive director and
893 other administrative heads of the division.

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

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

900 (i) The Governor shall appoint five (5) members,
901 one (1) from each congressional district as * * * constituted on
902 July 1, 2003, and one (1) from the state at large;

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

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

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

912 (c) The respective chairmen of the House Public Health
913 and Welfare Committee, the House Appropriations Committee, the
914 Senate Public Health and Welfare Committee and the Senate
915 Appropriations Committee, or their designees, one (1) member of
916 the State Senate appointed by the Lieutenant Governor and one (1)
917 member of the House of Representatives appointed by the Speaker of



918 the House, shall serve as ex officio nonvoting members of the
919 advisory committee.

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

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

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

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

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



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

952 (i) Advise the division with respect to
953 amendments, modifications and changes to the state plan for the
954 operation of the Medicaid program;

955 (ii) Advise the division with respect to issues
956 concerning receipt and disbursement of funds and eligibility for
957 Medicaid;

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

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

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

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

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

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

981 (ii) Review and initiate ongoing interventions for
982 physicians and pharmacists, targeted toward therapy problems or



983 individuals identified in the course of retrospective drug use
984 reviews.

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

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

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

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

1004 (5) (a) There is established a Pharmacy and Therapeutics
1005 Committee, which shall be appointed by the Governor, or his
1006 designee.

1007 (b) The committee shall meet at least quarterly, and
1008 committee members shall be furnished written notice of the
1009 meetings at least ten (10) days before the date of the meeting.

1010 (c) The committee meetings shall be open to the public,
1011 members of the press, legislators and consumers. Additionally,
1012 all documents provided to committee members shall be available to
1013 members of the Legislature in the same manner, and shall be made
1014 available to others for a reasonable fee for copying. However,
1015 patient confidentiality and provider confidentiality shall be



1016 protected by blinding patient names and provider names with
1017 numerical or other anonymous identifiers. The committee meetings
1018 shall be subject to the Open Meetings Act (Section 25-41-1 et
1019 seq.). Committee meetings conducted in violation of this section
1020 shall be deemed unlawful.

1021 (d) After a thirty-day public notice, the executive
1022 director or his or her designee shall present the division's
1023 recommendation regarding prior approval for a therapeutic class of
1024 drugs to the committee.

1025 (e) Upon reviewing the information and recommendations,
1026 the committee shall forward a written recommendation approved by a
1027 majority of the committee to the executive director or his or her
1028 designee. The decisions of the committee regarding any
1029 limitations to be imposed on any drug or its use for a specified
1030 indication shall be based on sound clinical evidence found in
1031 labeling, drug compendia, and peer reviewed clinical literature
1032 pertaining to use of the drug in the relevant population.

1033 (f) Upon reviewing and considering all recommendations
1034 including recommendation of the committee, comments, and data, the
1035 executive director shall make a final determination whether to
1036 require prior approval of a therapeutic class of drugs, or modify
1037 existing prior approval requirements for a therapeutic class of
1038 drugs.

1039 (g) At least thirty (30) days before the executive
1040 director implements new or amended prior authorization decisions,
1041 written notice of the executive director's decision shall be
1042 provided to all prescribing Medicaid providers, all Medicaid
1043 enrolled pharmacies, and any other party who has requested the
1044 notification. However, notice given under Section 25-43-7(1) will
1045 substitute for and meet the requirement for notice under this
1046 subsection.

1047 (6) This section shall stand repealed on July 1, 2004.

1048 **HEALTH CARE TRUST FUND AND EXPENDABLE FUND BOARD**



1049 **SECTION 17.** Section 43-13-409, Mississippi Code of 1972, is
1050 amended as follows:

1051 43-13-409. (1) There is established a board of directors to
1052 invest the funds in the Health Care Trust Fund and the Health Care
1053 Expendable Fund. The board of directors shall consist of thirteen
1054 (13) members as follows:

1055 (a) Seven (7) voting members as follows: the State
1056 Treasurer, or his designee, the Attorney General, or his designee,
1057 and one (1) member from each congressional district to be
1058 appointed by the Governor with the advice and consent of the
1059 Senate. Of the members appointed by the Governor, one (1) member
1060 shall be appointed for an initial term that expires on March 1,
1061 2000; one (1) member shall be appointed for an initial term that
1062 expires on March 1, 2001; one (1) member shall be appointed for an
1063 initial term that expires on March 1, 2002; one (1) member shall
1064 be appointed for an initial term that expires on March 1, 2003;
1065 and one (1) member shall be appointed for an initial term that
1066 expires on March 1, 2004. Upon the expiration of any of the
1067 initial terms of office, the Governor shall appoint successors by
1068 and with the advice and consent of the Senate for terms of five
1069 (5) years from the expiration date of the previous term. Any
1070 member appointed by the Governor shall be eligible for
1071 reappointment. Each member appointed by the Governor shall
1072 possess knowledge, skill and experience in business or financial
1073 matters commensurate with the duties and responsibilities of the
1074 board of directors in administering the Health Care Trust Fund and
1075 the Health Care Expendable Fund. The members appointed by the
1076 Governor as constituted on July 1, 2003, whose terms have not
1077 expired shall serve the balance of their terms, after which time
1078 the gubernatorial appointments shall be made as follows: There
1079 shall be appointed one (1) member of the board from each of the
1080 four (4) Mississippi congressional districts as they currently
1081 exist, and one (1) from the state at large, and the Governor shall



1082 make appointments from the congressional district having the
1083 smallest number of board members until the membership includes one
1084 (1) member from each district as required.

1085 (b) Two (2) nonvoting, advisory members of the Senate
1086 shall be appointed by the Lieutenant Governor, and one (1)
1087 nonvoting, advisory representative of the health care community
1088 shall be appointed by the Lieutenant Governor, who shall serve for
1089 the length of the term of the appointing official and shall be
1090 eligible for reappointment.

1091 (c) Two (2) nonvoting, advisory members of the House of
1092 Representatives shall be appointed by the Speaker of the House,
1093 and one (1) nonvoting, advisory representative of the health care
1094 community shall be appointed by the Speaker of the House, who
1095 shall serve for the length of the term of the appointing official
1096 and shall be eligible for reappointment.

1097 (d) Any person appointed to fill a vacancy on the board
1098 of directors shall be appointed in the same manner as for a
1099 regular appointment and shall serve for the remainder of the
1100 unexpired term only.

1101 (2) Nonlegislative members of the board of directors shall
1102 serve without compensation, but shall be reimbursed for each day's
1103 official duties of the board at the same per diem as established
1104 by Section 25-3-69, and actual travel and lodging expenses as
1105 established by Section 25-3-41. Legislative members of the board
1106 of directors shall receive the same per diem and expense
1107 reimbursement as for attending committee meetings when the
1108 Legislature is not in regular session.

1109 (3) The State Treasurer shall be the chairman of the board
1110 of directors. The board of directors shall annually elect one (1)
1111 member to serve as vice chairman of the board. The vice chairman
1112 shall act as chairman in the absence of or upon the disability of
1113 the chairman or if there is a vacancy in the office of chairman.



1114 (4) All expenses of the board of directors in carrying out
1115 its duties and responsibilities under this article, including the
1116 payment of per diem and expenses of the nonlegislative members of
1117 the board, shall be paid from funds appropriated to the State
1118 Treasurer's office for that purpose.

1119 (5) The board of directors shall invest the funds in the
1120 Health Care Trust Fund and the Health Care Expendable Fund in any
1121 of the investments authorized for the Mississippi Prepaid
1122 Affordable College Tuition Program under Section 37-155-9, and
1123 those investments shall be subject to the limitations prescribed
1124 by Section 37-155-9.

1125 (6) In furtherance of the powers granted under subsection
1126 (5) of this section, the board of directors shall have such powers
1127 as necessary or convenient to carry out the purposes and
1128 provisions of this article, including, but not limited to, the
1129 following express powers:

1130 (a) To contract for necessary goods and services, to
1131 employ necessary personnel, and to engage the services of
1132 consultants for administrative and technical assistance in
1133 carrying out its duties and responsibilities in administering the
1134 Health Care Trust Fund and the Health Care Expendable Fund;

1135 (b) To administer the Health Care Trust Fund and the
1136 Health Care Expendable Fund in a manner that is sufficiently
1137 actuarially sound to meet the obligations of this article and to
1138 establish a comprehensive investment plan for the purposes of this
1139 article, which shall specify the investment policies to be
1140 utilized by the board of directors in administering the funds;

1141 (c) Subject to the terms, conditions, limitations and
1142 restrictions specified in Section 37-155-9, the board of directors
1143 shall have power to sell, assign, transfer and dispose of any of
1144 the securities and investments of the Health Care Trust Fund and
1145 the Health Care Expendable Fund, provided that any such sale,



1146 assignment or transfer has the majority approval of the entire
1147 board; and

1148 (d) To annually prepare or cause to be prepared a
1149 report setting forth in appropriate detail an accounting of the
1150 Health Care Trust Fund and the Health Care Expendable Fund and a
1151 description of the financial condition of the funds at the close
1152 of each fiscal year, including any recommendations for legislation
1153 regarding the investment authority of the board of directors over
1154 the funds. The report shall be submitted to the Governor and the
1155 Legislative Budget Office on or before September 1 of each fiscal
1156 year.

1157 **MISSISSIPPI COMMISSION FOR VOLUNTEER SERVICE**

1158 **SECTION 18.** Section 43-55-5, Mississippi Code of 1972, is
1159 amended as follows:

1160 43-55-5. (1) Members of the Commission for Volunteer
1161 Service shall be appointed by the Governor. The commission shall
1162 consist of no fewer than fifteen (15) and no more than twenty-five
1163 (25) members.

1164 (2) The commission members shall include as voting members,
1165 except as otherwise indicated, at least one (1) of each of the
1166 following:

1167 (a) An individual with expertise in the educational,
1168 training, and developmental needs of youth, particularly
1169 disadvantaged youth.

1170 (b) An individual with experience in promoting service
1171 and volunteerism among older adults.

1172 (c) A representative of a community-based agency.

1173 (d) The superintendent of the State Department of
1174 Education, or his or her designee.

1175 (e) A representative of local government.

1176 (f) A representative of local labor organizations.

1177 (g) A representative of business.



1178 (h) An individual between the ages of sixteen (16) and
1179 twenty-five (25) who is a participant or supervisor in a program
1180 as defined in Section 101 of Title I, 42 USCS 12511.

1181 (i) A representative of a national service program
1182 described in Section 122(a) of Title I, 42 USCS 12572.

1183 (j) The employee of the corporation designated under
1184 Section 195 of Title I, 42 USCS 12651f, as the representative of
1185 the corporation in this state, as a nonvoting member.

1186 (3) In addition to the members described in subsection (2),
1187 the commission may include as voting members any of the following:

1188 (a) Local educators.

1189 (b) Experts in the delivery of human, educational,
1190 environmental, or public safety services to communities and
1191 persons.

1192 (c) Representative of Native American tribes.

1193 (d) Out-of-school youth or other at-risk youth.

1194 (e) Representatives of entities that receive assistance
1195 under the Domestic Volunteer Service Act of 1973, Public Law
1196 93-113, 87 Stat. 394.

1197 (f) A member of the Board of Trustees of State
1198 Institutions of Higher Learning.

1199 (4) Not more than twenty-five percent (25%) of the voting
1200 commission members shall be officers or employees of this state.
1201 The Governor may appoint additional officers or employees of state
1202 agencies operating community service, youth service, education,
1203 social service, senior service, and job training programs, as
1204 nonvoting, ex officio members of the commission.

1205 (5) The Governor shall ensure, to the maximum extent
1206 possible, that the commission membership is diverse with respect
1207 to race, ethnicity, age, gender, and disability characteristics.

1208 (6) Except as provided in this subsection, members of the
1209 commission shall serve for staggered three-year terms expiring on
1210 October 1. The members constituting the Mississippi Commission



1211 for Volunteer Service under Executive Order No. 1994-742 on March
1212 28, 1996, shall serve on the commission for the remainder of the
1213 terms for which they were appointed. Of the additional members,
1214 the Governor shall appoint one-third (1/3) of the initial members
1215 for a term of one (1) year; one-third (1/3) for a term of two (2)
1216 years; and one-third (1/3) for a term of three (3) years.
1217 Following expiration of these initial terms, all appointments
1218 shall be for three-year renewable terms. The members of the
1219 commission as constituted on July 1, 2003, whose terms have not
1220 expired shall serve the balance of their terms, after which time
1221 the membership of the commission shall be appointed as follows:
1222 To the extent practicable, there shall be appointed one-fourth
1223 (1/4) of the membership of the commission from each of the four
1224 (4) Mississippi congressional districts as they currently exist,
1225 and the Governor shall make appointments from the congressional
1226 district having the smallest number of board members until
1227 one-fourth (1/4) of the membership is from each congressional
1228 district as required. Members of the commission may not serve
1229 more than two (2) consecutive terms.

1230 (7) A vacancy on the commission shall be filled in the same
1231 manner as the original appointments, and any member so appointed
1232 shall serve during the remainder of the term for which the vacancy
1233 occurred. The vacancy shall not affect the power of the remaining
1234 commission members to execute the duties of the commission.

1235 **PRISON INDUSTRY CORPORATION BOARD OF DIRECTORS**

1236 **SECTION 19.** Section 47-5-541, Mississippi Code of 1972, is
1237 amended as follows:

1238 47-5-541. (1) The corporation shall be governed by a board
1239 of directors. The board of directors of the nonprofit corporation
1240 shall be composed of the following eleven (11) members who shall
1241 be appointed by the Governor with the advice and consent of the
1242 Senate: one (1) representative of the manufacturing industry, one
1243 (1) representative of the agriculture industry, one (1)



1244 representative of the banking and finance industry, one (1)
1245 representative of the labor industry, one (1) representative from
1246 the marketing industry and six (6) members from the state at
1247 large. In addition, the State Commissioner of Corrections and the
1248 President of Mississippi Delta Community College shall be ex
1249 officio members of the board of directors with full voting
1250 privileges. In making initial appointments, three (3) members
1251 shall be appointed for a term of two (2) years; four (4) members
1252 shall be appointed for a term of three (3) years; and four (4)
1253 members shall be appointed for a term of four (4) years; to be
1254 designated by the Governor at the time of appointment; and all
1255 succeeding terms shall be for four (4) years from the expiration
1256 date of the previous term. Initial appointments shall be made
1257 within thirty (30) days after passage of Sections 47-5-531 through
1258 47-5-575. Any vacancy shall be filled by the Governor, with the
1259 advice and consent of the Senate. The members of the board as
1260 constituted on July 1, 2003, whose terms have not expired shall
1261 serve the balance of their terms, after which time the membership
1262 of the board of directors shall be appointed as follows: There
1263 shall be appointed two (2) members of the board from each of the
1264 four (4) Mississippi congressional districts as they currently
1265 exist, and three (3) from the state at large, and the Governor
1266 shall make appointments from the congressional district having the
1267 smallest number of board members until the membership includes at
1268 least two (2) members from each congressional district as
1269 required. The officers of the corporation shall consist of a
1270 chairman, vice chairman and a secretary-treasurer. The officers
1271 shall be selected by the members of the board. However, the
1272 Commissioner of Corrections and the President of Mississippi Delta
1273 Community College shall not be eligible to serve as an officer of
1274 the corporation. The superintendent for the Parchman facility of
1275 the Department of Corrections shall attend all meetings of the
1276 board of directors. In addition, the superintendents of the



1277 Rankin County and Greene County facilities of the Department of
1278 Corrections shall attend any meeting of the board of directors
1279 wherein the business relates to their respective facilities.

1280 (2) The board of directors shall select and employ a chief
1281 executive officer of the corporation who shall serve at the
1282 pleasure of the board. The board shall set the compensation of
1283 the chief executive officer. The chief executive officer shall be
1284 responsible for the general business and entire operations of the
1285 corporation, and shall be responsible for operating the
1286 corporation in compliance with the bylaws of the corporation and
1287 in compliance with any provision of law. The board shall be
1288 authorized and empowered to do only those acts provided by law and
1289 by the bylaws of the corporation. Except as otherwise
1290 specifically provided by law, such board shall have the authority
1291 to establish prison industries, to cease the operation of any
1292 industry which it deems unsuitable or unprofitable, to enter into
1293 any lease or contract for the corporation and it shall have the
1294 full authority to establish prices for any industry good.

1295 (3) No member of the board of directors shall vote on any
1296 matter that comes before the board that could result in pecuniary
1297 benefit for himself or for any entity in which such member has an
1298 interest.

1299 (4) In addition to the board of directors, an advisory board
1300 may be set up for the benefit of each industry which is
1301 established pursuant to the provisions of Sections 47-5-531
1302 through 47-5-575. Such boards shall be advisory only, and may be
1303 set up in the discretion of the board of directors of the
1304 corporation.

1305 (5) Each member of the board of directors of the corporation
1306 shall receive per diem as provided in Section 25-3-69 for each day
1307 or fraction thereof spent in actual discharge of his official
1308 duties and shall be reimbursed for mileage and actual expenses
1309 incurred in the performance of his official duties in accordance



1310 with the requirements of Section 25-3-41, Mississippi Code of
1311 1972.

1312 (6) The board of directors shall make and publish policies,
1313 rules and regulations governing all business functions, including
1314 but not limited to accounting, marketing, purchasing and
1315 personnel, not inconsistent with the terms of Sections 47-5-531
1316 through 47-5-575, as may be necessary for the efficient
1317 administration and operation of the corporation.

1318 (7) The chief executive officer of the corporation shall:

1319 (a) Employ all necessary employees of the corporation
1320 and dismiss them as is necessary;

1321 (b) Administer the daily operations of the corporation;

1322 (c) Upon approval of the board of directors, execute
1323 any contracts on behalf of the corporation; and

1324 (d) Take any further actions which are necessary and
1325 proper toward the achievement of the corporation purposes.

1326 (8) A member of the board of directors of the corporation
1327 shall not be liable for any civil damages for any personal injury
1328 or property damage caused to a person as a result of any acts or
1329 omissions committed in good faith in the exercise of their duties
1330 as members of the board of directors of the corporation, except
1331 where a member of the board engages in acts or omissions which are
1332 intentional, willful, wanton, reckless or grossly negligent.

1333 **STATE PAROLE BOARD**

1334 **SECTION 20.** Section 47-7-5, Mississippi Code of 1972, is
1335 amended as follows:

1336 47-7-5. (1) The State Parole Board, created under former
1337 Section 47-7-5, is hereby created, continued and reconstituted and
1338 shall be composed of five (5) members. The Governor shall appoint
1339 the members with the advice and consent of the Senate. All terms
1340 shall be at the will and pleasure of the Governor. The members of
1341 the State Parole Board as constituted on July 1, 2003, whose terms
1342 have not expired shall serve the balance of their terms, after



1343 which time the membership of the board shall be appointed as
1344 follows: There shall be appointed one (1) member of the board
1345 from each of the four (4) Mississippi congressional districts as
1346 they currently exist, and one (1) member from the state at large,
1347 and the Governor shall make appointments from the congressional
1348 district having the smallest number of board members until the
1349 membership includes one (1) member from each congressional
1350 district as required. Any vacancy shall be filled by the
1351 Governor, with the advice and consent of the Senate. The Governor
1352 shall appoint a chairman of the board.

1353 (2) Any person who is appointed to serve on the board shall
1354 possess at least a bachelor's degree or a high school diploma and
1355 four (4) years' work experience. Each member shall devote his
1356 full time to the duties of his office and shall not engage in any
1357 other business or profession or hold any other public office. A
1358 member shall not receive compensation or per diem in addition to
1359 his salary as prohibited under Section 25-3-38. Each member shall
1360 keep such hours and workdays as required of full-time state
1361 employees under Section 25-1-98. Individuals shall be appointed
1362 to serve on the board without reference to their political
1363 affiliations. Each board member, including the chairman, may be
1364 reimbursed for actual and necessary expenses as authorized by
1365 Section 25-3-41; but a member shall not be reimbursed for travel
1366 expenses from his residence to the nearest State Penitentiary.

1367 (3) The board shall have exclusive responsibility for the
1368 granting of parole as provided by Sections 47-7-3 and 47-7-17 and
1369 shall have exclusive authority for revocation of the same. The
1370 board shall have exclusive responsibility for investigating
1371 clemency recommendations upon request of the Governor.

1372 (4) The board, its members and staff, shall be immune from
1373 civil liability for any official acts taken in good faith and in
1374 exercise of the board's legitimate governmental authority.



1375 (5) The budget of the board shall be funded through a
1376 separate line item within the general appropriation bill for the
1377 support and maintenance of the department. Employees of the
1378 department which are employed by or assigned to the board shall
1379 work under the guidance and supervision of the board. There shall
1380 be an executive secretary to the board who shall be responsible
1381 for all administrative and general accounting duties related to
1382 the board. The executive secretary shall keep and preserve all
1383 records and papers pertaining to the board.

1384 (6) The board shall have no authority or responsibility for
1385 supervision of offenders granted a release for any reason,
1386 including, but not limited to, probation, parole or executive
1387 clemency or other offenders requiring the same through interstate
1388 compact agreements. The supervision shall be provided exclusively
1389 by the staff of the Division of Community Corrections of the
1390 department.

1391 (7) The State Parole Board shall review and investigate all
1392 cases where offenders have been diagnosed with a serious illness.
1393 If the Medical Director of the Department of Corrections certifies
1394 to the State Parole Board that an offender is suffering from a
1395 terminal illness, the State Parole Board shall parole the offender
1396 with the approval and consent of the Commissioner of the
1397 Department of Corrections and the medical director.

1398 (8) (a) The Parole Board shall maintain a central registry
1399 of paroled inmates. The Parole Board shall place the following
1400 information on the registry: name, address, photograph, crime for
1401 which paroled, the date of the end of parole or flat-time date and
1402 other information deemed necessary. The Parole Board shall
1403 immediately remove information on a parolee at the end of his
1404 parole or flat-time date.

1405 (b) When a person is placed on parole, the Parole Board
1406 shall inform the parolee of the duty to report to the Parole



1407 Officer any change in address ten (10) days before changing
1408 address.

1409 (c) The Parole Board shall utilize an Internet website
1410 or other electronic means to release or publish the information.

1411 (d) Records maintained on the registry shall be open to
1412 law enforcement agencies and the public and shall be available no
1413 later than July 1, 2003.

1414 (9) This section shall stand repealed on July 1, 2004.

1415 **COMMISSION ON ENVIRONMENTAL QUALITY**

1416 **SECTION 21.** Section 49-2-5, Mississippi Code of 1972, is
1417 amended as follows:

1418 49-2-5. (1) There is hereby created the Mississippi
1419 Commission on Environmental Quality, to be composed of seven (7)
1420 persons appointed by the Governor, with the advice and consent of
1421 the Senate, for a term of seven (7) years. One (1) person shall
1422 be appointed from each congressional district as constituted
1423 January 1, 1978, and two (2) members shall be appointed from the
1424 state at large. The initial terms of the members from
1425 congressional districts shall be for one (1), two (2), three (3),
1426 four (4) and five (5) years respectively, and the initial terms of
1427 the members from the state at large shall be one (1) for six (6)
1428 years and one (1) for seven (7) years. Thereafter, all terms
1429 shall be for seven (7) years. The members serving on the
1430 predecessor Commission on Natural Resources on June 30, 1989,
1431 shall continue to serve as members of the successor Commission on
1432 Environmental Quality until the expiration of the term of their
1433 appointment to the predecessor commission. The members of the
1434 commission as constituted on July 1, 2003, whose terms have not
1435 expired shall serve the balance of their terms, after which time
1436 the membership of the commission shall be appointed as follows:
1437 There shall be appointed one (1) member of the commission from
1438 each of the four (4) Mississippi congressional districts as they
1439 currently exist, and three (3) from the state at large, and the



1440 Governor shall make appointments from the congressional district
1441 having the smallest number of commission members until the
1442 membership includes one (1) member from each district as required.

1443 (2) The commission shall elect from its membership a
1444 chairman who shall preside over meetings and a vice chairman who
1445 shall preside in the absence of the chairman or when the chairman
1446 shall be excused.

1447 (3) The commission shall adopt rules and regulations
1448 governing times and places for meetings, and governing the manner
1449 of conducting its business. Each member of the commission shall
1450 take the oath prescribed by Section 268 of the Constitution and
1451 shall enter into bond in the amount of Thirty Thousand Dollars
1452 (\$30,000.00) to be approved by the Secretary of State, conditioned
1453 according to law and payable to the State of Mississippi before
1454 assuming the duties of office. Any member who shall not attend
1455 three (3) consecutive regular meetings of the commission shall be
1456 subject to removal by a majority vote of the commission members.

1457 (4) The members of the commission shall receive no annual
1458 salary, but shall receive per diem compensation as authorized by
1459 law for each day devoted to the discharge of official duties, and
1460 shall be entitled to reimbursement for all actual and necessary
1461 expenses incurred in the discharge of their duties, including
1462 mileage as authorized by law.

1463 The commission shall be composed of persons with extensive
1464 knowledge of or practical experience in at least one (1) of the
1465 matters of jurisdiction of the commission.

1466 (5) The commission is authorized and empowered to use and
1467 expend any funds received by it from any source for the purposes
1468 of this chapter. Such funds shall be expended in accordance with
1469 the statutes governing the expenditure of state funds.

1470 **COMMISSION ON WILDLIFE, FISHERIES & PARKS**

1471 **SECTION 22.** Section 49-4-4, Mississippi Code of 1972, is
1472 amended as follows:



1473 49-4-4. (1) There is hereby created the Mississippi
1474 Commission on Wildlife, Fisheries and Parks, to be composed of
1475 five (5) persons appointed by the Governor, with the advice and
1476 consent of the Senate, for a term of five (5) years. One (1)
1477 person shall be appointed from each congressional district. The
1478 initial terms of the members shall be one (1), two (2), three (3),
1479 four (4) and five (5) years, respectively. Thereafter, all terms
1480 shall be for five (5) years. An appointment to fill a vacancy
1481 which arises for reasons other than by expiration of a term of
1482 office shall be made from the respective congressional district
1483 for the unexpired term only. The members of the commission as
1484 constituted on July 1, 2003, whose terms have not expired shall
1485 serve the balance of their terms, after which time the membership
1486 of the commission shall be appointed as follows: There shall be
1487 appointed one (1) member of the commission from each of the four
1488 (4) Mississippi congressional districts as they currently exist,
1489 and one (1) from the state at large, and the Governor shall make
1490 appointments from the congressional district having the smallest
1491 number of commission members until the membership includes at
1492 least one (1) member from each congressional district as required.

1493 (2) The commission shall elect from its membership a
1494 chairman who shall preside over meetings and a vice chairman who
1495 shall preside in the absence of the chairman or when the chairman
1496 shall be excused.

1497 (3) The commission shall adopt rules and regulations
1498 governing times and places for meetings and governing the manner
1499 of conducting its business. Each member of the commission shall
1500 take the oath prescribed by Section 268 of the Constitution, and
1501 shall enter into bond in the amount of Thirty Thousand Dollars
1502 (\$30,000.00) to be approved by the Secretary of State, conditioned
1503 according to law, and payable to the State of Mississippi before
1504 assuming the duties of office. Any member who shall not attend



1505 three (3) consecutive regular meetings of the commission shall be
1506 subject to removal by a majority vote of the commission members.

1507 (4) The members of the commission shall receive no annual
1508 salary but shall receive per diem compensation as authorized by
1509 law for each day devoted to the discharge of official duties and
1510 shall be entitled to reimbursement for all actual and necessary
1511 expenses incurred in the discharge of their duties, including
1512 mileage as authorized by law.

1513 The commission shall be composed of persons with a
1514 demonstrated history of involvement in at least one (1) of the
1515 matters of jurisdiction of the commission and whose employment and
1516 activities are not in conflict. All of the commissioners shall be
1517 an active outdoorsman holding a resident hunting or fishing
1518 license in at least five (5) of the ten (10) years preceding
1519 appointment. A member shall not have a record of conviction of
1520 violation of fish or game laws and regulations within five (5)
1521 years preceding appointment or a record of any felony conviction.

1522 (5) The commission shall have the power to adopt, amend and
1523 repeal such regulations and rules as may be necessary for the
1524 operation of the department.

1525 (6) The commission shall have the power and authority to
1526 issue all licenses and permits under the jurisdiction of the
1527 department.

1528 (7) In the furtherance of its duties and responsibilities,
1529 the commission may conduct hearings, gather testimony and perform
1530 other functions required to carry out its powers and duties as
1531 prescribed by statute.

1532 (8) The commission shall have all power for conserving,
1533 managing and developing wildlife and fishery resources except for
1534 saltwater aquatic life and marine resources under the jurisdiction
1535 of the Mississippi Commission on Marine Resources.

1536

FORESTRY COMMISSION



1537 **SECTION 23.** Section 49-19-1, Mississippi Code of 1972, is
1538 amended as follows:

1539 49-19-1. (1) There shall be a State Forestry Commission
1540 composed of nine (9) members, who shall be qualified electors of
1541 the state. The Dean of the School of Forest Resources at
1542 Mississippi State University shall be an ex officio member of the
1543 commission, with full voting authority. The Governor shall
1544 appoint eight (8) members, with the advice and consent of the
1545 Senate, for a term of six (6) years. The Governor shall appoint
1546 one (1) member from each congressional district as constituted at
1547 the time the appointments are made and shall appoint the remainder
1548 of the members from the state at large. The members of the
1549 commission as constituted on July 1, 2003, whose terms have not
1550 expired shall serve the balance of their terms, after which time
1551 the membership of the commission shall be appointed as follows:
1552 There shall be appointed two (2) members of the commission from
1553 each of the four (4) Mississippi congressional districts as they
1554 currently exist, and the Governor shall make appointments from the
1555 congressional district having the smallest number of board members
1556 until the membership includes two (2) members from each district
1557 as required. A member * * * must be a certified tree farmer who
1558 owns eighty (80) or more acres of forest land or a person who
1559 derives a major portion of his personal income from forest-related
1560 business, industry or other related activities. * * *

1561 (2) The members of the commission shall receive no annual
1562 salary but each member of the commission shall receive a per diem
1563 plus expenses and mileage as authorized by law for each day
1564 devoted to the discharge of official duties. No member of the
1565 commission shall receive total per diem in excess of twenty-four
1566 (24) days' compensation per annum.

1567 (3) If a vacancy occurs in the office of an appointed member
1568 of the commission, the vacancy shall be filled by appointment for
1569 the balance of the unexpired term.



1570 (4) The commission shall elect from its membership a
1571 chairman, who shall preside over meetings, and a vice chairman,
1572 who shall preside in the absence of the chairman or when the
1573 chairman is excused.

1574 (5) The commission shall adopt rules and regulations
1575 governing times and places for meetings, and governing the manner
1576 of conducting its business. Each member of the commission shall
1577 take the oath prescribed by Section 268 of the Constitution and
1578 shall enter into bond in the amount of Thirty Thousand Dollars
1579 (\$30,000.00) to be approved by the Secretary of State, conditioned
1580 according to law and payable to the State of Mississippi before
1581 assuming the duties of office.

1582 (6) Any appointment made to the commission contrary to this
1583 section shall be void, and it is unlawful for the State Fiscal
1584 Officer to pay any per diem or authorize the expenses of the
1585 appointee.

1586 **MISSISSIPPI BUSINESS FINANCE CORPORATION**

1587 **SECTION 24.** Section 57-10-167, Mississippi Code of 1972, is
1588 amended as follows:

1589 57-10-167. There is hereby established the Certified
1590 Development Company of Mississippi, Inc., a public corporation,
1591 which shall be an incorporated certified development company
1592 pursuant to Section 503 of the Small Business Investment Act of
1593 1958, as amended.

1594 The Certified Development Company of Mississippi, Inc.,
1595 hereinafter referred to as the "committee" unless the context
1596 clearly indicates otherwise, shall be composed of twenty-five (25)
1597 members as follows:

1598 (a) The State Treasurer; the Executive Director of the
1599 University Research Center, or his designee; the Executive
1600 Director of the Mississippi Development Authority; the Executive
1601 Director of the Small Business Development Center; six (6) persons
1602 associated with small business to be appointed by the Governor,



1603 one (1) for a term of one (1) year, one (1) for a term of two (2)
1604 years, one (1) for a term of three (3) years, one (1) for a term
1605 of four (4) years, one (1) for a term of five (5) years and one
1606 (1) for a term of six (6) years; three (3) persons associated with
1607 small business to be appointed by the Lieutenant Governor, one (1)
1608 for a term of one (1) year, one (1) for a term of two (2) years
1609 and one (1) for a term of three (3) years; five (5) persons
1610 involved in banking or small business to be appointed by the
1611 Governor, one (1) for a term of one (1) year, one (1) for a term
1612 of two (2) years, one (1) for a term of three (3) years, one (1)
1613 for a term of four (4) years and one (1) for a term of five (5)
1614 years; and two (2) persons involved in banking or small business
1615 to be appointed by the Lieutenant Governor, one (1) for a term of
1616 one (1) year and one (1) for a term of two (2) years. The members
1617 described above and serving on the committee on June 30, 1984,
1618 shall continue to serve on the committee until the expiration of
1619 their terms.

1620 (b) For terms to begin on July 1, 1984, the Governor
1621 shall appoint one (1) person associated with small business for a
1622 term of six (6) years; the Secretary of State shall appoint one
1623 (1) person associated with small business for a term of one (1)
1624 year; the Attorney General shall appoint one (1) person involved
1625 in banking or small business for a term of six (6) years; and the
1626 State Treasurer shall appoint two (2) persons, one (1) for a term
1627 of one (1) year and one (1) for a term of two (2) years, and after
1628 the expiration of the term of the person appointed hereinabove by
1629 the Attorney General, that vacancy shall be filled thereafter by a
1630 person involved in banking or small business appointed by the
1631 State Treasurer for a term of six (6) years.

1632 The members of the committee as constituted on July 1, 2003,
1633 who are appointed by the Governor and whose terms have not expired
1634 shall serve the balance of their terms, after which time these
1635 members shall be appointed as follows: The Governor shall appoint



1636 three (3) members of the board from each of the four (4)
1637 Mississippi congressional districts as they currently exist, and
1638 the Governor shall make appointments from the congressional
1639 district having the smallest number of members until the
1640 membership includes three (3) members from each district as
1641 required.

1642 All appointments after the initial appointment shall be for
1643 terms of six (6) years each. All such appointments will be
1644 subject to the approval of the Senate. An appointment to fill a
1645 vacancy existing for any reason other than the expiration of a
1646 term shall be for the balance of the unexpired term. Members
1647 serving by reason of their ex officio designation shall continue
1648 to serve as long as they occupy the position which entitles them
1649 to membership.

1650 Members who are officers or employees of the state shall
1651 receive no compensation for their services, and other committee
1652 members shall receive a per diem as provided in Section 25-3-69,
1653 Mississippi Code of 1972. All members shall receive reimbursement
1654 for actual traveling and subsistence expenses incurred in the
1655 performance of their duties under this article, such reimbursement
1656 to be as provided in Section 25-3-41, Mississippi Code of 1972.

1657 The Certified Development Company of Mississippi, Inc., shall
1658 have an executive director who shall be appointed by the board of
1659 directors.

1660 The Certified Development Company of Mississippi, Inc., shall
1661 elect from among its membership a nine-member board of directors,
1662 a majority of whom shall be a quorum, a president and vice
1663 president and may appoint a secretary and a treasurer.

1664 From and after July 1, 1989, the Certified Development
1665 Company of Mississippi, Inc., shall be known as the Mississippi
1666 Business Finance Corporation, and wherever the term "Certified
1667 Development Company of Mississippi, Inc.," appears in the laws of



1668 this state it shall mean the Mississippi Business Finance
1669 Corporation.

1670 **MOTOR VEHICLE COMMISSION**

1671 **SECTION 25.** Section 63-17-57, Mississippi Code of 1972, is
1672 amended as follows:

1673 63-17-57. There is hereby created the Mississippi Motor
1674 Vehicle Commission to be composed of eight (8) members, one (1) of
1675 whom shall be appointed by the Attorney General from the state at
1676 large for a term of four (4) years and one (1) of whom shall be
1677 appointed by the Secretary of State from the state at large for a
1678 term of four (4) years, and six (6) licensees who shall be
1679 appointed by the Governor, one (1) from the state at large and one
1680 (1) from each of the five (5) congressional districts of this
1681 state for terms of the following duration: the term of the member
1682 from the state at large shall expire at the time the incumbent
1683 Governor's term expires, the term of the member appointed from the
1684 First Congressional District shall expire on June 30, 1973, the
1685 term of the member appointed from the Second Congressional
1686 District shall expire on June 30, 1974, the term of the member
1687 appointed from the Third Congressional District shall expire on
1688 June 30, 1976, the term of the member from the Fourth
1689 Congressional District shall expire on June 30, 1977, and the term
1690 of the member appointed from the Fifth Congressional District
1691 shall expire on June 30, 1978. Each member shall serve until his
1692 successor is appointed and qualified. At the expiration of the
1693 term of the member initially appointed by the Attorney General
1694 each successor member shall be appointed for a term of four (4)
1695 years by the incumbent Attorney General, and at the expiration of
1696 the term of the member appointed by the Secretary of State each
1697 successor member shall be appointed for a term of four (4) years
1698 by the incumbent Secretary. At the expiration of a term for which
1699 each of the initial appointments of the Governor is made, each
1700 successor member shall be appointed for a term of seven (7) years



1701 except that the term of the member appointed from the state at
1702 large shall be coterminous with that of the Governor making the
1703 appointment. The members of the commission appointed by the
1704 Governor as constituted on July 1, 2003, whose terms have not
1705 expired shall serve the balance of their terms, after which time
1706 the gubernatorial appointments shall be made as follows: The
1707 Governor shall appoint one (1) member of the commission from each
1708 of the four (4) Mississippi congressional districts as they
1709 currently exist, and two (2) from the state at large, and the
1710 Governor shall make appointments from the congressional district
1711 having the smallest number of commission members until the
1712 membership includes one (1) from each congressional district as
1713 required.

1714 One of the members appointed from the state at large by the
1715 Governor shall be designated by him to serve as chairman of the
1716 commission and one (1) of the other members appointed by the
1717 Governor shall be designated by him to serve as vice chairman. In
1718 the absence of the chairman at any meeting of the commission the
1719 vice chairman shall preside and perform the duties of the
1720 chairman.

1721 In the event of a vacancy created by the death, resignation
1722 or removal of any member of the commission the vacancy shall be
1723 filled by appointment of the Governor, Attorney General or the
1724 Secretary of State, as the case may be, for the unexpired portion
1725 of the term. All appointments hereunder shall be made with the
1726 advice and consent of the Senate.

1727 **EGG MARKETING BOARD**

1728 **SECTION 26.** Section 69-7-253, Mississippi Code of 1972, is
1729 amended as follows:

1730 69-7-253. There is hereby continued the Mississippi Egg
1731 Marketing Board with domicile at the capital city of the state.
1732 The board shall be composed of five (5) members: one (1) member
1733 shall be the Commissioner of Agriculture and Commerce as ex



1734 officio member. One (1) member shall be an egg producer as
1735 defined in this article. Three (3) members shall be employed by
1736 or associated with egg industry related businesses, or disciplines
1737 which include poultry support, marketing, promotion, home
1738 economist, extension poultry science agencies and the Mississippi
1739 Department of Agriculture and Commerce. No more than one (1)
1740 industry-related business or discipline member shall be employed
1741 by, associated with or have a financial interest in the same
1742 company or subsidiary.

1743 The Governor shall appoint the members, with the advice and
1744 consent of the Senate. The Governor shall appoint a member from a
1745 list of not more than three (3) producers and not less than three
1746 (3) individuals representing egg industry related businesses or
1747 disciplines, provided by the board based upon a poll of its
1748 members. The members of the board as constituted on July 1, 2003,
1749 whose terms have not expired shall serve the balance of their
1750 terms, after which time the membership of the board shall be
1751 appointed as follows: There shall be appointed one (1) member of
1752 the board from each of the four (4) Mississippi congressional
1753 districts as they currently exist, and the Governor shall make
1754 appointments from the congressional district having the smallest
1755 number of board members until the membership includes one (1)
1756 member from each congressional district as required; and the board
1757 shall provide the Governor with its recommendations from the
1758 appropriate congressional district. The terms shall be for six
1759 (6) years. Each member shall serve, after the completion of his
1760 term, until his successor is appointed and duly qualified. Each
1761 vacancy shall be filled by appointment for the unexpired term.

1762 The terms of office of persons appointed under the original
1763 act shall continue until the expiration of the terms to which they
1764 were appointed, the intent of this article being to continue the
1765 Mississippi Egg Marketing Board.

1766

SOYBEAN PROMOTION BOARD



1767 **SECTION 27.** Section 69-9-3, Mississippi Code of 1972, is
1768 amended as follows:

1769 69-9-3. (1) The Mississippi Soybean Promotion Board is
1770 hereby created, to be composed of twelve (12) members to be
1771 appointed by the Governor to serve terms of three (3) years, as
1772 hereinafter provided. All of the twelve (12) members of the board
1773 shall be producers of soybeans in the State of Mississippi.
1774 Within ten (10) days following the effective date of this chapter,
1775 each of the following organizations, namely, Mississippi Farm
1776 Bureau Federation, Inc., Mississippi Feed and Grain Association,
1777 Mississippi Soybean Association and Delta Council shall submit the
1778 names of six (6) soybean producers to the Governor, and he shall
1779 appoint three (3) members from the nominees of each organization
1780 to serve on the board on rotating three-year terms. The original
1781 board shall be appointed with members of each of the aforementioned
1782 organizations appointed as follows: one (1) for one (1) year, one
1783 (1) for two (2) years, and one (1) for three (3) years. Each year
1784 thereafter, not less than thirty (30) days prior to the expiration
1785 of the terms of expiring board members, the aforementioned
1786 organizations shall submit the names of three (3) nominees to the
1787 Governor and succeeding boards shall be appointed by the Governor
1788 in the same manner, giving equal representation to each
1789 organization. The members of the board as constituted on July 1,
1790 2003, whose terms have not expired shall serve the balance of
1791 their terms, after which time the membership of the board shall be
1792 appointed as follows: There shall be appointed three (3) members
1793 of the board from each of the four (4) Mississippi congressional
1794 districts as they currently exist, and the Governor shall make
1795 appointments from the congressional district having the smallest
1796 number of board members until the membership includes three (3)
1797 members from each congressional district as required; and the
1798 proper association shall submit nominations to the Governor from
1799 the appropriate congressional district as required. Vacancies



1800 which occur shall be filled in the same manner as the original
1801 appointments were made.

1802 (2) The members of the board shall meet and organize
1803 immediately after their appointment, and shall elect a chairman,
1804 vice chairman and secretary-treasurer from the membership of the
1805 board, whose duties shall be those customarily exercised by such
1806 officers or specifically designated by the board. The chairman,
1807 vice chairman and secretary-treasurer shall be bonded in an amount
1808 not less than Twenty Thousand Dollars (\$20,000.00). The cost of
1809 said bonds shall be paid from the funds received under the
1810 provisions of this chapter. Such bond shall be a security for any
1811 illegal act of such member of the board and recovery thereon may
1812 be had by the state for any injury by such illegal act of such
1813 member. The board may establish rules and regulations for its own
1814 government and the administration of the affairs of the board.

1815 **BOARD OF ANIMAL HEALTH**

1816 **SECTION 28.** Section 69-15-2, Mississippi Code of 1972, is
1817 amended as follows:

1818 69-15-2. (1) The Mississippi Board of Animal Health is to
1819 be composed of the Commissioner of Agriculture and Commerce, the
1820 Dean of the College of Veterinary Medicine and the heads of the
1821 Animal and Dairy Science and Poultry Science Departments at
1822 Mississippi State University of Agriculture and Applied Science
1823 and one (1) person appointed by the President of Alcorn State
1824 University from its land grant staff as five (5) ex officio
1825 members with full voting rights, and eleven (11) other members of
1826 the board to be appointed by the Governor as hereinafter provided.
1827 The board shall select annually a chairman and vice chairman from
1828 any members of the board.

1829 (2) The Governor, with the advice and consent of the Senate,
1830 shall appoint eleven (11) other members from the following groups
1831 or associations from a written list of three (3) recommendations
1832 from such groups or associations:



1833 One (1) licensed and practicing veterinarian who holds a
1834 doctor of veterinary medicine degree, from a written list of three
1835 (3) recommendations submitted by the Mississippi State Veterinary
1836 Medical Association;

1837 One (1) general farmer from a written list of three (3)
1838 recommendations submitted by the Mississippi Farm Bureau
1839 Federation;

1840 One (1) poultry breeder and producer from a written list of
1841 three (3) recommendations submitted by the Mississippi Poultry
1842 Improvement Association;

1843 One (1) sheep breeder and producer from a written list of
1844 three (3) recommendations submitted by the Mississippi Sheep
1845 Producers' Association;

1846 One (1) beef cattle breeder and producer from a written list
1847 of three (3) recommendations submitted by the Mississippi
1848 Cattlemen's Association;

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

1852 One (1) dairy breeder and producer from a written list of
1853 three (3) recommendations submitted by the American Dairy
1854 Association of Mississippi;

1855 One (1) horse breeder and producer from a written list of
1856 three (3) recommendations submitted by the Mississippi Horse
1857 Council;

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

1861 One (1) member of the Mississippi Independent Meat Packers'
1862 Association from a written list of three (3) recommendations
1863 submitted by the Mississippi Independent Meat Packers'
1864 Association;



1865 One (1) member of the Mississippi Livestock Auction
1866 Association from a written list of three (3) recommendations
1867 submitted by the Mississippi Livestock Auction Association.

1868 All members shall take and subscribe to the general oath of
1869 office as provided in Section 268, Mississippi Constitution of
1870 1890, and file the same with the Commissioner of Agriculture and
1871 Commerce.

1872 (3) Effective August 1, 1968, the dairy producer member
1873 shall be appointed for a one-year term; the Livestock Auction
1874 Association member shall be appointed for a two-year term; * * *
1875 the meat packer member shall be appointed for a three-year term;
1876 the catfish producer member shall be appointed for a four-year
1877 term; and the horse producer member shall be appointed for a
1878 five-year term.

1879 Effective August 1, 1969, the poultry producer member shall
1880 be appointed for a two-year term; on August 1, 1970, the sheep
1881 producer member shall be appointed for a three-year term; on
1882 August 1, 1971, the swine producing member shall be appointed for
1883 a four-year term; on August 1, 1972, the general farmer member
1884 shall be appointed for a five-year term; on August 1, 1973, the
1885 veterinarian member shall be appointed for a six-year term; and on
1886 August 1, 1974, the beef cattle producer member shall be appointed
1887 for a seven-year term.

1888 The members of the board as constituted on July 1, 2003, who
1889 are appointed by the Governor and whose terms have not expired
1890 shall serve the balance of their terms, after which time the
1891 membership of the board shall be appointed as follows: Not more
1892 than three (3) members of the board shall be appointed from any of
1893 the four (4) Mississippi congressional districts as they currently
1894 exist, and the Governor shall make appointments from the
1895 congressional district having the smallest number of board members
1896 until the membership includes not less than two (2) members from
1897 each district as required. All subsequent appointments shall be



1898 for four-year terms, except for appointments to fill vacancies
1899 which shall be for the unexpired term only.

1900 (4) (a) "Commissioner" means the Commissioner of
1901 Agriculture and Commerce.

1902 (b) "Department" means the Department of Agriculture
1903 and Commerce.

1904 (5) On or before July 1, 1998, the board shall appoint, from
1905 a written list of not less than three (3) licensed veterinarians
1906 submitted by the commissioner, the State Veterinarian.

1907 (6) There is created an advisory council to advise the Board
1908 of Animal Health on matters concerning the board. The council
1909 shall be composed of the Chairman of the Senate Agriculture
1910 Committee, the Chairman of the House Agriculture Committee, and
1911 one (1) appointee of the Lieutenant Governor and one (1) appointee
1912 of the Speaker of the House of Representatives. The members of
1913 the advisory council shall serve in an advisory capacity only.
1914 For attending meetings of the council, such legislators shall
1915 receive per diem and expenses which shall be paid from the
1916 contingent expense funds of their respective houses in the same
1917 amounts provided for committee meetings when the Legislature is
1918 not in session; however, no per diem or expenses for attending
1919 meetings of the council shall be paid while the Legislature is in
1920 session. No per diem and expenses shall be paid except for
1921 attending meetings of the council without prior approval of the
1922 proper committee in their respective houses.

1923 **STATE BOARD OF ARCHITECTURE**

1924 **SECTION 29.** Section 73-1-5, Mississippi Code of 1972, is
1925 amended as follows:

1926 73-1-5. The State Board of Architecture is composed of five
1927 (5) members who are licensed architects residing in this state and
1928 who have been engaged in the practice of architecture not less
1929 than seven (7) years. It is the duty of the board to carry out
1930 the purposes of this chapter as herein provided.



1963 (b) The power to make such rules and regulations as
1964 will promote the orderly functioning of the auction profession and
1965 ensure the protection of the public.

1966 (c) The power to hire and retain such staff and support
1967 personnel as are necessary to conduct business and assure
1968 compliance with this chapter.

1969 (d) The power to conduct investigations, hold hearings,
1970 subpoena witnesses, make findings of fact and otherwise enforce
1971 the disciplinary provisions contained in this chapter.

1972 (2) The Mississippi Auctioneer Commission shall consist of
1973 five (5) members, one (1) from each congressional district, who
1974 shall be appointed by the Governor. All appointees shall possess
1975 the following minimum qualifications:

1976 (a) An appointee shall be a citizen of Mississippi.

1977 (b) An appointee shall have been engaged as an
1978 auctioneer for a period of not less than five (5) years
1979 immediately preceding his appointment.

1980 (c) An appointee shall be of good reputation,
1981 trustworthy and knowledgeable in the auction profession.

1982 An individual may not act as a member of the commission while
1983 holding another elected or appointed office in either the state or
1984 federal government or while owning a school or other facility to
1985 train individuals to be auctioneers.

1986 (3) In order to assure continuity, the Governor shall
1987 appoint the initial members of the commission for the following
1988 terms:

1989 (a) The member appointed from the First Congressional
1990 District shall serve a term of one (1) year;

1991 (b) The member appointed from the Second Congressional
1992 District shall serve a term of two (2) years;

1993 (c) The member appointed from the Third Congressional
1994 District shall serve a term of three (3) years;



1995 (d) The member appointed from the Fourth Congressional
1996 District shall serve a term of four (4) years; and

1997 (e) The member appointed from the Fifth Congressional
1998 District shall serve a term of five (5) years.

1999 The members of the commission as constituted on July 1, 2003,
2000 whose terms have not expired shall serve the balance of their
2001 terms, after which time the membership of the commission shall be
2002 appointed as follows: There shall be appointed one (1) member of
2003 the commission from each of the four (4) Mississippi congressional
2004 districts as they currently exist, and one (1) from the state at
2005 large, and the Governor shall make appointments from the
2006 congressional district having the smallest number of commission
2007 members until the membership includes one (1) member from each
2008 district as required.

2009 Subsequent terms shall be for five (5) years, except for
2010 interim appointments to fill unexpired terms which shall be only
2011 for the unexpired term.

2012 (4) Each member of the commission shall receive a per diem
2013 as provided by Section 25-3-69 per meeting and shall be reimbursed
2014 for ordinary and necessary expenses incurred in the performance of
2015 official duties as provided in Section 25-3-41.

2016 **STATE BOARD OF CHIROPRACTIC EXAMINERS**

2017 **SECTION 31.** Section 73-6-3, Mississippi Code of 1972, is
2018 amended as follows:

2019 73-6-3. There is hereby created a State Board of
2020 Chiropractic Examiners. This board shall consist of six (6)
2021 members, one (1) of whom shall be the executive officer of the
2022 State Board of Health or his designee, and one (1) from each
2023 congressional district as presently constituted, to be appointed
2024 by the Governor with the advice and consent of the Senate. Each
2025 member except the executive officer of the State Board of Health
2026 shall be a qualified elector of the State of Mississippi having
2027 been continuously engaged in the practice of chiropractic in



2028 Mississippi for at least five (5) years prior to appointment. No
2029 member shall be a stockholder in or member of the faculty or board
2030 of trustees of any school of chiropractic. Each member appointed
2031 to the board shall serve for five (5) years and until his
2032 successor is appointed and qualified; except the terms of the
2033 initial members appointed by the Governor shall expire one (1)
2034 each for five (5) years or until their successors are appointed
2035 and qualified. The members of the board as constituted on July 1,
2036 2003, whose terms have not expired shall serve the balance of
2037 their terms, after which time the membership of the board shall be
2038 appointed as follows: There shall be appointed one (1) member of
2039 the board from each of the four (4) Mississippi congressional
2040 districts as they currently exist, and one (1) from the state at
2041 large, and the Governor shall make appointments from the
2042 congressional district having the smallest number of board members
2043 until the membership includes one (1) member from each district as
2044 required. Vacancies on the board, except for the executive
2045 officer of the State Board of Health or his designee, shall be
2046 filled by appointment of the Governor only for unexpired terms.
2047 Any member who shall not attend two (2) consecutive meetings of
2048 the board shall be subject to removal by the Governor. The
2049 chairman of the board shall notify the Governor in writing when
2050 any such member has failed to attend two (2) consecutive regular
2051 meetings.

2052 **MISSISSIPPI BOARD OF NURSING**

2053 **SECTION 32.** Section 73-15-9, Mississippi Code of 1972, is
2054 amended as follows:

2055 73-15-9. (1) There is hereby created a board to be known as
2056 the Mississippi Board of Nursing, composed of thirteen (13)
2057 members, two (2) of whom shall be nurse educators; three (3) of
2058 whom shall be registered nurses in clinical practice, two (2) to
2059 have as basic nursing preparation an associate degree or diploma
2060 and one (1) to have as basic nursing preparation a baccalaureate



2061 degree; one (1) of whom shall be a registered nurse at large; one
2062 (1) of whom shall be a registered nurse practitioner; four (4) of
2063 whom shall be licensed practical nurses; one (1) of whom shall be
2064 a licensed physician who shall always be a member of the State
2065 Board of Medical Licensure; and one (1) of whom shall represent
2066 consumers of health services. There shall be at least one (1)
2067 board member from each congressional district in the state;
2068 provided, however, that the physician member, the consumer
2069 representative member and one (1) registered nurse member shall be
2070 at large always. The members of the board as constituted on July
2071 1, 2003, whose terms have not expired shall serve the balance of
2072 their terms, after which time the membership of the board shall be
2073 appointed as follows: There shall be appointed not less than two
2074 (2) members and not more than three (3) members of the board from
2075 each of the four (4) Mississippi congressional districts as they
2076 currently exist, and the Governor shall make appointments from the
2077 congressional district having the smallest number of board members
2078 until the membership includes at least two (2) members from each
2079 congressional district as required, and the nominating
2080 organization and/or association shall make nominations to the
2081 Governor from the appropriate congressional district.

2082 (2) Members of the Mississippi Board of Nursing, excepting
2083 the member of the State Board of Medical Licensure, shall be
2084 appointed by the Governor, with the advice and consent of the
2085 Senate, from lists of nominees submitted by any Mississippi
2086 registered nurse organization and/or association chartered by the
2087 State of Mississippi whose board of directors is elected by the
2088 membership and whose membership includes registered nurses
2089 statewide, for the nomination of registered nurses, and by the
2090 Mississippi Federation of Licensed Practical Nurses and the
2091 Mississippi Licensed Practical Nurses' Association for the
2092 nomination of a licensed practical nurse. Nominations submitted
2093 by any such registered nurse organization or association to fill



2094 vacancies on the board shall be made and voted on by registered
2095 nurses only. Each list of nominees shall contain a minimum of
2096 three (3) names for each vacancy to be filled. The list of names
2097 shall be submitted at least thirty (30) days before the expiration
2098 of the term for each position. If such list is not submitted, the
2099 Governor is authorized to make an appointment from the group
2100 affected and without nominations. Appointments made to fill
2101 vacancies for unexpired terms shall be for the duration of such
2102 terms and until a successor is duly appointed.

2103 (3) Members of the board shall be appointed in staggered
2104 terms for four (4) years or until a successor shall be duly
2105 qualified. No member may serve more than two (2) consecutive full
2106 terms. Members of the board serving on July 1, 1988, shall
2107 continue to serve for their appointed terms.

2108 (4) Vacancies occurring by reason of resignation, death or
2109 otherwise shall be filled by appointment of the Governor upon
2110 nominations from a list of nominees from the affected group to be
2111 submitted within not more than thirty (30) days after such a
2112 vacancy occurs. In the absence of such list, the Governor is
2113 authorized to fill such vacancy in accordance with the provisions
2114 for making full-term appointments. All vacancy appointments shall
2115 be for the unexpired terms.

2116 (5) Any member may be removed from the board by the Governor
2117 after a hearing by the board and provided such removal is
2118 recommended by the executive committee of the affected group.

2119 **STATE BOARD OF OPTOMETRY**

2120 **SECTION 33.** Section 73-19-7, Mississippi Code of 1972, is
2121 amended as follows:

2122 73-19-7. The Governor, with the advice and consent of the
2123 Senate, shall appoint a State Board of Optometry, consisting of
2124 five (5) persons, citizens of Mississippi, each of whom shall be a
2125 nonmedical man or woman actually engaged in the practice of
2126 optometry for five (5) years next preceding his appointment.



2127 Within ninety (90) days after March 25, 1974, the Governor shall
2128 appoint: one (1) member for a term of one (1) year, one (1)
2129 member for a term of two (2) years, one (1) member for a term of
2130 three (3) years, one (1) member for a term of four (4) years, and
2131 one (1) member for a term of five (5) years; and upon the
2132 expiration of all such terms their successors shall be appointed
2133 by the Governor for a term of five (5) years. From and after July
2134 1, 1983, the appointments to the board shall be made with one (1)
2135 member to be appointed from each of the congressional districts as
2136 existing on January 1, 1980; provided that the present members of
2137 the State Board of Optometry whose terms have not expired by July
2138 1, 1983, shall continue to serve until their terms of office have
2139 expired. Each member shall remain in office after the expiration
2140 of his term until his successor shall be duly appointed and
2141 qualified. The members of the board as constituted on July 1,
2142 2003, whose terms have not expired shall serve the balance of
2143 their terms, after which time the membership of the board shall be
2144 appointed as follows: There shall be appointed one (1) member of
2145 the board from each of the four (4) Mississippi congressional
2146 districts as they currently exist, and one (1) from the state at
2147 large, and the Governor shall make appointments from the
2148 congressional district having the smallest number of board members
2149 until the membership includes one (1) member from each
2150 congressional district as required; and the Mississippi Optometric
2151 Association shall make nominations to the Governor from the
2152 appropriate congressional district.

2153 No person so appointed shall be a stockholder in or a member
2154 of the faculty or of the board of trustees of any school of
2155 optometry, or serve to exceed two (2) five-year terms.

2156 Vacancies on said board shall be filled by appointment by the
2157 Governor, with the advice and consent of the Senate, from a list
2158 of names submitted by the Mississippi Optometric Association



2159 consisting of three (3) of its members, or by appointment of any
2160 qualified member of the association.

2161 **STATE BOARD OF LICENSED PROFESSIONAL COUNSELORS**

2162 **SECTION 34.** Section 73-30-5, Mississippi Code of 1972, is
2163 amended as follows:

2164 73-30-5. (1) There is hereby established the Mississippi
2165 State Board of Examiners for Licensed Professional Counselors
2166 which shall consist of five (5) members, one (1) member from each
2167 of the five (5) congressional districts of Mississippi, who shall
2168 be appointed by the Governor with the advice and consent of the
2169 Senate. A list shall be provided to the Governor by the
2170 Mississippi Counseling Association from which the Governor may
2171 choose board members. At least two (2) names shall be included
2172 from each congressional district. The members of the board as
2173 constituted on July 1, 2003, whose terms have not expired shall
2174 serve the balance of their terms, after which time the membership
2175 of the board shall be appointed as follows: There shall be
2176 appointed one (1) member of the board from each of the four (4)
2177 Mississippi congressional districts as they currently exist, and
2178 one (1) member from the state at large; and the list of
2179 recommendations provided to the Governor by the Mississippi
2180 Counseling Association shall include at least two (2) names from
2181 the congressional district having the smallest number of board
2182 members until the membership includes one (1) member from each
2183 district as required. Such appointments shall be made initially
2184 within sixty (60) days of the submission of the list of qualified
2185 counselors by the Mississippi Counseling Association. Thereafter,
2186 all vacancies occurring on the board shall be filled by the
2187 Governor within sixty (60) days after the vacancy occurs. The
2188 Mississippi Counseling Association shall provide a list of
2189 suggested board members for each vacancy.

2190 (2) The board shall consist of five (5) licensed counselors,
2191 three (3) of whom are primarily engaged as licensed counselors in



2192 private or institutional practice and two (2) who are primarily
2193 engaged in teaching, training or research in counseling at the
2194 corporate or university level. All members shall be qualified
2195 electors of the State of Mississippi.

2196 (3) The initial appointments to the board shall be for
2197 staggered terms, to be designated by the Governor at the time of
2198 appointment as follows: two (2) members to serve for three (3)
2199 years, two (2) members to serve for two (2) years, and one (1)
2200 member to serve for one (1) year. Thereafter, all terms shall be
2201 for three (3) years. No board member shall succeed himself
2202 without waiting a period of three (3) years after having served
2203 one (1) full three-year term.

2204 (4) There shall be appointed to the board no more than one
2205 (1) person who is employed by, or receives compensation from, any
2206 one institution, organization or partnership at the time of
2207 appointment.

2208 (5) Board members shall be reimbursed for necessary and
2209 ordinary expenses and mileage incurred while performing their
2210 duties as members of the board, at the rate authorized for public
2211 employees, from fees collected for license applications and
2212 renewals.

2213 **MISSISSIPPI BOARD OF PSYCHOLOGY**

2214 **SECTION 35.** Section 73-31-5, Mississippi Code of 1972, is
2215 amended as follows:

2216 73-31-5. (1) There is hereby created a Mississippi Board of
2217 Psychology consisting of seven (7) members who are citizens of the
2218 United States and residing in the State of Mississippi. One (1)
2219 member of the board shall be a person who is not a psychologist or
2220 a mental health professional but who has expressed a continuing
2221 interest in the field of psychology. Each board member shall
2222 otherwise be licensed under this chapter. At all times the board
2223 shall be composed of three (3) members who are faculty at
2224 institutions of higher learning that grant doctoral degrees, or



2225 staff or faculty of an American Psychological Association approved
2226 doctoral level internship. Three (3) members of the board shall
2227 be engaged in the professional practice of psychology. The
2228 membership of the board shall reflect a diversity of practice
2229 specialties.

2230 (2) When the term of each psychologist member ends the
2231 Governor shall, within thirty (30) days, appoint as his successor,
2232 for a term of five (5) years, a psychologist who holds a doctoral
2233 degree from an institution of higher education and who has been
2234 licensed under this chapter. When the term of the member who is
2235 not a psychologist ends, the Governor shall, within thirty (30)
2236 days, appoint a qualified person as his successor for a term of
2237 five (5) years. No board member shall serve for consecutive
2238 terms. Any vacancy occurring in the board membership other than
2239 by expiration of term shall be filled by the Governor by
2240 appointment for the unexpired term of such member. All
2241 appointments of psychologist members of the board shall be made
2242 from a list containing the names of at least three (3) eligible
2243 nominees for each vacancy submitted by the Mississippi
2244 Psychological Association. Each board member shall receive a
2245 certificate of appointment from the Governor before entering on
2246 the discharge of his duties, and within thirty (30) days from the
2247 effective date of his appointment shall subscribe an oath for the
2248 faithful performance of his official duty before any officer
2249 authorized to administer oaths in this state, and shall file the
2250 same with the Secretary of State. To enable the board to have
2251 regular, planned changes in membership the following one-time
2252 changes in length of terms of board members is enacted:

2253 (a) One (1) of the two (2) practice members appointed
2254 in 1998 will serve a three-year term.

2255 (b) The practice member appointed in 2002 will serve a
2256 three-year term.



2257 (c) One of the two (2) academic members appointed in
2258 2002 will serve a four-year term.

2259 The members of the board as constituted on July 1, 2003,
2260 whose terms have not expired shall serve the balance of their
2261 terms, after which time the membership of the board shall be
2262 appointed as follows: There shall be appointed one (1) member of
2263 the board from each of the four (4) Mississippi congressional
2264 districts as they currently exist, and three (3) from the state at
2265 large, and the Governor shall make appointments from the
2266 congressional district having the smallest number of board members
2267 until the membership includes at least one (1) member from each
2268 congressional district as required; and the association shall
2269 nominate members to the Governor from the appropriate
2270 congressional district as required.

2271 (3) The Governor may remove any board member for misconduct,
2272 incompetency, or neglect of duty after giving the board member a
2273 written statement of the charges and an opportunity to be heard
2274 thereon.

2275 (4) Each board member shall serve without compensation, but
2276 shall receive actual traveling and incidental expenses necessarily
2277 incurred while engaged in the discharge of official duties.

2278 This section shall stand repealed from and after July 1,
2279 2011.

2280 **STATE BOARD OF PUBLIC ACCOUNTANCY**

2281 **SECTION 36.** Section 73-33-3, Mississippi Code of 1972, is
2282 amended as follows:

2283 73-33-3. (1) There shall be a board of public accountancy,
2284 consisting of seven (7) members, who are qualified electors of
2285 this state; their duties, powers and qualifications are herein
2286 prescribed by this chapter. The members of the Mississippi State
2287 Board of Public Accountancy shall be appointed from holders of
2288 certificates issued under and by virtue of this chapter.



2289 (2) The present members of the Mississippi State Board of
2290 Public Accountancy shall continue to serve until January 1, 1984.
2291 After January 1, 1984, the appointments to the board shall be as
2292 hereinafter provided.

2293 The Governor shall appoint five (5) members from the
2294 congressional districts as they are presently constituted, as
2295 follows: The initial member from the First Congressional District
2296 shall be appointed for a term of one (1) year; the initial member
2297 from the Second Congressional District shall be for a term of two
2298 (2) years; the initial member from the Third Congressional
2299 District shall be appointed for a term of three (3) years; the
2300 initial member from the Fourth Congressional District shall be
2301 appointed for a term of four (4) years; the initial member from
2302 the Fifth Congressional District shall be appointed for a term of
2303 five (5) years. The members of the board as constituted on July
2304 1, 2003, who are appointed from congressional districts and whose
2305 terms have not expired shall serve the balance of their terms,
2306 after which time the membership of the board shall be appointed as
2307 follows: There shall be appointed one (1) member of the board
2308 from each of the four (4) Mississippi congressional districts as
2309 they currently exist, and the Governor shall make appointments
2310 from the congressional district having the smallest number of
2311 board members until the membership includes one (1) member from
2312 each district as required. In addition, the Governor shall
2313 appoint three (3) members from the state at large, each of whom
2314 shall serve for an initial term of four (4) years. Subsequent
2315 terms for all members shall be for five (5) years.

2316 All terms shall begin on January 1 of the appropriate year.
2317 No member of the board shall hold any elected office.
2318 Appointments made to fill a vacancy of a term shall be made by the
2319 appointing officer within sixty (60) days after the vacancy
2320 occurs. Any person appointed to fill an unexpired term shall hold



2321 office only for and during the unexpired term of the member he
2322 succeeds.

2323 (3) Each member of the board shall take the oath prescribed
2324 by Section 268 of the Mississippi Constitution. The board shall
2325 elect from among its membership, to serve one-year terms, a
2326 chairman who shall preside over meetings and a vice chairman who
2327 shall preside in the absence of the chairman or when the chairman
2328 shall be excused. A majority of the membership of the board shall
2329 constitute a quorum for the transaction of any business. Any
2330 board member who shall not attend three (3) consecutive regular
2331 meetings of the board for reasons other than illness of said
2332 member shall be subject to removal by a majority vote of the board
2333 members.

2334 (4) The board shall hold regular meetings and special
2335 meetings as may be necessary for the purposes of conducting such
2336 business as may be required. The board shall adopt rules and
2337 regulations governing times and places for meetings, and governing
2338 the manner of conducting its business. All meetings of the board
2339 shall be open to the public.

2340 **REAL ESTATE APPRAISER LICENSING BOARD**

2341 **SECTION 37.** Section 73-34-7, Mississippi Code of 1972, is
2342 amended as follows:

2343 73-34-7. (1) (a) There is hereby established, as an
2344 adjunct board to the Mississippi Real Estate Commission, a board
2345 to be known as the Mississippi Real Estate Appraiser Licensing and
2346 Certification Board, which shall consist of six (6) members. Five
2347 (5) members shall be appointed by the Governor, with the advice
2348 and consent of the Senate, one (1) from each congressional
2349 district as such district existed on January 1, 1989; the
2350 Administrator of the Mississippi Real Estate Commission shall be
2351 an ex officio, nonvoting member.

2352 (b) The initial appointments made by the Governor shall
2353 be in compliance with guidelines issued by the Federal Financial



2354 Institutions Examination Council or its designee; and the
2355 appointees shall serve for terms ending on December 31, 1991. Not
2356 more than two (2) positions on the board shall be filled with
2357 appointees who hold membership in the same professional
2358 organization.

2359 (c) From and after January 1, 1992, gubernatorial
2360 appointments shall be made pursuant to the procedure established
2361 in this paragraph (c). The five (5) members shall be appointed by
2362 the Governor, with the advice and consent of the Senate, one (1)
2363 from each congressional district as such district existed on
2364 January 1, 1992. At least three (3) members shall be certified
2365 general real estate appraisers or at least two (2) members shall
2366 be certified general real estate appraisers and one (1) member may
2367 be a certified residential real estate appraiser. Not more than
2368 two (2) positions on the board shall be filled with appointees who
2369 hold membership in the same professional organization. Of the
2370 initial appointments made pursuant to this paragraph (c), two (2)
2371 shall serve for three (3) years, two (2) shall serve for two (2)
2372 years and one (1) shall serve for one (1) year. Thereafter, each
2373 member shall serve for a term of four (4) years. Upon the
2374 expiration of a member's term, such member shall continue to serve
2375 until the appointment and qualification of a successor.

2376 Commencing with appointments made in 1992, no person shall be
2377 appointed as a member of the board for more than two (2)
2378 consecutive terms. The Governor may remove an appointed member
2379 for cause. The members of the board as constituted on July 1,
2380 2003, whose terms have not expired shall serve the balance of
2381 their terms, after which time the gubernatorial appointments to
2382 the board shall be made as follows: There shall be appointed one
2383 (1) member of the board from each of the four (4) Mississippi
2384 congressional districts as they currently exist, and one (1) from
2385 the state at large, and the Governor shall make appointments from
2386 the congressional district having the smallest number of board



2387 members until the membership includes at least one (1) member from
2388 each congressional district as required.

2389 (2) The board shall meet not less than twice a calendar
2390 year. Written notice shall be given to each member of the time
2391 and place of each meeting of the board at least ten (10) days
2392 prior to the scheduled date of the meeting.

2393 (3) A quorum of the board shall be three (3) voting members;
2394 commencing January 1, 1992, at least one (1) present must be a
2395 licensed certified general real estate appraiser or a certified
2396 residential real estate appraiser. Appointed members of the board
2397 are entitled to mileage and actual expenses as authorized by
2398 Section 25-3-41 and per diem as provided by Section 25-3-69; ex
2399 officio members are entitled to mileage and actual expenses only.

2400 (4) The board shall elect a chairman and such other officers
2401 as it deems necessary. Such officers shall serve as such for
2402 terms established by the board.

2403 **SOCIAL WORKER & FAMILY THERAPY BOARD**

2404 **SECTION 38.** Section 73-53-8, Mississippi Code of 1972, is
2405 amended as follows:

2406 73-53-8. (1) There is created the Board of Examiners for
2407 Social Workers and Marriage and Family Therapists to license and
2408 regulate social workers and marriage and family therapists. The
2409 board shall be composed of ten (10) members, six (6) of which
2410 shall be social workers and four (4) of which shall be marriage
2411 and family therapists.

2412 (2) Of the social worker members of the board, two (2) must
2413 be licensed social workers, and four (4) must be licensed master
2414 social workers or licensed certified social workers or a
2415 combination thereof. The marriage and family therapist members of
2416 the board must be licensed marriage and family therapists. For at
2417 least five (5) years immediately preceding his or her appointment,
2418 each marriage and family therapist appointee must have been
2419 actively engaged as a marriage and family therapist in rendering



2420 professional services in marriage and family therapy, or in the
2421 education and training of master's, doctoral or post-doctoral
2422 students of marriage and family therapy, or in marriage and family
2423 therapy research, and during the two (2) years preceding his or
2424 her appointment, must have spent the majority of the time devoted
2425 to that activity in this state. The initial marriage and family
2426 therapist appointees shall be deemed to be and shall become
2427 licensed practicing marriage and family therapists immediately
2428 upon their appointment and qualification as members of the board.
2429 All subsequent marriage and family therapist appointees to the
2430 board must be licensed marriage and family therapists before their
2431 appointment.

2432 (3) The Governor shall appoint six (6) members of the board,
2433 four (4) of which shall be social workers and two (2) of which
2434 shall be marriage and family therapists, and the Lieutenant
2435 Governor shall appoint four (4) members of the board, two (2) of
2436 which shall be social workers and two (2) of which shall be
2437 marriage and family therapists. Social worker members of the
2438 board shall be appointed from nominations submitted by the
2439 Mississippi Chapter of the National Association of Social Workers,
2440 and marriage and family therapist members of the board shall be
2441 appointed from nominations submitted by the Mississippi Marriage
2442 and Family Therapy Association. All appointments shall be made
2443 with the advice and consent of the Senate.

2444 (4) The initial appointments to the board shall be made as
2445 follows: The Governor shall appoint one (1) social worker member
2446 for a term that expires on June 30, 1999, one (1) social worker
2447 member for a term that expires on June 30, 2001, two (2) social
2448 worker members for terms that expire on June 30, 2002, one (1)
2449 marriage and family therapist member for a term that expires on
2450 June 30, 1998, and one (1) marriage and family therapist member
2451 for a term that expires on June 30, 2000. The Lieutenant Governor
2452 shall appoint one (1) social worker member for a term that expires



2453 on June 30, 1998, one (1) social worker member for a term that
2454 expires on June 30, 2000, one (1) marriage and family therapist
2455 member for a term that expires on June 30, 1999, and one (1)
2456 marriage and family therapist member of the board for a term that
2457 expires on June 30, 2001. After the expiration of the initial
2458 terms, all subsequent appointments shall be made by the original
2459 appointing authorities for terms of four (4) years from the
2460 expiration date of the previous term. The members of the board as
2461 constituted on July 1, 2003, whose terms have not expired shall
2462 serve the balance of their terms, after which time the membership
2463 of the board shall be appointed as follows: The appointments to
2464 the board made by the Governor shall be made one (1) from each of
2465 the four (4) Mississippi congressional districts as they currently
2466 exist, and two (2) from the state at large, and the appointments
2467 to the board made by the Lieutenant Governor shall be made one (1)
2468 from each of the four (4) Mississippi congressional districts as
2469 they exist on January 1, 2002, and each appointing officer shall
2470 make appointments from the congressional district having the
2471 smallest number of board members until the membership includes at
2472 least the minimum number from each congressional district as
2473 required; and the nominating organization shall submit nominations
2474 to the Governor or the Lieutenant Governor from the appropriate
2475 congressional district as required. Upon the expiration of his or
2476 her term of office, a board member shall continue to serve until
2477 his or her successor has been appointed and has qualified. No
2478 person may be appointed more than once to fill an unexpired term
2479 or more than two (2) consecutive full terms.

2480 (5) Any vacancy on the board before the expiration of a term
2481 shall be filled by appointment of the original appointing
2482 authority for the remainder of the unexpired term. Appointments
2483 to fill vacancies shall be made from nominations submitted by the
2484 appropriate organization as specified in subsection (2) of this
2485 section for the position being filled.



2486 (6) The appointing authorities shall give due regard to
2487 geographic distribution, race and sex in making all appointments
2488 to the board.

2489 (7) The board shall select one (1) of its members to serve
2490 as chairman during the term of his or her appointment to the
2491 board. No person may serve as chairman for more than four (4)
2492 years. The board may remove any member of the board or the
2493 chairman from his or her position as chairman for (a) malfeasance
2494 in office, or (b) conviction of a felony or a crime of moral
2495 turpitude while in office, or (c) failure to attend three (3)
2496 consecutive board meetings. However, no member may be removed
2497 until after a public hearing of the charges against him or her,
2498 and at least thirty (30) days' prior written notice to the accused
2499 member of the charges against him or her and of the date fixed for
2500 such hearing. No board member shall participate in any matter
2501 before the board in which he has a pecuniary interest, personal
2502 bias or other similar conflict of interest.

2503 (8) Board members shall receive no compensation for their
2504 services, but shall be reimbursed for their actual and necessary
2505 expenses incurred in the performance of official board business as
2506 provided in Section 25-3-41.

2507 (9) Four (4) social worker members and three (3) marriage
2508 and family therapist members of the board shall constitute a
2509 quorum of the board. In making its decisions and taking actions
2510 affecting the members of one (1) of the professions regulated by
2511 the board, the board shall consider the recommendations of the
2512 board members who are members of that profession.

2513 (10) The principal office of the board shall be in the City
2514 of Jackson, but the board may act and exercise all of its powers
2515 at any other place. The board shall adopt an official seal, which
2516 shall be judicially noticed and which shall be affixed to all
2517 licenses issued by the board.



2518 (11) The board is authorized to employ, subject to the
2519 approval of the State Personnel Board, an executive director and
2520 such attorneys, experts and other employees as it may, from time
2521 to time, find necessary for the proper performance of its duties
2522 and for which the necessary funds are available, and to set the
2523 salary of the executive director, subject to the approval of the
2524 State Personnel Board. The board is strongly encouraged to employ
2525 any employees of the State Department of Health who may be
2526 displaced as a result of the enactment of Laws, 1997, Chapter 516.

2527 (12) The board, by a majority vote, from time to time may
2528 make such provisions as it deems appropriate to authorize the
2529 performance by any board member or members, employee or other
2530 agent of the board of any function given the board in this chapter
2531 or Sections 73-54-1 through 73-54-39.

2532 **HOME INSPECTOR REGULATORY BOARD**

2533 **SECTION 39.** Section 73-60-5, Mississippi Code of 1972, is
2534 amended as follows:

2535 73-60-5. (1) There is hereby created, as an adjunct board
2536 to the Mississippi Real Estate Commission, a board to be known as
2537 the Home Inspector Regulatory Board, which shall consist of five
2538 (5) members appointed by the Governor, with the advice and consent
2539 of the Senate, to include one (1) Representative from each of the
2540 four (4) Mississippi congressional districts currently existing,
2541 and two (2) from the state at large and all shall be licensed home
2542 inspectors.

2543 (2) The Home Inspector Regulatory Board shall advise the
2544 commission or its designee on all matters relating to this
2545 chapter. The board shall meet no less than four (4) times
2546 annually and shall be reimbursed for expenses on a per diem basis
2547 pursuant to state law.

2548 **BOARD OF REGISTERED PROFESSIONAL GEOLOGISTS**

2549 **SECTION 40.** Section 73-63-9, Mississippi Code of 1972, is
2550 amended as follows:



2551 73-63-9. (1) There is created the Board of Registered
2552 Professional Geologists to administer this chapter. The board
2553 shall consist of five (5) registered professional geologists
2554 appointed by the Governor from nominees recommended by the
2555 committee created in subsection (3) of this section, but
2556 geologists initially appointed to the board shall be qualified for
2557 registration under this chapter and shall register within the
2558 first year of their term. The Governor shall require adequate
2559 disclosure of potential conflicts of interest by appointees to the
2560 board. The board shall, to the extent practicable, consist of one
2561 (1) member appointed from the governmental sector, one (1) member
2562 appointed from academia, one (1) member appointed from the
2563 geotechnical/environmental industrial sector, one (1) member
2564 appointed from the mining/mineral extraction industrial sector,
2565 and one (1) member appointed at large. The initial term of the
2566 members shall be as follows: two (2) members shall be appointed
2567 for terms of four (4) years, two (2) members shall be appointed
2568 for terms of three (3) years, and one (1) member shall be
2569 appointed for a term of two (2) years. Following appointment of
2570 the initial board, all terms shall be for four (4) years. The
2571 term of members shall begin and end on July 1 of the appropriate
2572 year regardless of the date of appointment. Upon expiration of a
2573 member's term, the Governor may appoint a new member or may
2574 reappoint the existing member to one (1) additional term. No
2575 member of the board shall serve more than two (2) consecutive
2576 terms. The members of the board as constituted on July 1, 2003,
2577 whose terms have not expired shall serve the balance of their
2578 terms, after which time the membership of the board shall be
2579 appointed as follows: There shall be appointed one (1) member of
2580 the board from each of the four (4) Mississippi congressional
2581 districts as they currently exist, and the Governor shall make
2582 appointments from the congressional district having the smallest
2583 number of board members until the membership includes one (1)



2584 member from each district as required; and the nominating
2585 committee shall make recommendations to the Governor from the
2586 appropriate congressional district. Members shall hold office
2587 until their successors have been appointed and qualified.
2588 Vacancies in the membership of the board shall be filled for the
2589 unexpired term by appointment in the same manner as the original
2590 appointments. Before assuming the duties of office, each member
2591 of the board shall take the oath prescribed in Section 268 of the
2592 Constitution and shall give a surety bond in the amount of Fifty
2593 Thousand Dollars (\$50,000.00) to be approved by the Secretary of
2594 State, conditioned according to law and payable to the State of
2595 Mississippi. The premium on the bond shall be a proper and
2596 necessary expense of the board. Each member shall receive a
2597 certificate of appointment from the Governor. Original
2598 appointments to the board shall be made before October 1, 1997.

2599 (2) Each member of the board shall be a citizen of the
2600 United States, a resident of this state for at least five (5)
2601 years immediately preceding that person's appointment, and at
2602 least thirty (30) years of age.

2603 (3) (a) Except as provided in paragraph (b) of this
2604 subsection, the board annually shall appoint a nominating
2605 committee. No board member shall participate on the nominating
2606 committee during the year in which that member's term expires.
2607 The nominating committee shall solicit nominees for membership to
2608 the board by mailing a notice to each registered professional
2609 geologist shown on the roster maintained by the board and residing
2610 in the state. Within thirty (30) days following mailing of the
2611 notices, any registered professional geologist meeting the
2612 qualifications under subsection (2) of this section may place or
2613 have placed his or her name in nomination. The nominating
2614 committee shall compile a list of the nominees and submit that
2615 list to the registered professional geologists on the roster.
2616 Each geologist shall have one (1) vote and shall submit that vote



2617 in writing within fifteen (15) days following the mailing of the
2618 list of nominees. The nominating committee shall calculate the
2619 results and recommend to the Governor the three (3) nominees from
2620 the sector and congressional districts in which the vacancy occurs
2621 receiving the largest number of votes.

2622 (b) The Task Force/Advisory Committee on Geologic
2623 Registration shall recommend fifteen (15) nominees to the Governor
2624 for appointment to the initial board.

2625 **STATE BOARD OF MASSAGE THERAPY**

2626 **SECTION 41.** Section 73-67-9, Mississippi Code of 1972, is
2627 amended as follows:

2628 73-67-9. (1) There is created the State Board of Massage
2629 Therapy.

2630 (2) The board shall consist of five (5) members appointed by
2631 the Governor, with the advice and consent of the Senate, as
2632 follows: At least three (3) members shall be appointed from a
2633 list submitted by state representatives of one or more nationally
2634 recognized professional massage therapy association(s), one (1) to
2635 be appointed from each Mississippi Supreme Court District and all
2636 of whom must be residents of Mississippi and must have engaged in
2637 the practice of massage therapy within the state for at least
2638 three (3) years, one (1) member shall be a licensed health
2639 professional in a healthfield other than massage therapy and one
2640 (1) member shall be a consumer at large who is not associated with
2641 or financially interested in the practice or business of massage
2642 therapy. The initial members of the board shall be appointed for
2643 staggered terms, as follows: one (1) member shall be appointed
2644 for a term that ends on June 30, 2002; one (1) member shall be
2645 appointed for a term that ends on June 30, 2003; one (1) member
2646 shall be appointed for a term that ends on June 30, 2004; and two
2647 (2) members shall be appointed for terms that end on June 30,
2648 2005, to be designated at the time of appointment. Appointments
2649 shall be made within ninety (90) days from July 1, 2001.



2650 (3) All subsequent appointments to the board shall be
2651 appointed by the Governor for terms of four (4) years from the
2652 expiration date of the previous term. No person shall be
2653 appointed for more than two (2) consecutive terms. By approval of
2654 the majority of the board, the service of a member may be extended
2655 at the completion of a four-year term until a new member is
2656 appointed or the current member is reappointed. The board shall
2657 elect one (1) of the appointed massage therapists as the chairman
2658 of the board.

2659 (4) A majority of the board may elect an executive secretary
2660 and other such individuals, including an attorney, as may be
2661 necessary to implement the provisions of this chapter. The board
2662 may hold additional meetings at such times and places as it deems
2663 necessary. A majority of the board shall constitute a quorum and
2664 a majority of the board shall be required to grant or revoke a
2665 certificate of registration.

2666 **SECTION 42.** This act shall take effect and be in force from
2667 and after July 1, 2003.

