

By: Senator(s) Thames

To: Fees, Salaries and
AdministrationCOMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2803

1 AN ACT TO PROVIDE THAT FROM AND AFTER JULY 1, 2004,
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 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, 39-11-1, 43-13-409, 43-55-5,
7 47-5-541, 47-7-5, 49-2-5, 49-4-4, 49-19-1, 57-10-167, 63-17-57,
8 69-7-253, 69-9-3, 69-15-2, 73-1-5, 73-4-7, 73-15-9, 73-19-7,
9 73-31-5, 73-33-3, 73-53-8 AND 73-63-9, MISSISSIPPI CODE OF 1972,
10 IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

12 **MISSISSIPPI DEPARTMENT OF TECHNOLOGY SERVICES**

13 **SECTION 1.** Section 25-53-7, Mississippi Code of 1972, is
14 amended as follows:

15 25-53-7. (1) The membership of the authority shall be
16 composed of five (5) members to be appointed by the Governor with
17 the advice and consent of the Senate. The initial terms of the
18 members shall be for one (1), two (2), three (3), four (4) and
19 five (5) years, respectively, and thereafter all terms shall be
20 for five (5) years. The initial appointments to the reconstituted
21 authority shall be made no later than June 30, 1984, for terms to
22 begin on July 1, 1984. The members of the authority as
23 constituted on July 1, 2004, whose terms have not expired shall
24 serve the balance of their terms, after which time the membership
25 of the authority shall be appointed as follows: There shall be
26 appointed one (1) member of the authority from each of the four
27 (4) Mississippi congressional districts as they currently exist,
28 and one (1) from the state at large, and the Governor shall make
29 appointments from the congressional district having the smallest
30 number of authority members until the membership includes one (1)
31 member from each district as required. Vacancies shall be filled

32 in the same manner as original appointments for the unexpired
33 portion of the term vacated. Each member of the authority shall
34 have a minimum of four (4) years' experience in an information
35 technology-related executive position or prior service as a member
36 of the authority.

37 (2) Each member of the authority shall be required to
38 furnish a surety bond in the minimum amount of Fifty Thousand
39 Dollars (\$50,000.00) to be approved by the Secretary of State,
40 conditioned according to law and payable to the State of
41 Mississippi, before entering upon his duties. The premiums on
42 such bonds shall be paid from any funds available to the authority
43 for such purpose.

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

52 (4) The Lieutenant Governor may designate one (1) Senator
53 and the Speaker of the House of Representatives may designate one
54 (1) Representative to attend any meeting of the authority. The
55 appointing authorities may designate an alternate member from
56 their respective houses to serve when the regular designee is
57 unable to attend such meetings of the authority. Such legislative
58 designees shall have no jurisdiction or vote on any matter within
59 the jurisdiction of the authority. For attending meetings of the
60 authority, such legislators shall receive per diem and expenses
61 which shall be paid from the contingent expense funds of their
62 respective houses in the same amounts as provided for committee
63 meetings when the Legislature is not in session; however, no per
64 diem and expenses for attending meetings of the authority will be

65 paid while the Legislature is in session. No per diem and
66 expenses will be paid except for attending meetings of the
67 authority without prior approval of the proper committee in their
68 respective houses.

69 **STATE BOARD OF CONTRACTORS**

70 **SECTION 2.** Section 31-3-3, Mississippi Code of 1972, is
71 amended as follows:

72 31-3-3. There is hereby created the State Board of
73 Contractors of the State of Mississippi, which shall consist of
74 ten (10) members who shall be appointed by the Governor. All
75 appointments to the board after July 1, 1980, shall be made with
76 the advice and consent of the Senate. Two (2) road contractors;
77 two (2) building contractors; two (2) residential builders as
78 defined in Section 73-59-1; one (1) plumbing or heating and air
79 conditioning contractor; one (1) electrical contractor; and one
80 (1) water and sewer contractor shall compose the board. From and
81 after July 1, 1992, the Governor shall appoint one (1) additional
82 member who shall be a roofing contractor and whose term of office
83 shall be five (5) years. Each member shall be an actual resident
84 of the State of Mississippi and must have been actually engaged in
85 the contracting business for a period of not less than ten (10)
86 years before appointment. The initial terms of the two (2)
87 residential builders shall be for two (2) and four (4) years,
88 respectively, beginning July 1, 1993.

89 Upon the expiration of the term of office of any member of
90 the board, the Governor shall appoint a new member for a term of
91 five (5) years, such new appointments being made so as to maintain
92 on the board two (2) building contractors; two (2) road
93 contractors; two (2) residential builders; one (1) plumbing or
94 heating and air conditioning contractor; one (1) electrical
95 contractor; and one (1) water and sewer contractor; and one (1)
96 roofing contractor. The members of the board as constituted on
97 July 1, 2004, whose terms have not expired shall serve the balance

98 of their terms, after which time the membership of the board shall
99 be appointed as follows: There shall be appointed not more than
100 three (3) members of the board from each of the four (4)
101 Mississippi congressional districts as they currently exist, and
102 the Governor shall make appointments from the congressional
103 district having the smallest number of board members until the
104 membership includes not less than two (2) members from each
105 district as required. The Governor shall fill any vacancy by
106 appointment, such appointee to serve the balance of the term of
107 the original appointee. The Governor may remove any member of the
108 board for misconduct, incompetency or willful neglect of duty.

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

114 **VETERANS AFFAIRS BOARD**

115 **SECTION 3.** Section 35-1-1, Mississippi Code of 1972, is
116 amended as follows:

117 35-1-1. (1) (a) There is hereby created a State Veterans
118 Affairs Board, to consist of seven (7) members, to be appointed by
119 the Governor, one (1) from each congressional district as they
120 existed on January 1, 1952, of the State of Mississippi. One (1)
121 shall be appointed for one (1) year, another for two (2) years,
122 another for three (3) years, another for four (4) years, another
123 for five (5) years, another for six (6) years, and another for
124 seven (7) years, thus staggered. At the end of such term for each
125 of said seven (7) members, a successor shall be appointed for a
126 term of seven (7) years, thus providing for seven (7) members, one
127 (1) of whom shall be appointed each year. In the event of death,
128 resignation or removal of a member of the board, such person
129 appointed to fill the vacancy shall be a legal resident of the
130 congressional district in which the vacancy shall occur, and shall

131 serve for the remainder of the term to which such member was
132 appointed. Members of the board shall be veterans of any war or
133 police action in which the Armed Forces of the United States have
134 been, are, or shall be committed for action, who have been
135 honorably discharged or honorably released.

136 (b) From and after May 14, 1992, terms of all members
137 then serving on the State Veterans Affairs Board shall terminate,
138 and the board shall be reconstituted as follows: The board shall
139 consist of seven (7) members. All members shall be appointed by
140 the Governor, with the advice and consent of the Senate. One (1)
141 member shall be appointed from each congressional district as such
142 districts existed on March 1, 1992, and two (2) members shall be
143 appointed from the state at large. Of the initial congressional
144 district appointees to the board, one (1) shall serve for a term
145 of one (1) year, one (1) for a term of two (2) years, one (1) for
146 a term of three (3) years, one (1) for a term of four (4) years
147 and one (1) for a term of five (5) years. Of the initial at-large
148 appointees, one (1) (who shall be that person appointed in January
149 1992 from the First Congressional District under the provisions of
150 paragraph (a) of this subsection) shall serve for a term of three
151 (3) years and one (1) (who shall be that person appointed in
152 January 1992 from the Seventh Congressional District under the
153 provisions of paragraph (a) of this subsection) shall serve for a
154 term of five (5) years. All appointees after the initial
155 appointees shall serve for terms of five (5) years each. In the
156 event of death, resignation or removal of a member of the board,
157 the vacancy shall be filled by appointment of the Governor, with
158 the advice and consent of the Senate, from the congressional
159 district in which the vacancy occurs, for the length of the
160 unexpired term only. Members of the board shall be honorably
161 discharged or released veterans of any war or police action in
162 which the Armed Forces of the United States have been, are, or
163 shall be committed for action. No state/department commander of

any federally recognized veterans organization, no national officer of any federally recognized veterans organization and no member of the Mississippi Council of Veterans Organizations shall be eligible for appointment to the board until the expiration of a period of three (3) years after the termination of their service in such disqualifying positions. The members of the board as constituted on July 1, 2004, whose terms have not expired shall serve the balance of their terms, after which time the membership of the board shall be appointed as follows: There shall be appointed one (1) member of the board from each of the four (4) Mississippi congressional districts as they currently exist, and three (3) from the state at large, and the Governor shall make appointments from the congressional district having the smallest number of board members until the membership includes at least one (1) member from each congressional district as required.

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

WAR VETERANS MEMORIAL COMMISSION

SECTION 4. Section 35-3-24, Mississippi Code of 1972, is amended as follows:

35-3-24. There is hereby created a War Veterans Memorial Commission, which is hereby charged with the duty of carrying out the provisions as hereinafter set forth, and it shall be referred to in the succeeding sections hereof as the "commission." The commission shall consist of seven (7) commissioners, one (1) member each from the American Legion, the Veterans of Foreign Wars, Disabled American Veterans, American Ex-Prisoners of War, Veterans of World War I, Sons of Confederate Veterans, and the Mississippi National Guard. The commissioners shall be appointed by the Governor on the recommendation of the state executive

governing body of each respective organization entitled to a member of the commission. The initial terms of the members shall be as follows, to be designated by the Governor at the time of appointment: (a) two (2) members shall be appointed for terms of two (2) years each; (b) two (2) members for terms of four (4) years each; (c) two (2) members for terms of six (6) years each; and (d) the member from the American Ex-Prisoners of War for a term of four (4) years. Thereafter, each term shall be for six (6) years or until a successor in office has been appointed and qualified. The members of the commission as constituted on July 1, 2004, whose terms have not expired shall serve the balance of their terms, after which time the membership of the commission shall be appointed as follows: There shall be appointed one (1) member of the commission from each of the four (4) Mississippi congressional districts as they currently exist, and three (3) from the state at large, and the Governor shall make appointments from the congressional district having the smallest number of commission members until the membership includes at least one (1) member from each congressional district as required; and the appropriate organization/association shall submit nominations to the Governor from the proper congressional district as required. In the event of any vacancy on the commission, the Governor shall, within thirty (30) days, designate a successor in the same manner as the original appointment was made. No member of either branch of the Legislature nor any state officer or employee shall serve on the commission.

VETERANS HOME PURCHASE BOARD

SECTION 5. Section 35-7-7, Mississippi Code of 1972, is amended as follows:

35-7-7. The administration of the provisions hereof is vested in a Veterans' Home Purchase Board consisting of six (6) members who shall be appointed, or reappointed, by the Governor, with the advice and consent of the Senate. Members appointed to

the board shall be veterans of either World War II, the Korean Conflict, the Southeast Asia Conflict, the Persian Gulf Conflict or have served in active duty for at least one hundred eighty (180) days during a time of war or a conflict in which a campaign ribbon or medal was issued and shall possess a background in business, banking, real estate or the legal profession which enables them to carry out the duties of the board. Appointments shall be staggered, with each Governor appointing or reappointing two (2) members in the first year of his administration; one (1) member in the second year, two (2) members in the third year, and one (1) member in the fourth year. Appointments for terms that expire in 1988 shall be made as follows: one (1) shall be made for a term ending on July 1, 1989; one (1) shall be made for a term ending on July 1, 1991; and two (2) shall be made for a term ending on July 1, 1992. Persons appointed to succeed the two (2) members whose terms expired in 1986, or any such member holding over after 1986 because no successor was appointed, shall serve until July 1, 1990. After the expiration of the foregoing terms, all appointments shall be for a term of four (4) years from the expiration date of the previous term. From and after July 1, 1988, one (1) appointee shall be selected from each of the five (5) congressional districts of this state as such districts are composed on May 1, 1987, and one (1) appointee shall be selected from the state at large. The members of the board as constituted on July 1, 2004, whose terms have not expired shall serve the balance of their terms, after which time the membership of the board shall be appointed as follows: There shall be appointed one (1) member of the board from each of the four (4) Mississippi congressional districts as they currently exist, and two (2) from the state at large, and the Governor shall make appointments from the congressional district having the smallest number of board members until the membership includes at least one (1) from each congressional district as required. Any vacancy occurring during

263 a term shall be filled by appointment of a member for the
264 unexpired portion of the term.

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

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

292 The director, or other executive officer employed by the
293 board, shall execute a surety bond in the sum of One Hundred
294 Thousand Dollars (\$100,000.00), conditioned upon the faithful
295 performance of his duties and upon his accounting for all monies

coming into his hands; and each employee handling funds shall execute a like bond in the sum of Fifteen Thousand Dollars (\$15,000.00), and the premiums thereon shall be paid from the funds provided for administering this chapter.

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

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

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

STATE BOARD FOR COMMUNITY AND JUNIOR COLLEGES

SECTION 6. Section 37-4-3, Mississippi Code of 1972, is amended as follows:

37-4-3. (1) From and after July 1, 1986, there shall be a State Board for Community and Junior Colleges which shall receive and distribute funds appropriated by the Legislature for the use of the public community and junior colleges and funds from federal and other sources that are transmitted through the state

329 governmental organization for use by said colleges. This board
330 shall provide general coordination of the public community and
331 junior colleges, assemble reports and such other duties as may be
332 prescribed by law.

333 (2) The board shall consist of ten (10) members of which
334 none shall be an elected official and none shall be engaged in the
335 educational profession. The Governor shall appoint two (2)
336 members from the First Mississippi Congressional District, one (1)
337 who shall serve an initial term of two (2) years and one (1) who
338 shall serve an initial term of five (5) years; two (2) members
339 from the Second Mississippi Congressional District, one (1) who
340 shall serve an initial term of five (5) years and one (1) who
341 shall serve an initial term of three (3) years; and two (2)
342 members from the Third Mississippi Congressional District, one (1)
343 who shall serve an initial term of four (4) years and one (1) who
344 shall serve an initial term of two (2) years; two (2) members from
345 the Fourth Mississippi Congressional District, one (1) who shall
346 serve an initial term of three (3) years and one (1) who shall
347 serve an initial term of four (4) years; and two (2) members from
348 the Fifth Mississippi Congressional District, one (1) who shall
349 serve an initial term of five (5) years and one (1) who shall
350 serve an initial term of two (2) years. The members of the board
351 as constituted on July 1, 2004, whose terms have not expired shall
352 serve the balance of their terms, after which time the membership
353 of the board shall be appointed as follows: There shall be
354 appointed two (2) members of the board from each of the four (4)
355 Mississippi congressional districts as they currently exist, and
356 the Governor shall make appointments from the congressional
357 district having the smallest number of board members until the
358 membership includes two (2) from each district as required. All
359 subsequent appointments shall be for a term of six (6) years and
360 continue until their successors are appointed and qualify. An
361 appointment to fill a vacancy which arises for reasons other than

362 by expiration of a term of office shall be for the unexpired term
363 only. No two (2) appointees shall reside in the same junior
364 college district. All members shall be appointed with the advice
365 and consent of the Senate.

366 (3) There shall be a chairman and vice chairman of the
367 board, elected by and from the membership of the board; and the
368 chairman shall be the presiding officer of the board. The board
369 shall adopt rules and regulations governing times and places for
370 meetings and governing the manner of conducting its business.

371 (4) The members of the board shall receive no annual salary,
372 but shall receive per diem compensation as authorized by Section
373 25-3-69, Mississippi Code of 1972, for each day devoted to the
374 discharge of official board duties and shall be entitled to
375 reimbursement for all actual and necessary expenses incurred in
376 the discharge of their duties, including mileage as authorized by
377 Section 25-3-41, Mississippi Code of 1972.

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

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

393 (a) To authorize disbursements of state appropriated
394 funds to community and junior colleges through orders in the
395 minutes of the board.

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

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

400 (d) To require community and junior colleges to supply
401 such information as the board may request and compile, publish and
402 make available such reports based thereon as the board may deem
403 advisable.

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

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

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

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

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

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

424 (k) To contract with other boards, commissions,
425 governmental entities, foundations, corporations or individuals

for programs, services, grants and awards when such are needed for the operation and development of the state public community and junior college system.

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

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

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

MISSISSIPPI EDUCATIONAL TELEVISION AUTHORITY

SECTION 7. Section 37-63-3, Mississippi Code of 1972, is amended as follows:

37-63-3. The Authority for Educational Television shall consist of the State Superintendent of Public Education, or his designee, and six (6) members appointed, with the advice and consent of the Senate. The Governor shall appoint four (4) members, one (1) of whom shall be actively engaged as a teacher or principal in a secondary school system in the State of Mississippi and one (1) of whom shall be actively engaged as a teacher or principal in an elementary school system in the State of Mississippi. Beginning July 1, 1994, the appointee actively engaged as a teacher or principal in a secondary school shall be

459 appointed for an initial term of three (3) years. The member
460 actively engaged as a teacher or principal in an elementary school
461 shall be appointed for an initial term of four (4) years. The
462 remaining two (2) gubernatorial appointees shall serve until July
463 1, 1996. Beginning July 1, 1996, the Governor shall appoint two
464 (2) members for initial terms of three (3) and four (4) years,
465 with the Governor specifically designating which member shall be
466 appointed for three (3) years and which shall be appointed for
467 four (4) years. The gubernatorial appointees on the authority as
468 constituted on July 1, 2004, whose terms have not expired shall
469 serve the balance of their terms, after which time these
470 appointments shall be made as follows: The gubernatorial
471 appointees shall be appointed one (1) from each of the four (4)
472 Mississippi congressional districts as they currently exist, and
473 the Governor shall make appointments from the congressional
474 district having the smallest number of authority members until the
475 membership includes one (1) member from each district as required.
476 The State Board for Community and Junior Colleges shall appoint
477 one (1) member, and the Board of Trustees of the State
478 Institutions of Higher Learning shall appoint one (1) member.
479 After the expiration of the initial terms, all members shall serve
480 for terms of four (4) years. An appointment to fill a vacancy
481 among the gubernatorial appointees, other than by expiration of a
482 term of office, shall be made by the Governor for the balance of
483 the unexpired term.

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

485 **SECTION 8.** Section 37-101-3, Mississippi Code of 1972, is
486 amended as follows:

487 37-101-3. * * *

488 * * * The Executive Director of the State Board for
489 Community and Junior Colleges, or his designee, and one (1) member
490 of the State Board for Community and Junior Colleges to be
491 designated by the chairman of said board, shall attend all regular

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

PREPAID AFFORDABLE COLLEGE TUITION BOARD

SECTION 9. Section 37-155-7, Mississippi Code of 1972, is amended as follows:

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

(a) Nine (9) voting members as follows: the State Treasurer; the Commissioner of Higher Education, or his designee; the Executive Director of the Community and Junior College Board, or his designee; the Department of Finance and Administration Executive Director, or his designee; and one (1) member from each congressional district to be appointed by the Governor with the advice and consent of the Senate. One (1) member shall be appointed for an initial term of one (1) year; one (1) member shall be appointed for an initial term of two (2) years; one (1) member for an initial term of three (3) years; one (1) member for an initial term of four (4) years; and one (1) member for an initial term of five (5) years. On the expiration of any of the terms of office, the Governor shall appoint successors by and with

the advice and consent of the Senate for terms of five (5) years in each case. The gubernatorial appointments of the board as constituted on July 1, 2004, whose terms have not expired shall serve the balance of their terms, after which time the gubernatorial appointments shall be made as follows: There shall be appointed one (1) member of the board from each of the four (4) Mississippi congressional districts as they currently exist, and one (1) from the state at large, and the Governor shall make appointments from the congressional district having the smallest number of board members until the membership includes at least one (1) member from each congressional district as required. Ex officio members of the board may be represented at official meetings by their deputy, or other designee, and such designees shall have full voting privileges and shall be included in the determination of a quorum for conducting board business.

(b) Two (2) nonvoting, advisory members of the board shall be appointed by each of the following officers: the Lieutenant Governor and the Speaker of the House of Representatives.

(2) Successors to the appointed members shall serve for the length of the term for each appointing official and shall be eligible for reappointment, and shall serve until a successor is appointed and qualified. Any person appointed to fill a vacancy on the board shall be appointed in a like manner and shall serve for only the unexpired term.

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

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

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

(6) A majority of the currently serving members of the board shall constitute a quorum for the purposes of conducting business and exercising its official powers and duties. Any action taken by the board shall be upon the vote of a majority of the members present.

MISSISSIPPI LIBRARY COMMISSION

SECTION 10. Section 39-3-101, Mississippi Code of 1972, is amended as follows:

39-3-101. There is hereby created a board of commissioners of the Mississippi Library Commission to be composed of five (5) members appointed by the Governor with overlapping terms, the members of the first board to be appointed one (1) for one (1) year, one (1) for two (2) years, one (1) for three (3) years, one (1) for four (4) years, one (1) for five (5) years, and their successors each to be appointed for five-year terms, each member to serve until his successor is appointed. Two (2) members shall be appointed by the Governor from the state at large. Two (2) members shall be appointed by the Governor from a list of not less than six (6) names submitted by the Mississippi Library Association, one (1) of whom shall be a librarian who is a graduate of a library school accredited by the American Library Association and actively engaged in full-time library work at the time of the appointment and one (1) of whom shall be, at time of the appointment, a member of a legally organized board of trustees of a Mississippi free public library; and one (1) member shall be the President of the Mississippi Federation of Women's Clubs, or a member of said federation recommended by her; and which federation member shall, when appointed, serve a full term as herein provided

for members to serve under a staggered term basis, and the successor to the federation member shall be the president of the federation then serving, or a member of the federation recommended by her, when the term of the federation member shall expire; and after the appointment of a federation member to the board, and when her term as a member thereof shall expire, each succeeding member of the federation who becomes a member of the board shall serve a full term under the provisions of this article. The members of the commission as constituted on July 1, 2004, whose terms have not expired shall serve the balance of their terms, after which time the membership of the board shall be appointed as follows: There shall be appointed one (1) member of the commission from each of the four (4) Mississippi congressional districts as they currently exist, and the federation member shall be considered an appointment from the state at large. The Governor shall make appointments from the congressional district having the smallest number of board members until the membership includes one (1) member from each congressional district as required, and the recommendations from the Mississippi Library Association shall be made from the appropriate congressional district. Vacancies created by resignation shall be filled by appointment for the unexpired term.

MISSISSIPPI COMMISSION ON THE ARTS

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

39-11-1. There is hereby created and established a state commission to be known as the Mississippi Arts Commission, to consist of fifteen (15) members broadly representative of all fields of the performing, visual, literary arts and the business community, and who are to be appointed by the Governor from among citizens of the state who have demonstrated a vital interest in the performing, visual or literary arts. These members shall also be representative of the different geographical areas of the

state. The members of the commission as constituted on July 1, 2004, whose terms have not expired shall serve the balance of their terms, after which time the membership of the board shall be appointed as follows: No more than four (4) members of the commission shall be appointed from each of the four (4) Mississippi congressional districts as they currently exist, and the Governor shall make appointments from the congressional district having the smallest number of commission members until the membership includes at least three (3) members from each district as required.

HEALTH CARE TRUST FUND AND EXPENDABLE FUND BOARD

SECTION 12. Section 43-13-409, Mississippi Code of 1972, is amended as follows:

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

(a) Seven (7) voting members as follows: the State Treasurer, or his designee, the Attorney General, or his designee, and one (1) member from each congressional district to be appointed by the Governor with the advice and consent of the Senate. Of the members appointed by the Governor, one (1) member shall be appointed for an initial term that expires on March 1, 2000; one (1) member shall be appointed for an initial term that expires on March 1, 2001; one (1) member shall be appointed for an initial term that expires on March 1, 2002; one (1) member shall be appointed for an initial term that expires on March 1, 2003; and one (1) member shall be appointed for an initial term that expires on March 1, 2004. Upon the expiration of any of the initial terms of office, the Governor shall appoint successors by and with the advice and consent of the Senate for terms of five (5) years from the expiration date of the previous term. Any member appointed by the Governor shall be eligible for

reappointment. Each member appointed by the Governor shall possess knowledge, skill and experience in business or financial matters commensurate with the duties and responsibilities of the board of directors in administering the Health Care Trust Fund and the Health Care Expendable Fund. The members appointed by the Governor as constituted on July 1, 2004, whose terms have not expired shall serve the balance of their terms, after which time the gubernatorial appointments shall be made as follows: There shall be appointed one (1) member of the board from each of the four (4) Mississippi congressional districts as they currently exist, and one (1) from the state at large, and the Governor shall make appointments from the congressional district having the smallest number of board members until the membership includes one (1) member from each district as required.

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

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

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

(2) Nonlegislative members of the board of directors shall serve without compensation, but shall be reimbursed for each day's official duties of the board at the same per diem as established

690 by Section 25-3-69, and actual travel and lodging expenses as
691 established by Section 25-3-41. Legislative members of the board
692 of directors shall receive the same per diem and expense
693 reimbursement as for attending committee meetings when the
694 Legislature is not in regular session.

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

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

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

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

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

721 (b) To administer the Health Care Trust Fund and the
722 Health Care Expendable Fund in a manner that is sufficiently

723 actuarially sound to meet the obligations of this article and to
724 establish a comprehensive investment plan for the purposes of this
725 article, which shall specify the investment policies to be
726 utilized by the board of directors in administering the funds;

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

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

743 **MISSISSIPPI COMMISSION FOR VOLUNTEER SERVICE**

744 **SECTION 13.** Section 43-55-5, Mississippi Code of 1972, is
745 amended as follows:

746 43-55-5. (1) Members of the Commission for Volunteer
747 Service shall be appointed by the Governor. The commission shall
748 consist of no fewer than fifteen (15) and no more than twenty-five
749 (25) members.

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

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

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

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

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

(e) A representative of local government.

(f) A representative of local labor organizations.

(g) A representative of business.

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

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

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

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

(a) Local educators.

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

(c) Representative of Native American tribes.

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

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

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

(4) Not more than twenty-five percent (25%) of the voting commission members shall be officers or employees of this state. The Governor may appoint additional officers or employees of state agencies operating community service, youth service, education,

social service, senior service, and job training programs, as nonvoting, ex officio members of the commission.

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

(6) Except as provided in this subsection, members of the commission shall serve for staggered three-year terms expiring on October 1. The members constituting the Mississippi Commission for Volunteer Service under Executive Order No. 1994-742 on March 28, 1996, shall serve on the commission for the remainder of the terms for which they were appointed. Of the additional members, the Governor shall appoint one-third (1/3) of the initial members for a term of one (1) year; one-third (1/3) for a term of two (2) years; and one-third (1/3) for a term of three (3) years.

Following expiration of these initial terms, all appointments shall be for three-year renewable terms. The members of the commission as constituted on July 1, 2004, whose terms have not expired shall serve the balance of their terms, after which time the membership of the commission shall be appointed as follows: To the extent practicable, there shall be appointed one-fourth (1/4) of the membership of the commission from each of the four (4) Mississippi congressional districts as they currently exist, and the Governor shall make appointments from the congressional district having the smallest number of board members until one-fourth (1/4) of the membership is from each congressional district as required. Members of the commission may not serve more than two (2) consecutive terms.

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

PRISON INDUSTRY CORPORATION BOARD OF DIRECTORS

822 **SECTION 14.** Section 47-5-541, Mississippi Code of 1972, is
823 amended as follows:

824 47-5-541. (1) The corporation shall be governed by a board
825 of directors. The board of directors of the nonprofit corporation
826 shall be composed of the following eleven (11) members who shall
827 be appointed by the Governor with the advice and consent of the
828 Senate: one (1) representative of the manufacturing industry, one
829 (1) representative of the agriculture industry, one (1)
830 representative of the banking and finance industry, one (1)
831 representative of the labor industry, one (1) representative from
832 the marketing industry and six (6) members from the state at
833 large. In addition, the State Commissioner of Corrections and the
834 President of Mississippi Delta Community College shall be ex
835 officio members of the board of directors with full voting
836 privileges. In making initial appointments, three (3) members
837 shall be appointed for a term of two (2) years; four (4) members
838 shall be appointed for a term of three (3) years; and four (4)
839 members shall be appointed for a term of four (4) years; to be
840 designated by the Governor at the time of appointment; and all
841 succeeding terms shall be for four (4) years from the expiration
842 date of the previous term. Initial appointments shall be made
843 within thirty (30) days after passage of Sections 47-5-531 through
844 47-5-575. Any vacancy shall be filled by the Governor, with the
845 advice and consent of the Senate. The members of the board as
846 constituted on July 1, 2004, whose terms have not expired shall
847 serve the balance of their terms, after which time the membership
848 of the board of directors shall be appointed as follows: There
849 shall be appointed two (2) members of the board from each of the
850 four (4) Mississippi congressional districts as they currently
851 exist, and three (3) from the state at large, and the Governor
852 shall make appointments from the congressional district having the
853 smallest number of board members until the membership includes at
854 least two (2) members from each congressional district as

855 required. The officers of the corporation shall consist of a
856 chairman, vice chairman and a secretary-treasurer. The officers
857 shall be selected by the members of the board. However, the
858 Commissioner of Corrections and the President of Mississippi Delta
859 Community College shall not be eligible to serve as an officer of
860 the corporation. The superintendent for the Parchman facility of
861 the Department of Corrections shall attend all meetings of the
862 board of directors. In addition, the superintendents of the
863 Rankin County and Greene County facilities of the Department of
864 Corrections shall attend any meeting of the board of directors
865 wherein the business relates to their respective facilities.

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

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

885 (4) In addition to the board of directors, an advisory board
886 may be set up for the benefit of each industry which is
887 established pursuant to the provisions of Sections 47-5-531

888 through 47-5-575. Such boards shall be advisory only, and may be
889 set up in the discretion of the board of directors of the
890 corporation.

891 (5) Each member of the board of directors of the corporation
892 shall receive per diem as provided in Section 25-3-69 for each day
893 or fraction thereof spent in actual discharge of his official
894 duties and shall be reimbursed for mileage and actual expenses
895 incurred in the performance of his official duties in accordance
896 with the requirements of Section 25-3-41, Mississippi Code of
897 1972.

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

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

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

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

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

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

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

919 **STATE PAROLE BOARD**

920 **SECTION 15.** Section 47-7-5, Mississippi Code of 1972, is
921 amended as follows:

922 47-7-5. (1) The State Parole Board, created under former
923 Section 47-7-5, is hereby created, continued and reconstituted and
924 shall be composed of five (5) members. The Governor shall appoint
925 the members with the advice and consent of the Senate. All terms
926 shall be at the will and pleasure of the Governor. The members of
927 the State Parole Board as constituted on July 1, 2004, whose terms
928 have not expired shall serve the balance of their terms, after
929 which time the membership of the board shall be appointed as
930 follows: There shall be appointed one (1) member of the board
931 from each of the four (4) Mississippi congressional districts as
932 they currently exist, and one (1) member from the state at large,
933 and the Governor shall make appointments from the congressional
934 district having the smallest number of board members until the
935 membership includes one (1) member from each congressional
936 district as required. Any vacancy shall be filled by the
937 Governor, with the advice and consent of the Senate. The Governor
938 shall appoint a chairman of the board.

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

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

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

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

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

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

(8) (a) The Parole Board shall maintain a central registry of paroled inmates. The Parole Board shall place the following

information on the registry: name, address, photograph, crime for which paroled, the date of the end of parole or flat-time date and other information deemed necessary. The Parole Board shall immediately remove information on a parolee at the end of his parole or flat-time date.

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

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

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

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

COMMISSION ON ENVIRONMENTAL QUALITY

SECTION 16. Section 49-2-5, Mississippi Code of 1972, is amended as follows:

49-2-5. (1) There is hereby created the Mississippi Commission on Environmental Quality, to be composed of seven (7) persons appointed by the Governor, with the advice and consent of the Senate, for a term of seven (7) years. One (1) person shall be appointed from each congressional district as constituted January 1, 1978, and two (2) members shall be appointed from the state at large. The initial terms of the members from congressional districts shall be for one (1), two (2), three (3), four (4) and five (5) years respectively, and the initial terms of the members from the state at large shall be one (1) for six (6) years and one (1) for seven (7) years. Thereafter, all terms shall be for seven (7) years. The members serving on the predecessor Commission on Natural Resources on June 30, 1989, shall continue to serve as members of the successor Commission on Environmental Quality until the expiration of the term of their

1019 appointment to the predecessor commission. The members of the
1020 commission as constituted on July 1, 2004, whose terms have not
1021 expired shall serve the balance of their terms, after which time
1022 the membership of the commission shall be appointed as follows:
1023 There shall be appointed one (1) member of the commission from
1024 each of the four (4) Mississippi congressional districts as they
1025 currently exist, and three (3) from the state at large, and the
1026 Governor shall make appointments from the congressional district
1027 having the smallest number of commission members until the
1028 membership includes one (1) member from each district as required.

1029 (2) The commission shall elect from its membership a
1030 chairman who shall preside over meetings and a vice chairman who
1031 shall preside in the absence of the chairman or when the chairman
1032 shall be excused.

1033 (3) The commission shall adopt rules and regulations
1034 governing times and places for meetings, and governing the manner
1035 of conducting its business. Each member of the commission shall
1036 take the oath prescribed by Section 268 of the Constitution and
1037 shall enter into bond in the amount of Thirty Thousand Dollars
1038 (\$30,000.00) to be approved by the Secretary of State, conditioned
1039 according to law and payable to the State of Mississippi before
1040 assuming the duties of office. Any member who shall not attend
1041 three (3) consecutive regular meetings of the commission shall be
1042 subject to removal by a majority vote of the commission members.

1043 (4) The members of the commission shall receive no annual
1044 salary, but shall receive per diem compensation as authorized by
1045 law for each day devoted to the discharge of official duties, and
1046 shall be entitled to reimbursement for all actual and necessary
1047 expenses incurred in the discharge of their duties, including
1048 mileage as authorized by law.

1049 The commission shall be composed of persons with extensive
1050 knowledge of or practical experience in at least one (1) of the
1051 matters of jurisdiction of the commission.

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

COMMISSION ON WILDLIFE, FISHERIES & PARKS

SECTION 17. Section 49-4-4, Mississippi Code of 1972, is amended as follows:

49-4-4. (1) There is hereby created the Mississippi Commission on Wildlife, Fisheries and Parks, to be composed of five (5) persons appointed by the Governor, with the advice and consent of the Senate, for a term of five (5) years. One (1) person shall be appointed from each congressional district. The initial terms of the members shall be one (1), two (2), three (3), four (4) and five (5) years, respectively. Thereafter, all terms shall be for five (5) years. An appointment to fill a vacancy which arises for reasons other than by expiration of a term of office shall be made from the respective congressional district for the unexpired term only. The members of the commission as constituted on July 1, 2004, whose terms have not expired shall serve the balance of their terms, after which time the membership of the commission shall be appointed as follows: There shall be appointed one (1) member of the commission from each of the four (4) Mississippi congressional districts as they currently exist, and one (1) from the state at large, and the Governor shall make appointments from the congressional district having the smallest number of commission members until the membership includes at least one (1) member from each congressional district as required.

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

(3) The commission shall adopt rules and regulations governing times and places for meetings and governing the manner

1085 of conducting its business. Each member of the commission shall
1086 take the oath prescribed by Section 268 of the Constitution, and
1087 shall enter into bond in the amount of Thirty Thousand Dollars
1088 (\$30,000.00) to be approved by the Secretary of State, conditioned
1089 according to law, and payable to the State of Mississippi before
1090 assuming the duties of office. Any member who shall not attend
1091 three (3) consecutive regular meetings of the commission shall be
1092 subject to removal by a majority vote of the commission members.

1093 (4) The members of the commission shall receive no annual
1094 salary but shall receive per diem compensation as authorized by
1095 law for each day devoted to the discharge of official duties and
1096 shall be entitled to reimbursement for all actual and necessary
1097 expenses incurred in the discharge of their duties, including
1098 mileage as authorized by law.

1099 The commission shall be composed of persons with a
1100 demonstrated history of involvement in at least one (1) of the
1101 matters of jurisdiction of the commission and whose employment and
1102 activities are not in conflict. All of the commissioners shall be
1103 an active outdoorsman holding a resident hunting or fishing
1104 license in at least five (5) of the ten (10) years preceding
1105 appointment. A member shall not have a record of conviction of
1106 violation of fish or game laws and regulations within five (5)
1107 years preceding appointment or a record of any felony conviction.

1108 (5) The commission shall have the power to adopt, amend and
1109 repeal such regulations and rules as may be necessary for the
1110 operation of the department.

1111 (6) The commission shall have the power and authority to
1112 issue all licenses and permits under the jurisdiction of the
1113 department.

1114 (7) In the furtherance of its duties and responsibilities,
1115 the commission may conduct hearings, gather testimony and perform
1116 other functions required to carry out its powers and duties as
1117 prescribed by statute.

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

FORESTRY COMMISSION

SECTION 18. Section 49-19-1, Mississippi Code of 1972, is amended as follows:

49-19-1. (1) There shall be a State Forestry Commission composed of nine (9) members, who shall be qualified electors of the state. The Dean of the School of Forest Resources at Mississippi State University shall be an ex officio member of the commission, with full voting authority. The Governor shall appoint eight (8) members, with the advice and consent of the Senate, for a term of six (6) years. The Governor shall appoint one (1) member from each congressional district as constituted at the time the appointments are made and shall appoint the remainder of the members from the state at large. The members of the commission as constituted on July 1, 2004, whose terms have not expired shall serve the balance of their terms, after which time the membership of the commission shall be appointed as follows: There shall be appointed two (2) members of the commission from each of the four (4) Mississippi congressional districts as they currently exist, and the Governor shall make appointments from the congressional district having the smallest number of board members until the membership includes two (2) members from each district as required. A member * * * must be a certified tree farmer who owns eighty (80) or more acres of forest land or a person who derives a major portion of his personal income from forest-related business, industry or other related activities. * * *

(2) The members of the commission shall receive no annual salary but each member of the commission shall receive a per diem plus expenses and mileage as authorized by law for each day devoted to the discharge of official duties. No member of the

1151 commission shall receive total per diem in excess of twenty-four
1152 (24) days' compensation per annum.

1153 (3) If a vacancy occurs in the office of an appointed member
1154 of the commission, the vacancy shall be filled by appointment for
1155 the balance of the unexpired term.

1156 (4) The commission shall elect from its membership a
1157 chairman, who shall preside over meetings, and a vice chairman,
1158 who shall preside in the absence of the chairman or when the
1159 chairman is excused.

1160 (5) The commission shall adopt rules and regulations
1161 governing times and places for meetings, and governing the manner
1162 of conducting its business. Each member of the commission shall
1163 take the oath prescribed by Section 268 of the Constitution and
1164 shall enter into bond in the amount of Thirty Thousand Dollars
1165 (\$30,000.00) to be approved by the Secretary of State, conditioned
1166 according to law and payable to the State of Mississippi before
1167 assuming the duties of office.

1168 (6) Any appointment made to the commission contrary to this
1169 section shall be void, and it is unlawful for the State Fiscal
1170 Officer to pay any per diem or authorize the expenses of the
1171 appointee.

1172 **MISSISSIPPI BUSINESS FINANCE CORPORATION**

1173 **SECTION 19.** Section 57-10-167, Mississippi Code of 1972, is
1174 amended as follows:

1175 57-10-167. There is hereby established the Certified
1176 Development Company of Mississippi, Inc., a public corporation,
1177 which shall be an incorporated certified development company
1178 pursuant to Section 503 of the Small Business Investment Act of
1179 1958, as amended.

1180 The Certified Development Company of Mississippi, Inc.,
1181 hereinafter referred to as the "committee" unless the context
1182 clearly indicates otherwise, shall be composed of twenty-five (25)
1183 members as follows:

1184 (a) The State Treasurer; the Executive Director of the
1185 University Research Center, or his designee; the Executive
1186 Director of the Mississippi Development Authority; the Executive
1187 Director of the Small Business Development Center; six (6) persons
1188 associated with small business to be appointed by the Governor,
1189 one (1) for a term of one (1) year, one (1) for a term of two (2)
1190 years, one (1) for a term of three (3) years, one (1) for a term
1191 of four (4) years, one (1) for a term of five (5) years and one
1192 (1) for a term of six (6) years; three (3) persons associated with
1193 small business to be appointed by the Lieutenant Governor, one (1)
1194 for a term of one (1) year, one (1) for a term of two (2) years
1195 and one (1) for a term of three (3) years; five (5) persons
1196 involved in banking or small business to be appointed by the
1197 Governor, one (1) for a term of one (1) year, one (1) for a term
1198 of two (2) years, one (1) for a term of three (3) years, one (1)
1199 for a term of four (4) years and one (1) for a term of five (5)
1200 years; and two (2) persons involved in banking or small business
1201 to be appointed by the Lieutenant Governor, one (1) for a term of
1202 one (1) year and one (1) for a term of two (2) years. The members
1203 described above and serving on the committee on June 30, 1984,
1204 shall continue to serve on the committee until the expiration of
1205 their terms.

1206 (b) For terms to begin on July 1, 1984, the Governor
1207 shall appoint one (1) person associated with small business for a
1208 term of six (6) years; the Secretary of State shall appoint one
1209 (1) person associated with small business for a term of one (1)
1210 year; the Attorney General shall appoint one (1) person involved
1211 in banking or small business for a term of six (6) years; and the
1212 State Treasurer shall appoint two (2) persons, one (1) for a term
1213 of one (1) year and one (1) for a term of two (2) years, and after
1214 the expiration of the term of the person appointed hereinabove by
1215 the Attorney General, that vacancy shall be filled thereafter by a

1216 person involved in banking or small business appointed by the
1217 State Treasurer for a term of six (6) years.

1218 The members of the committee as constituted on July 1, 2004,
1219 who are appointed by the Governor and whose terms have not expired
1220 shall serve the balance of their terms, after which time these
1221 members shall be appointed as follows: The Governor shall appoint
1222 three (3) members of the board from each of the four (4)
1223 Mississippi congressional districts as they currently exist, and
1224 the Governor shall make appointments from the congressional
1225 district having the smallest number of members until the
1226 membership includes three (3) members from each district as
1227 required.

1228 All appointments after the initial appointment shall be for
1229 terms of six (6) years each. All such appointments will be
1230 subject to the approval of the Senate. An appointment to fill a
1231 vacancy existing for any reason other than the expiration of a
1232 term shall be for the balance of the unexpired term. Members
1233 serving by reason of their ex officio designation shall continue
1234 to serve as long as they occupy the position which entitles them
1235 to membership.

1236 Members who are officers or employees of the state shall
1237 receive no compensation for their services, and other committee
1238 members shall receive a per diem as provided in Section 25-3-69,
1239 Mississippi Code of 1972. All members shall receive reimbursement
1240 for actual traveling and subsistence expenses incurred in the
1241 performance of their duties under this article, such reimbursement
1242 to be as provided in Section 25-3-41, Mississippi Code of 1972.

1243 The Certified Development Company of Mississippi, Inc., shall
1244 have an executive director who shall be appointed by the board of
1245 directors.

1246 The Certified Development Company of Mississippi, Inc., shall
1247 elect from among its membership a nine-member board of directors,

a majority of whom shall be a quorum, a president and vice president and may appoint a secretary and a treasurer.

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

MOTOR VEHICLE COMMISSION

SECTION 20. Section 63-17-57, Mississippi Code of 1972, is amended as follows:

63-17-57. There is hereby created the Mississippi Motor Vehicle Commission to be composed of eight (8) members, one (1) of whom shall be appointed by the Attorney General from the state at large for a term of four (4) years and one (1) of whom shall be appointed by the Secretary of State from the state at large for a term of four (4) years, and six (6) licensees who shall be appointed by the Governor, one (1) from the state at large and one (1) from each of the five (5) congressional districts of this state for terms of the following duration: the term of the member from the state at large shall expire at the time the incumbent Governor's term expires, the term of the member appointed from the First Congressional District shall expire on June 30, 1973, the term of the member appointed from the Second Congressional District shall expire on June 30, 1974, the term of the member appointed from the Third Congressional District shall expire on June 30, 1976, the term of the member from the Fourth Congressional District shall expire on June 30, 1977, and the term of the member appointed from the Fifth Congressional District shall expire on June 30, 1978. Each member shall serve until his successor is appointed and qualified. At the expiration of the term of the member initially appointed by the Attorney General each successor member shall be appointed for a term of four (4)

years by the incumbent Attorney General, and at the expiration of the term of the member appointed by the Secretary of State each successor member shall be appointed for a term of four (4) years by the incumbent Secretary. At the expiration of a term for which each of the initial appointments of the Governor is made, each successor member shall be appointed for a term of seven (7) years except that the term of the member appointed from the state at large shall be coterminous with that of the Governor making the appointment. The members of the commission appointed by the Governor as constituted on July 1, 2004, whose terms have not expired shall serve the balance of their terms, after which time the gubernatorial appointments shall be made as follows: The Governor shall appoint one (1) member of the commission from each of the four (4) Mississippi congressional districts as they currently exist, and two (2) from the state at large, and the Governor shall make appointments from the congressional district having the smallest number of commission members until the membership includes one (1) from each congressional district as required.

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

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

EGG MARKETING BOARD

1314 **SECTION 21.** Section 69-7-253, Mississippi Code of 1972, is
1315 amended as follows:

1316 69-7-253. There is hereby continued the Mississippi Egg
1317 Marketing Board with domicile at the capital city of the state.
1318 The board shall be composed of five (5) members: one (1) member
1319 shall be the Commissioner of Agriculture and Commerce as ex
1320 officio member. One (1) member shall be an egg producer as
1321 defined in this article. Three (3) members shall be employed by
1322 or associated with egg industry related businesses, or disciplines
1323 which include poultry support, marketing, promotion, home
1324 economist, extension poultry science agencies and the Mississippi
1325 Department of Agriculture and Commerce. No more than one (1)
1326 industry-related business or discipline member shall be employed
1327 by, associated with or have a financial interest in the same
1328 company or subsidiary.

1329 The Governor shall appoint the members, with the advice and
1330 consent of the Senate. The Governor shall appoint a member from a
1331 list of not more than three (3) producers and not less than three
1332 (3) individuals representing egg industry related businesses or
1333 disciplines, provided by the board based upon a poll of its
1334 members. The members of the board as constituted on July 1, 2004,
1335 whose terms have not expired shall serve the balance of their
1336 terms, after which time the membership of the board shall be
1337 appointed as follows: There shall be appointed one (1) member of
1338 the board from each of the four (4) Mississippi congressional
1339 districts as they currently exist, and the Governor shall make
1340 appointments from the congressional district having the smallest
1341 number of board members until the membership includes one (1)
1342 member from each congressional district as required; and the board
1343 shall provide the Governor with its recommendations from the
1344 appropriate congressional district. The terms shall be for six
1345 (6) years. Each member shall serve, after the completion of his

term, until his successor is appointed and duly qualified. Each vacancy shall be filled by appointment for the unexpired term.

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

SOYBEAN PROMOTION BOARD

SECTION 22. Section 69-9-3, Mississippi Code of 1972, is amended as follows:

69-9-3. (1) The Mississippi Soybean Promotion Board is hereby created, to be composed of twelve (12) members to be appointed by the Governor to serve terms of three (3) years, as hereinafter provided. All of the twelve (12) members of the board shall be producers of soybeans in the State of Mississippi. Within ten (10) days following the effective date of this chapter, each of the following organizations, namely, Mississippi Farm Bureau Federation, Inc., Mississippi Feed and Grain Association, Mississippi Soybean Association and Delta Council shall submit the names of six (6) soybean producers to the Governor, and he shall appoint three (3) members from the nominees of each organization to serve on the board on rotating three-year terms. The original board shall be appointed with members of each of the aforementioned organizations appointed as follows: one (1) for one (1) year, one (1) for two (2) years, and one (1) for three (3) years. Each year thereafter, not less than thirty (30) days prior to the expiration of the terms of expiring board members, the aforementioned organizations shall submit the names of three (3) nominees to the Governor and succeeding boards shall be appointed by the Governor in the same manner, giving equal representation to each organization. The members of the board as constituted on July 1, 2004, whose terms have not expired shall serve the balance of their terms, after which time the membership of the board shall be appointed as follows: There shall be appointed three (3) members

1379 of the board from each of the four (4) Mississippi congressional
1380 districts as they currently exist, and the Governor shall make
1381 appointments from the congressional district having the smallest
1382 number of board members until the membership includes three (3)
1383 members from each congressional district as required; and the
1384 proper association shall submit nominations to the Governor from
1385 the appropriate congressional district as required. Vacancies
1386 which occur shall be filled in the same manner as the original
1387 appointments were made.

1388 (2) The members of the board shall meet and organize
1389 immediately after their appointment, and shall elect a chairman,
1390 vice chairman and secretary-treasurer from the membership of the
1391 board, whose duties shall be those customarily exercised by such
1392 officers or specifically designated by the board. The chairman,
1393 vice chairman and secretary-treasurer shall be bonded in an amount
1394 not less than Twenty Thousand Dollars (\$20,000.00). The cost of
1395 said bonds shall be paid from the funds received under the
1396 provisions of this chapter. Such bond shall be a security for any
1397 illegal act of such member of the board and recovery thereon may
1398 be had by the state for any injury by such illegal act of such
1399 member. The board may establish rules and regulations for its own
1400 government and the administration of the affairs of the board.

1401 **BOARD OF ANIMAL HEALTH**

1402 **SECTION 23.** Section 69-15-2, Mississippi Code of 1972, is
1403 amended as follows:

1404 69-15-2. (1) The Mississippi Board of Animal Health is to
1405 be composed of the Commissioner of Agriculture and Commerce, the
1406 Dean of the College of Veterinary Medicine and the heads of the
1407 Animal and Dairy Science and Poultry Science Departments at
1408 Mississippi State University of Agriculture and Applied Science
1409 and one (1) person appointed by the President of Alcorn State
1410 University from its land grant staff as five (5) ex officio
1411 members with full voting rights, and eleven (11) other members of

1412 the board to be appointed by the Governor as hereinafter provided.
1413 The board shall select annually a chairman and vice chairman from
1414 any members of the board.

1415 (2) The Governor, with the advice and consent of the Senate,
1416 shall appoint eleven (11) other members from the following groups
1417 or associations from a written list of three (3) recommendations
1418 from such groups or associations:

1419 One (1) licensed and practicing veterinarian who holds a
1420 Doctor of Veterinary Medicine Degree, from a written list of three
1421 (3) recommendations submitted by the Mississippi State Veterinary
1422 Medical Association;

1423 One (1) general farmer from a written list of three (3)
1424 recommendations submitted by the Mississippi Farm Bureau
1425 Federation;

1426 One (1) poultry breeder and producer from a written list of
1427 three (3) recommendations submitted by the Mississippi Poultry
1428 Improvement Association;

1429 One (1) sheep breeder and producer from a written list of
1430 three (3) recommendations submitted by the Mississippi Sheep
1431 Producers' Association;

1432 One (1) beef cattle breeder and producer from a written list
1433 of three (3) recommendations submitted by the Mississippi
1434 Cattlemen's Association;

1435 One (1) swine breeder and producer from a written list of
1436 three (3) recommendations submitted by the Mississippi Pork
1437 Producers' Association;

1438 One (1) dairy breeder and producer from a written list of
1439 three (3) recommendations submitted by the American Dairy
1440 Association of Mississippi;

1441 One (1) horse breeder and producer from a written list of
1442 three (3) recommendations submitted by the Mississippi Horse
1443 Council;

1444 One (1) catfish breeder and producer from a written list of
1445 three (3) recommendations submitted by the Mississippi Catfish
1446 Association;

1447 One (1) member of the Mississippi Independent Meat Packers'
1448 Association from a written list of three (3) recommendations
1449 submitted by the Mississippi Independent Meat Packers'
1450 Association;

1451 One (1) member of the Mississippi Livestock Auction
1452 Association from a written list of three (3) recommendations
1453 submitted by the Mississippi Livestock Auction Association.

1454 All members shall take and subscribe to the general oath of
1455 office as provided in Section 268, Mississippi Constitution of
1456 1890, and file the same with the Commissioner of Agriculture and
1457 Commerce.

1458 (3) Effective August 1, 1968, the dairy producer member
1459 shall be appointed for a one-year term; the Livestock Auction
1460 Association member shall be appointed for a two-year term; * * *
1461 the meat packer member shall be appointed for a three-year term;
1462 the catfish producer member shall be appointed for a four-year
1463 term; and the horse producer member shall be appointed for a
1464 five-year term.

1465 Effective August 1, 1969, the poultry producer member shall
1466 be appointed for a two-year term; on August 1, 1970, the sheep
1467 producer member shall be appointed for a three-year term; on
1468 August 1, 1971, the swine producing member shall be appointed for
1469 a four-year term; on August 1, 1972, the general farmer member
1470 shall be appointed for a five-year term; on August 1, 1973, the
1471 veterinarian member shall be appointed for a six-year term; and on
1472 August 1, 1974, the beef cattle producer member shall be appointed
1473 for a seven-year term.

1474 The members of the board as constituted on July 1, 2004, who
1475 are appointed by the Governor and whose terms have not expired
1476 shall serve the balance of their terms, after which time the

1477 membership of the board shall be appointed as follows: Not more
1478 than three (3) members of the board shall be appointed from any of
1479 the four (4) Mississippi congressional districts as they currently
1480 exist, and the Governor shall make appointments from the
1481 congressional district having the smallest number of board members
1482 until the membership includes not less than two (2) members from
1483 each district as required. All subsequent appointments shall be
1484 for four-year terms, except for appointments to fill vacancies
1485 which shall be for the unexpired term only.

1486 (4) (a) "Commissioner" means the Commissioner of
1487 Agriculture and Commerce.

1488 (b) "Department" means the Department of Agriculture
1489 and Commerce.

1490 (5) On or before July 1, 1998, the board shall appoint, from
1491 a written list of not less than three (3) licensed veterinarians
1492 submitted by the commissioner, the State Veterinarian.

1493 (6) There is created an advisory council to advise the Board
1494 of Animal Health on matters concerning the board. The council
1495 shall be composed of the Chairman of the Senate Agriculture
1496 Committee, the Chairman of the House Agriculture Committee, and
1497 one (1) appointee of the Lieutenant Governor and one (1) appointee
1498 of the Speaker of the House of Representatives. The members of
1499 the advisory council shall serve in an advisory capacity only.
1500 For attending meetings of the council, such legislators shall
1501 receive per diem and expenses which shall be paid from the
1502 contingent expense funds of their respective houses in the same
1503 amounts provided for committee meetings when the Legislature is
1504 not in session; however, no per diem or expenses for attending
1505 meetings of the council shall be paid while the Legislature is in
1506 session. No per diem and expenses shall be paid except for
1507 attending meetings of the council without prior approval of the
1508 proper committee in their respective houses.

1509 **STATE BOARD OF ARCHITECTURE**

SECTION 24. Section 73-1-5, Mississippi Code of 1972, is amended as follows:

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

The Governor shall appoint the members of the board, and each member shall serve for a term of five (5) years. The terms shall be staggered so that the term of not more than one (1) member shall expire each year on June 1. The members of the board as constituted on July 1, 2004, whose terms have not expired shall serve the balance of their terms, after which time the membership of the board shall be appointed as follows: There shall be appointed one (1) member of the board from each of the four (4) Mississippi congressional districts as they currently exist, and one (1) from the state at large, and the Governor shall make appointments from the congressional district having the smallest number of board members until the membership includes one (1) member from each district as required.

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

MISSISSIPPI AUCTIONEER COMMISSION

SECTION 25. Section 73-4-7, Mississippi Code of 1972, is amended as follows:

73-4-7. (1) The Mississippi Auctioneer Commission is created, and it shall have the authority to make such rules and regulations as are reasonable and necessary for the orderly regulation of the auctioneering profession and the protection of

1543 the public, which rules and regulations are not inconsistent with
1544 the Mississippi Constitution of 1890 and state laws. The
1545 commission shall have the following powers:

1546 (a) The power to set reasonable license fees, to
1547 collect and hold such fees and to disburse such fees in any manner
1548 not inconsistent with this chapter.

1549 (b) The power to make such rules and regulations as
1550 will promote the orderly functioning of the auction profession and
1551 ensure the protection of the public.

1552 (c) The power to hire and retain such staff and support
1553 personnel as are necessary to conduct business and assure
1554 compliance with this chapter.

1555 (d) The power to conduct investigations, hold hearings,
1556 subpoena witnesses, make findings of fact and otherwise enforce
1557 the disciplinary provisions contained in this chapter.

1558 (2) The Mississippi Auctioneer Commission shall consist of
1559 five (5) members, one (1) from each congressional district, who
1560 shall be appointed by the Governor. All appointees shall possess
1561 the following minimum qualifications:

1562 (a) An appointee shall be a citizen of Mississippi.

1563 (b) An appointee shall have been engaged as an
1564 auctioneer for a period of not less than five (5) years
1565 immediately preceding his appointment.

1566 (c) An appointee shall be of good reputation,
1567 trustworthy and knowledgeable in the auction profession.

1568 An individual may not act as a member of the commission while
1569 holding another elected or appointed office in either the state or
1570 federal government or while owning a school or other facility to
1571 train individuals to be auctioneers.

1572 (3) In order to assure continuity, the Governor shall
1573 appoint the initial members of the commission for the following
1574 terms:

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

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

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

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

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

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

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

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

MISSISSIPPI BOARD OF NURSING

SECTION 26. Section 73-15-9, Mississippi Code of 1972, is amended as follows:

73-15-9. (1) There is hereby created a board to be known as the Mississippi Board of Nursing, composed of thirteen (13) members, two (2) of whom shall be nurse educators; three (3) of

whom shall be registered nurses in clinical practice, two (2) to have as basic nursing preparation an associate degree or diploma and one (1) to have as basic nursing preparation a baccalaureate degree; one (1) of whom shall be a registered nurse at large; one (1) of whom shall be a registered nurse practitioner; four (4) of whom shall be licensed practical nurses; one (1) of whom shall be a licensed physician who shall always be a member of the State Board of Medical Licensure; and one (1) of whom shall represent consumers of health services. There shall be at least one (1) board member from each congressional district in the state; provided, however, that the physician member, the consumer representative member and one (1) registered nurse member shall be at large always. The members of the board as constituted on July 1, 2004, whose terms have not expired shall serve the balance of their terms, after which time the membership of the board shall be appointed as follows: There shall be appointed not less than two (2) members and not more than three (3) members of the board from each of the four (4) Mississippi congressional districts as they currently exist, and the Governor shall make appointments from the congressional district having the smallest number of board members until the membership includes at least two (2) members from each congressional district as required, and the nominating organization and/or association shall make nominations to the Governor from the appropriate congressional district.

(2) Members of the Mississippi Board of Nursing, excepting the member of the State Board of Medical Licensure, shall be appointed by the Governor, with the advice and consent of the Senate, from lists of nominees submitted by any Mississippi registered nurse organization and/or association chartered by the State of Mississippi whose board of directors is elected by the membership and whose membership includes registered nurses statewide, for the nomination of registered nurses, and by the Mississippi Federation of Licensed Practical Nurses and the

1641 Mississippi Licensed Practical Nurses' Association for the
1642 nomination of a licensed practical nurse. Nominations submitted
1643 by any such registered nurse organization or association to fill
1644 vacancies on the board shall be made and voted on by registered
1645 nurses only. Each list of nominees shall contain a minimum of
1646 three (3) names for each vacancy to be filled. The list of names
1647 shall be submitted at least thirty (30) days before the expiration
1648 of the term for each position. If such list is not submitted, the
1649 Governor is authorized to make an appointment from the group
1650 affected and without nominations. Appointments made to fill
1651 vacancies for unexpired terms shall be for the duration of such
1652 terms and until a successor is duly appointed.

1653 (3) Members of the board shall be appointed in staggered
1654 terms for four (4) years or until a successor shall be duly
1655 qualified. No member may serve more than two (2) consecutive full
1656 terms. Members of the board serving on July 1, 1988, shall
1657 continue to serve for their appointed terms.

1658 (4) Vacancies occurring by reason of resignation, death or
1659 otherwise shall be filled by appointment of the Governor upon
1660 nominations from a list of nominees from the affected group to be
1661 submitted within not more than thirty (30) days after such a
1662 vacancy occurs. In the absence of such list, the Governor is
1663 authorized to fill such vacancy in accordance with the provisions
1664 for making full-term appointments. All vacancy appointments shall
1665 be for the unexpired terms.

1666 (5) Any member may be removed from the board by the Governor
1667 after a hearing by the board and provided such removal is
1668 recommended by the executive committee of the affected group.

1669 **STATE BOARD OF OPTOMETRY**

1670 **SECTION 27.** Section 73-19-7, Mississippi Code of 1972, is
1671 amended as follows:

1672 73-19-7. The Governor, with the advice and consent of the
1673 Senate, shall appoint a State Board of Optometry, consisting of

1674 five (5) persons, citizens of Mississippi, each of whom shall be a
1675 nonmedical man or woman actually engaged in the practice of
1676 optometry for five (5) years next preceding his appointment.
1677 Within ninety (90) days after March 25, 1974, the Governor shall
1678 appoint: one (1) member for a term of one (1) year, one (1)
1679 member for a term of two (2) years, one (1) member for a term of
1680 three (3) years, one (1) member for a term of four (4) years, and
1681 one (1) member for a term of five (5) years; and upon the
1682 expiration of all such terms their successors shall be appointed
1683 by the Governor for a term of five (5) years. From and after July
1684 1, 1983, the appointments to the board shall be made with one (1)
1685 member to be appointed from each of the congressional districts as
1686 existing on January 1, 1980; provided that the present members of
1687 the State Board of Optometry whose terms have not expired by July
1688 1, 1983, shall continue to serve until their terms of office have
1689 expired. Each member shall remain in office after the expiration
1690 of his term until his successor shall be duly appointed and
1691 qualified. The members of the board as constituted on July 1,
1692 2004, whose terms have not expired shall serve the balance of
1693 their terms, after which time the membership of the board shall be
1694 appointed as follows: There shall be appointed one (1) member of
1695 the board from each of the four (4) Mississippi congressional
1696 districts as they currently exist, and one (1) from the state at
1697 large, and the Governor shall make appointments from the
1698 congressional district having the smallest number of board members
1699 until the membership includes one (1) member from each
1700 congressional district as required; and the Mississippi Optometric
1701 Association shall make nominations to the Governor from the
1702 appropriate congressional district.

1703 No person so appointed shall be a stockholder in or a member
1704 of the faculty or of the board of trustees of any school of
1705 optometry, or serve to exceed two (2) five-year terms.

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

MISSISSIPPI BOARD OF PSYCHOLOGY

SECTION 28. Section 73-31-5, Mississippi Code of 1972, is amended as follows:

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

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

1739 appointments of psychologist members of the board shall be made
1740 from a list containing the names of at least three (3) eligible
1741 nominees for each vacancy submitted by the Mississippi
1742 Psychological Association. Each board member shall receive a
1743 certificate of appointment from the Governor before entering on
1744 the discharge of his duties, and within thirty (30) days from the
1745 effective date of his appointment shall subscribe an oath for the
1746 faithful performance of his official duty before any officer
1747 authorized to administer oaths in this state, and shall file the
1748 same with the Secretary of State. To enable the board to have
1749 regular, planned changes in membership the following one-time
1750 changes in length of terms of board members is enacted:

1751 (a) One (1) of the two (2) practice members appointed
1752 in 1998 will serve a three-year term.

1753 (b) The practice member appointed in 2002 will serve a
1754 three-year term.

1755 (c) One of the two (2) academic members appointed in
1756 2002 will serve a four-year term.

1757 The members of the board as constituted on July 1, 2004,
1758 whose terms have not expired shall serve the balance of their
1759 terms, after which time the membership of the board shall be
1760 appointed as follows: There shall be appointed one (1) member of
1761 the board from each of the four (4) Mississippi congressional
1762 districts as they currently exist, and three (3) from the state at
1763 large, and the Governor shall make appointments from the
1764 congressional district having the smallest number of board members
1765 until the membership includes at least one (1) member from each
1766 congressional district as required; and the association shall
1767 nominate members to the Governor from the appropriate
1768 congressional district as required.

1769 (3) The Governor may remove any board member for misconduct,
1770 incompetency, or neglect of duty after giving the board member a

1771 written statement of the charges and an opportunity to be heard
1772 thereon.

1773 (4) Each board member shall serve without compensation, but
1774 shall receive actual traveling and incidental expenses necessarily
1775 incurred while engaged in the discharge of official duties.

1776 This section shall stand repealed from and after July 1,
1777 2011.

1778 **STATE BOARD OF PUBLIC ACCOUNTANCY**

1779 **SECTION 29.** Section 73-33-3, Mississippi Code of 1972, is
1780 amended as follows:

1781 73-33-3. (1) There shall be a board of public accountancy,
1782 consisting of seven (7) members, who are qualified electors of
1783 this state; their duties, powers and qualifications are herein
1784 prescribed by this chapter. The members of the Mississippi State
1785 Board of Public Accountancy shall be appointed from holders of
1786 certificates issued under and by virtue of this chapter.

1787 (2) The present members of the Mississippi State Board of
1788 Public Accountancy shall continue to serve until January 1, 1984.
1789 After January 1, 1984, the appointments to the board shall be as
1790 hereinafter provided.

1791 The Governor shall appoint five (5) members from the
1792 congressional districts as they are presently constituted, as
1793 follows: The initial member from the First Congressional District
1794 shall be appointed for a term of one (1) year; the initial member
1795 from the Second Congressional District shall be for a term of two
1796 (2) years; the initial member from the Third Congressional
1797 District shall be appointed for a term of three (3) years; the
1798 initial member from the Fourth Congressional District shall be
1799 appointed for a term of four (4) years; the initial member from
1800 the Fifth Congressional District shall be appointed for a term of
1801 five (5) years. The members of the board as constituted on July
1802 1, 2004, who are appointed from congressional districts and whose
1803 terms have not expired shall serve the balance of their terms,

1804 after which time the membership of the board shall be appointed as
1805 follows: There shall be appointed one (1) member of the board
1806 from each of the four (4) Mississippi congressional districts as
1807 they currently exist, and the Governor shall make appointments
1808 from the congressional district having the smallest number of
1809 board members until the membership includes one (1) member from
1810 each district as required. In addition, the Governor shall
1811 appoint three (3) members from the state at large, each of whom
1812 shall serve for an initial term of four (4) years. Subsequent
1813 terms for all members shall be for five (5) years.

1814 All terms shall begin on January 1 of the appropriate year.
1815 No member of the board shall hold any elected office.
1816 Appointments made to fill a vacancy of a term shall be made by the
1817 appointing officer within sixty (60) days after the vacancy
1818 occurs. Any person appointed to fill an unexpired term shall hold
1819 office only for and during the unexpired term of the member he
1820 succeeds.

1821 (3) Each member of the board shall take the oath prescribed
1822 by Section 268 of the Mississippi Constitution. The board shall
1823 elect from among its membership, to serve one-year terms, a
1824 chairman who shall preside over meetings and a vice chairman who
1825 shall preside in the absence of the chairman or when the chairman
1826 shall be excused. A majority of the membership of the board shall
1827 constitute a quorum for the transaction of any business. Any
1828 board member who shall not attend three (3) consecutive regular
1829 meetings of the board for reasons other than illness of said
1830 member shall be subject to removal by a majority vote of the board
1831 members.

1832 (4) The board shall hold regular meetings and special
1833 meetings as may be necessary for the purposes of conducting such
1834 business as may be required. The board shall adopt rules and
1835 regulations governing times and places for meetings, and governing

1836 the manner of conducting its business. All meetings of the board
1837 shall be open to the public.

1838 **SOCIAL WORKER & FAMILY THERAPY BOARD**

1839 **SECTION 30.** Section 73-53-8, Mississippi Code of 1972, is
1840 amended as follows:

1841 73-53-8. (1) There is created the Board of Examiners for
1842 Social Workers and Marriage and Family Therapists to license and
1843 regulate social workers and marriage and family therapists. The
1844 board shall be composed of ten (10) members, six (6) of which
1845 shall be social workers and four (4) of which shall be marriage
1846 and family therapists.

1847 (2) Of the social worker members of the board, two (2) must
1848 be licensed social workers, and four (4) must be licensed master
1849 social workers or licensed certified social workers or a
1850 combination thereof. The marriage and family therapist members of
1851 the board must be licensed marriage and family therapists. For at
1852 least five (5) years immediately preceding his or her appointment,
1853 each marriage and family therapist appointee must have been
1854 actively engaged as a marriage and family therapist in rendering
1855 professional services in marriage and family therapy, or in the
1856 education and training of master's, doctoral or post-doctoral
1857 students of marriage and family therapy, or in marriage and family
1858 therapy research, and during the two (2) years preceding his or
1859 her appointment, must have spent the majority of the time devoted
1860 to that activity in this state. The initial marriage and family
1861 therapist appointees shall be deemed to be and shall become
1862 licensed practicing marriage and family therapists immediately
1863 upon their appointment and qualification as members of the board.
1864 All subsequent marriage and family therapist appointees to the
1865 board must be licensed marriage and family therapists before their
1866 appointment.

1867 (3) The Governor shall appoint six (6) members of the board,
1868 four (4) of which shall be social workers and two (2) of which

1869 shall be marriage and family therapists, and the Lieutenant
1870 Governor shall appoint four (4) members of the board, two (2) of
1871 which shall be social workers and two (2) of which shall be
1872 marriage and family therapists. Social worker members of the
1873 board shall be appointed from nominations submitted by the
1874 Mississippi Chapter of the National Association of Social Workers,
1875 and marriage and family therapist members of the board shall be
1876 appointed from nominations submitted by the Mississippi Marriage
1877 and Family Therapy Association. All appointments shall be made
1878 with the advice and consent of the Senate.

1879 (4) The initial appointments to the board shall be made as
1880 follows: The Governor shall appoint one (1) social worker member
1881 for a term that expires on June 30, 1999, one (1) social worker
1882 member for a term that expires on June 30, 2001, two (2) social
1883 worker members for terms that expire on June 30, 2002, one (1)
1884 marriage and family therapist member for a term that expires on
1885 June 30, 1998, and one (1) marriage and family therapist member
1886 for a term that expires on June 30, 2000. The Lieutenant Governor
1887 shall appoint one (1) social worker member for a term that expires
1888 on June 30, 1998, one (1) social worker member for a term that
1889 expires on June 30, 2000, one (1) marriage and family therapist
1890 member for a term that expires on June 30, 1999, and one (1)
1891 marriage and family therapist member of the board for a term that
1892 expires on June 30, 2001. After the expiration of the initial
1893 terms, all subsequent appointments shall be made by the original
1894 appointing authorities for terms of four (4) years from the
1895 expiration date of the previous term. The members of the board as
1896 constituted on July 1, 2004, whose terms have not expired shall
1897 serve the balance of their terms, after which time the membership
1898 of the board shall be appointed as follows: The appointments to
1899 the board made by the Governor shall be made one (1) from each of
1900 the four (4) Mississippi congressional districts as they currently
1901 exist, and two (2) from the state at large, and the appointments

to the board made by the Lieutenant Governor shall be made one (1) from each of the four (4) Mississippi congressional districts as they exist on January 1, 2004, and each appointing officer shall make appointments from the congressional district having the smallest number of board members until the membership includes at least the minimum number from each congressional district as required; and the nominating organization shall submit nominations to the Governor or the Lieutenant Governor from the appropriate congressional district as required. Upon the expiration of his or her term of office, a board member shall continue to serve until his or her successor has been appointed and has qualified. No person may be appointed more than once to fill an unexpired term or more than two (2) consecutive full terms.

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

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

(7) The board shall select one (1) of its members to serve as chairman during the term of his or her appointment to the board. No person may serve as chairman for more than four (4) years. The board may remove any member of the board or the chairman from his or her position as chairman for (a) malfeasance in office, or (b) conviction of a felony or a crime of moral turpitude while in office, or (c) failure to attend three (3) consecutive board meetings. However, no member may be removed until after a public hearing of the charges against him or her, and at least thirty (30) days' prior written notice to the accused member of the charges against him or her and of the date fixed for

such hearing. No board member shall participate in any matter before the board in which he has a pecuniary interest, personal bias or other similar conflict of interest.

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

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

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

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

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

BOARD OF REGISTERED PROFESSIONAL GEOLOGISTS

SECTION 31. Section 73-63-9, Mississippi Code of 1972, is amended as follows:

73-63-9. (1) There is created the Board of Registered Professional Geologists to administer this chapter. The board shall consist of five (5) registered professional geologists appointed by the Governor from nominees recommended by the committee created in subsection (3) of this section, but geologists initially appointed to the board shall be qualified for registration under this chapter and shall register within the first year of their term. The Governor shall require adequate disclosure of potential conflicts of interest by appointees to the board. The board shall, to the extent practicable, consist of one (1) member appointed from the governmental sector, one (1) member appointed from academia, one (1) member appointed from the geotechnical/environmental industrial sector, one (1) member appointed from the mining/mineral extraction industrial sector, and one (1) member appointed at large. The initial term of the members shall be as follows: two (2) members shall be appointed for terms of four (4) years, two (2) members shall be appointed for terms of three (3) years, and one (1) member shall be appointed for a term of two (2) years. Following appointment of the initial board, all terms shall be for four (4) years. The term of members shall begin and end on July 1 of the appropriate year regardless of the date of appointment. Upon expiration of a member's term, the Governor may appoint a new member or may reappoint the existing member to one (1) additional term. No member of the board shall serve more than two (2) consecutive terms. The members of the board as constituted on July 1, 2004, whose terms have not expired shall serve the balance of their terms, after which time the membership of the board shall be appointed as follows: There shall be appointed one (1) member of the board from each of the four (4) Mississippi congressional districts as they currently exist, and the Governor shall make

2001 appointments from the congressional district having the smallest
2002 number of board members until the membership includes one (1)
2003 member from each district as required; and the nominating
2004 committee shall make recommendations to the Governor from the
2005 appropriate congressional district. Members shall hold office
2006 until their successors have been appointed and qualified.

2007 Vacancies in the membership of the board shall be filled for the
2008 unexpired term by appointment in the same manner as the original
2009 appointments. Before assuming the duties of office, each member
2010 of the board shall take the oath prescribed in Section 268 of the
2011 Constitution and shall give a surety bond in the amount of Fifty
2012 Thousand Dollars (\$50,000.00) to be approved by the Secretary of
2013 State, conditioned according to law and payable to the State of
2014 Mississippi. The premium on the bond shall be a proper and
2015 necessary expense of the board. Each member shall receive a
2016 certificate of appointment from the Governor. Original
2017 appointments to the board shall be made before October 1, 1997.

2018 (2) Each member of the board shall be a citizen of the
2019 United States, a resident of this state for at least five (5)
2020 years immediately preceding that person's appointment, and at
2021 least thirty (30) years of age.

2022 (3) (a) Except as provided in paragraph (b) of this
2023 subsection, the board annually shall appoint a nominating
2024 committee. No board member shall participate on the nominating
2025 committee during the year in which that member's term expires.
2026 The nominating committee shall solicit nominees for membership to
2027 the board by mailing a notice to each registered professional
2028 geologist shown on the roster maintained by the board and residing
2029 in the state. Within thirty (30) days following mailing of the
2030 notices, any registered professional geologist meeting the
2031 qualifications under subsection (2) of this section may place or
2032 have placed his or her name in nomination. The nominating
2033 committee shall compile a list of the nominees and submit that

2034 list to the registered professional geologists on the roster.
2035 Each geologist shall have one (1) vote and shall submit that vote
2036 in writing within fifteen (15) days following the mailing of the
2037 list of nominees. The nominating committee shall calculate the
2038 results and recommend to the Governor the three (3) nominees from
2039 the sector and congressional districts in which the vacancy occurs
2040 receiving the largest number of votes.

2041 (b) The Task Force/Advisory Committee on Geologic
2042 Registration shall recommend fifteen (15) nominees to the Governor
2043 for appointment to the initial board.

2044 **SECTION 32.** This act shall take effect and be in force from
2045 and after July 1, 2004.