

By: Senator(s) Thames

To: Fees, Salaries and Administration

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 5-3-55, 25-53-7, 31-3-3, 35-1-1, 35-3-24, 35-7-7, 37-4-3, 37-63-3,  
 6 37-155-7, 39-3-101, 39-5-3, 39-11-1, 41-4-3, 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, 73-60-5, 73-63-9 AND 73-67-9,  
 10 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED  
 11 PURPOSES.

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

13 **PEER COMMITTEE**

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

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

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

35 \* \* \*

36 **MISSISSIPPI DEPARTMENT OF TECHNOLOGY SERVICES**

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

39 25-53-7. (1) The membership of the authority shall be  
40 composed of five (5) members to be appointed by the Governor with  
41 the advice and consent of the Senate. The initial terms of the  
42 members shall be for one (1), two (2), three (3), four (4) and  
43 five (5) years, respectively, and thereafter all terms shall be  
44 for five (5) years. The initial appointments to the reconstituted  
45 authority shall be made no later than June 30, 1984, for terms to  
46 begin on July 1, 1984. The members of the authority as  
47 constituted on July 1, 2004, whose terms have not expired shall  
48 serve the balance of their terms, after which time the membership  
49 of the authority shall be appointed as follows: There shall be  
50 appointed one (1) member of the authority from each of the four  
51 (4) Mississippi congressional districts as they currently exist,  
52 and one (1) from the state at large, and the Governor shall make  
53 appointments from the congressional district having the smallest  
54 number of authority members until the membership includes one (1)  
55 member from each district as required. Vacancies shall be filled  
56 in the same manner as original appointments for the unexpired  
57 portion of the term vacated. Each member of the authority shall  
58 have a minimum of four (4) years' experience in an information  
59 technology-related executive position or prior service as a member  
60 of the authority.

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

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

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

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

93 **STATE BOARD OF CONTRACTORS**

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

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

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

113       Upon the expiration of the term of office of any member of  
114 the board, the Governor shall appoint a new member for a term of  
115 five (5) years, such new appointments being made so as to maintain  
116 on the board two (2) building contractors; two (2) road  
117 contractors; two (2) residential builders; one (1) plumbing or  
118 heating and air conditioning contractor; one (1) electrical  
119 contractor; and one (1) water and sewer contractor; and one (1)  
120 roofing contractor. The members of the board as constituted on  
121 July 1, 2004, whose terms have not expired shall serve the balance  
122 of their terms, after which time the membership of the board shall  
123 be appointed as follows: There shall be appointed not more than  
124 three (3) members of the board from each of the four (4)  
125 Mississippi congressional districts as they currently exist, and  
126 the Governor shall make appointments from the congressional  
127 district having the smallest number of board members until the  
128 membership includes not less than two (2) members from each  
129 district as required. The Governor shall fill any vacancy by  
130 appointment, such appointee to serve the balance of the term of

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

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

#### 138 **VETERANS AFFAIRS BOARD**

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

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

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

164 the Governor, with the advice and consent of the Senate. One (1)  
165 member shall be appointed from each congressional district as such  
166 districts existed on March 1, 1992, and two (2) members shall be  
167 appointed from the state at large. Of the initial congressional  
168 district appointees to the board, one (1) shall serve for a term  
169 of one (1) year, one (1) for a term of two (2) years, one (1) for  
170 a term of three (3) years, one (1) for a term of four (4) years  
171 and one (1) for a term of five (5) years. Of the initial at-large  
172 appointees, one (1) (who shall be that person appointed in January  
173 1992 from the First Congressional District under the provisions of  
174 paragraph (a) of this subsection) shall serve for a term of three  
175 (3) years and one (1) (who shall be that person appointed in  
176 January 1992 from the Seventh Congressional District under the  
177 provisions of paragraph (a) of this subsection) shall serve for a  
178 term of five (5) years. All appointees after the initial  
179 appointees shall serve for terms of five (5) years each. In the  
180 event of death, resignation or removal of a member of the board,  
181 the vacancy shall be filled by appointment of the Governor, with  
182 the advice and consent of the Senate, from the congressional  
183 district in which the vacancy occurs, for the length of the  
184 unexpired term only. Members of the board shall be honorably  
185 discharged or released veterans of any war or police action in  
186 which the Armed Forces of the United States have been, are, or  
187 shall be committed for action. No state/department commander of  
188 any federally recognized veterans organization, no national  
189 officer of any federally recognized veterans organization and no  
190 member of the Mississippi Council of Veterans Organizations shall  
191 be eligible for appointment to the board until the expiration of a  
192 period of three (3) years after the termination of their service  
193 in such disqualifying positions. The members of the board as  
194 constituted on July 1, 2004, whose terms have not expired shall  
195 serve the balance of their terms, after which time the membership  
196 of the board shall be appointed as follows: There shall be

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

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

#### 208 **WAR VETERANS MEMORIAL COMMISSION**

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

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

230 qualified. The members of the commission as constituted on July  
231 1, 2004, whose terms have not expired shall serve the balance of  
232 their terms, after which time the membership of the commission  
233 shall be appointed as follows: There shall be appointed one (1)  
234 member of the commission from each of the four (4) Mississippi  
235 congressional districts as they currently exist, and three (3)  
236 from the state at large, and the Governor shall make appointments  
237 from the congressional district having the smallest number of  
238 commission members until the membership includes at least one (1)  
239 member from each congressional district as required; and the  
240 appropriate organization/association shall submit nominations to  
241 the Governor from the proper congressional district as required.  
242 In the event of any vacancy on the commission, the Governor shall,  
243 within thirty (30) days, designate a successor in the same manner  
244 as the original appointment was made. No member of either branch  
245 of the Legislature nor any state officer or employee shall serve  
246 on the commission.

247 **VETERANS HOME PURCHASE BOARD**

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

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



263 member in the second year, two (2) members in the third year, and  
264 one (1) member in the fourth year. Appointments for terms that  
265 expire in 1988 shall be made as follows: one (1) shall be made  
266 for a term ending on July 1, 1989; one (1) shall be made for a  
267 term ending on July 1, 1991; and two (2) shall be made for a term  
268 ending on July 1, 1992. Persons appointed to succeed the two (2)  
269 members whose terms expired in 1986, or any such member holding  
270 over after 1986 because no successor was appointed, shall serve  
271 until July 1, 1990. After the expiration of the foregoing terms,  
272 all appointments shall be for a term of four (4) years from the  
273 expiration date of the previous term. From and after July 1,  
274 1988, one (1) appointee shall be selected from each of the five  
275 (5) congressional districts of this state as such districts are  
276 composed on May 1, 1987, and one (1) appointee shall be selected  
277 from the state at large. The members of the board as constituted  
278 on July 1, 2004, whose terms have not expired shall serve the  
279 balance of their terms, after which time the membership of the  
280 board shall be appointed as follows: There shall be appointed one  
281 (1) member of the board from each of the four (4) Mississippi  
282 congressional districts as they currently exist, and two (2) from  
283 the state at large, and the Governor shall make appointments from  
284 the congressional district having the smallest number of board  
285 members until the membership includes at least one (1) from each  
286 congressional district as required. Any vacancy occurring during  
287 a term shall be filled by appointment of a member for the  
288 unexpired portion of the term.

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

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

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

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

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

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

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

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

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

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

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

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

362 shall serve an initial term of five (5) years; two (2) members  
363 from the Second Mississippi Congressional District, one (1) who  
364 shall serve an initial term of five (5) years and one (1) who  
365 shall serve an initial term of three (3) years; and two (2)  
366 members from the Third Mississippi Congressional District, one (1)  
367 who shall serve an initial term of four (4) years and one (1) who  
368 shall serve an initial term of two (2) years; two (2) members from  
369 the Fourth Mississippi Congressional District, one (1) who shall  
370 serve an initial term of three (3) years and one (1) who shall  
371 serve an initial term of four (4) years; and two (2) members from  
372 the Fifth Mississippi Congressional District, one (1) who shall  
373 serve an initial term of five (5) years and one (1) who shall  
374 serve an initial term of two (2) years. The members of the board  
375 as constituted on July 1, 2004, whose terms have not expired shall  
376 serve the balance of their terms, after which time the membership  
377 of the board shall be appointed as follows: There shall be  
378 appointed two (2) members of the board from each of the four (4)  
379 Mississippi congressional districts as they currently exist, and  
380 the Governor shall make appointments from the congressional  
381 district having the smallest number of board members until the  
382 membership includes two (2) from each district as required. All  
383 subsequent appointments shall be for a term of six (6) years and  
384 continue until their successors are appointed and qualify. An  
385 appointment to fill a vacancy which arises for reasons other than  
386 by expiration of a term of office shall be for the unexpired term  
387 only. No two (2) appointees shall reside in the same junior  
388 college district. All members shall be appointed with the advice  
389 and consent of the Senate.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

470 **MISSISSIPPI EDUCATIONAL TELEVISION AUTHORITY**

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

473 37-63-3. The Authority for Educational Television shall  
474 consist of the State Superintendent of Public Education, or his  
475 designee, and six (6) members appointed, with the advice and  
476 consent of the Senate. The Governor shall appoint four (4)  
477 members, one (1) of whom shall be actively engaged as a teacher or  
478 principal in a secondary school system in the State of Mississippi  
479 and one (1) of whom shall be actively engaged as a teacher or  
480 principal in an elementary school system in the State of  
481 Mississippi. Beginning July 1, 1994, the appointee actively  
482 engaged as a teacher or principal in a secondary school shall be  
483 appointed for an initial term of three (3) years. The member  
484 actively engaged as a teacher or principal in an elementary school  
485 shall be appointed for an initial term of four (4) years. The  
486 remaining two (2) gubernatorial appointees shall serve until July  
487 1, 1996. Beginning July 1, 1996, the Governor shall appoint two  
488 (2) members for initial terms of three (3) and four (4) years,  
489 with the Governor specifically designating which member shall be  
490 appointed for three (3) years and which shall be appointed for  
491 four (4) years. The gubernatorial appointees on the authority as  
492 constituted on July 1, 2004, whose terms have not expired shall  
493 serve the balance of their terms, after which time these

494 appointments shall be made as follows: The gubernatorial  
495 appointees shall be appointed one (1) from each of the four (4)  
496 Mississippi congressional districts as they currently exist, and  
497 the Governor shall make appointments from the congressional  
498 district having the smallest number of authority members until the  
499 membership includes one (1) member from each district as required.

500 The State Board for Community and Junior Colleges shall appoint  
501 one (1) member, and the Board of Trustees of the State  
502 Institutions of Higher Learning shall appoint one (1) member.  
503 After the expiration of the initial terms, all members shall serve  
504 for terms of four (4) years. An appointment to fill a vacancy  
505 among the gubernatorial appointees, other than by expiration of a  
506 term of office, shall be made by the Governor for the balance of  
507 the unexpired term.

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

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

511 37-155-7. (1) The board of directors shall consist of  
512 thirteen (13) members as follows:

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



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

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

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

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

554 (4) Members of the board of directors shall serve without  
555 compensation, but shall be reimbursed for each day's official  
556 duties of the board at the same per diem as established by Section  
557 25-3-69 and actual travel and lodging expenses as established by  
558 Section 25-3-41.

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

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

569 **MISSISSIPPI LIBRARY COMMISSION**

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

572 39-3-101. There is hereby created a board of commissioners  
573 of the Mississippi Library Commission to be composed of five (5)  
574 members appointed by the Governor with overlapping terms, the  
575 members of the first board to be appointed one (1) for one (1)  
576 year, one (1) for two (2) years, one (1) for three (3) years, one  
577 (1) for four (4) years, one (1) for five (5) years, and their  
578 successors each to be appointed for five-year terms, each member  
579 to serve until his successor is appointed. Two (2) members shall  
580 be appointed by the Governor from the state at large. Two (2)  
581 members shall be appointed by the Governor from a list of not less  
582 than six (6) names submitted by the Mississippi Library  
583 Association, one (1) of whom shall be a librarian who is a  
584 graduate of a library school accredited by the American Library  
585 Association and actively engaged in full-time library work at the  
586 time of the appointment and one (1) of whom shall be, at time of  
587 the appointment, a member of a legally organized board of trustees  
588 of a Mississippi free public library; and one (1) member shall be  
589 the President of the Mississippi Federation of Women's Clubs, or a  
590 member of said federation recommended by her; and which federation  
591 member shall, when appointed, serve a full term as herein provided

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

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

615 **SECTION 11.** Section 39-5-3, Mississippi Code of 1972, is  
616 amended as follows:

617 39-5-3. The Department of Archives and History shall be  
618 under the control of a board of nine (9) trustees. The board  
619 shall have the power and authority to fill all vacancies occurring  
620 therein, whether by expiration of term of service or by death or  
621 resignation, but the names of all newly elected members shall be  
622 communicated to the next ensuing session of the State Senate for  
623 confirmation \* \* \*. The members of the board of trustees as  
624 constituted on July 1, 2004, whose terms have not expired shall

625 serve the balance of their terms, after which time the membership  
626 of the board of trustees shall be appointed as follows: The  
627 Governor shall appoint two (2) members of the board of trustees  
628 from each of the four (4) Mississippi congressional districts as  
629 they currently exist, and one (1) from the state at large, with  
630 the advice and consent of the Senate, with the congressional  
631 districts to be designated at the time of appointment, and the  
632 Governor shall make appointments from the congressional district  
633 having the smallest number of board members until the membership  
634 includes two (2) members from each congressional district as  
635 required. All trustees chosen to succeed the present members or  
636 their successors shall serve for a term of six (6) years;  
637 provided, however, that trustees appointed after July 1, 2004,  
638 shall serve for a term of four (4) years. The board of trustees  
639 shall hold at the State Capitol at least one (1) regular meeting  
640 during the year, and as many special meetings as may be necessary,  
641 and at said meetings five (5) members shall constitute a quorum.  
642 The Director of the Department of Archives and History,  
643 hereinafter provided, shall be secretary of the board. The  
644 trustees shall receive no compensation for their services other  
645 than the amount of their necessary expenses actually paid out  
646 while in attendance on the meetings of the board or the business  
647 of the department. The board is empowered to adopt rules for its  
648 own government and for the government of the department, to elect  
649 and fix the compensation of a director not to exceed the maximum  
650 set by the Legislature, and other officials or employees, and to  
651 do and perform such other acts and things as may be necessary to  
652 carry out the true intent and purposes of this chapter.

653 **MISSISSIPPI COMMISSION ON THE ARTS**

654 **SECTION 12.** Section 39-11-1, Mississippi Code of 1972, is  
655 amended as follows:

656 39-11-1. There is hereby created and established a state  
657 commission to be known as the Mississippi Arts Commission, to

658 consist of fifteen (15) members broadly representative of all  
659 fields of the performing, visual, literary arts and the business  
660 community, and who are to be appointed by the Governor from among  
661 citizens of the state who have demonstrated a vital interest in  
662 the performing, visual or literary arts. These members shall also  
663 be representative of the different geographical areas of the  
664 state. The members of the commission as constituted on July 1,  
665 2004, whose terms have not expired shall serve the balance of  
666 their terms, after which time the membership of the board shall be  
667 appointed as follows: No more than four (4) members of the  
668 commission shall be appointed from each of the four (4)  
669 Mississippi congressional districts as they currently exist, and  
670 the Governor shall make appointments from the congressional  
671 district having the smallest number of commission members until  
672 the membership includes at least three (3) members from each  
673 district as required.

674 **STATE BOARD OF MENTAL HEALTH**

675 **SECTION 13.** Section 41-4-3, Mississippi Code of 1972, is  
676 amended as follows:

677 41-4-3. (1) There is hereby created a State Board of Mental  
678 Health, herein referred to as "board," consisting of nine (9)  
679 members, to be appointed by the Governor, with the advice and  
680 consent of the Senate, each of whom shall be a qualified elector.  
681 One (1) member shall be appointed from each congressional district  
682 as presently constituted; and four (4) members shall be appointed  
683 from the state at large, one (1) of whom shall be a licensed  
684 medical doctor who is a psychiatrist, one (1) of whom shall hold a  
685 Ph.D. degree and be a licensed clinical psychologist, one (1) of  
686 whom shall be a licensed medical doctor, and one (1) of whom shall  
687 be a social worker with experience in the mental health field.

688 \* \* \*

689 Each member of the initial board shall serve for a term of  
690 years represented by the number of his congressional district; two

691 (2) state-at-large members shall serve for a term of six (6)  
692 years; two (2) state-at-large members shall serve for a term of  
693 seven (7) years; subsequent appointments shall be for seven-year  
694 terms and the Governor shall fill any vacancy for the unexpired  
695 term. The members of the board as constituted on July 1, 2004,  
696 whose terms have not expired shall serve the balance of their  
697 terms, after which time the membership of the board shall be  
698 appointed as follows: There shall be appointed two (2) members of  
699 the board from each of the four (4) Mississippi congressional  
700 districts as they currently exist, and one (1) from the state at  
701 large, to be designated at the time of appointment, and the  
702 Governor shall make appointments from the congressional district  
703 having the smallest number of board members until the membership  
704 includes two (2) members from each congressional district as  
705 required.

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

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

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

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

717 **SECTION 14.** Section 43-13-409, Mississippi Code of 1972, is  
718 amended as follows:

719 43-13-409. (1) There is established a board of directors to  
720 invest the funds in the Health Care Trust Fund and the Health Care  
721 Expendable Fund. The board of directors shall consist of thirteen  
722 (13) members as follows:

723           (a) Seven (7) voting members as follows: the State  
724 Treasurer, or his designee, the Attorney General, or his designee,  
725 and one (1) member from each congressional district to be  
726 appointed by the Governor with the advice and consent of the  
727 Senate. Of the members appointed by the Governor, one (1) member  
728 shall be appointed for an initial term that expires on March 1,  
729 2000; one (1) member shall be appointed for an initial term that  
730 expires on March 1, 2001; one (1) member shall be appointed for an  
731 initial term that expires on March 1, 2002; one (1) member shall  
732 be appointed for an initial term that expires on March 1, 2003;  
733 and one (1) member shall be appointed for an initial term that  
734 expires on March 1, 2004. Upon the expiration of any of the  
735 initial terms of office, the Governor shall appoint successors by  
736 and with the advice and consent of the Senate for terms of five  
737 (5) years from the expiration date of the previous term. Any  
738 member appointed by the Governor shall be eligible for  
739 reappointment. Each member appointed by the Governor shall  
740 possess knowledge, skill and experience in business or financial  
741 matters commensurate with the duties and responsibilities of the  
742 board of directors in administering the Health Care Trust Fund and  
743 the Health Care Expendable Fund. The members appointed by the  
744 Governor as constituted on July 1, 2004, whose terms have not  
745 expired shall serve the balance of their terms, after which time  
746 the gubernatorial appointments shall be made as follows: There  
747 shall be appointed one (1) member of the board from each of the  
748 four (4) Mississippi congressional districts as they currently  
749 exist, and one (1) from the state at large, and the Governor shall  
750 make appointments from the congressional district having the  
751 smallest number of board members until the membership includes one  
752 (1) member from each district as required.

753           (b) Two (2) nonvoting, advisory members of the Senate  
754 shall be appointed by the Lieutenant Governor, and one (1)  
755 nonvoting, advisory representative of the health care community

756 shall be appointed by the Lieutenant Governor, who shall serve for  
757 the length of the term of the appointing official and shall be  
758 eligible for reappointment.

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

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

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

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

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

787 (5) The board of directors shall invest the funds in the  
788 Health Care Trust Fund and the Health Care Expendable Fund in any



789 of the investments authorized for the Mississippi Prepaid  
790 Affordable College Tuition Program under Section 37-155-9, and  
791 those investments shall be subject to the limitations prescribed  
792 by Section 37-155-9.

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

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

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

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

816 (d) To annually prepare or cause to be prepared a  
817 report setting forth in appropriate detail an accounting of the  
818 Health Care Trust Fund and the Health Care Expendable Fund and a  
819 description of the financial condition of the funds at the close  
820 of each fiscal year, including any recommendations for legislation  
821 regarding the investment authority of the board of directors over

822 the funds. The report shall be submitted to the Governor and the  
823 Legislative Budget Office on or before September 1 of each fiscal  
824 year.

825 **MISSISSIPPI COMMISSION FOR VOLUNTEER SERVICE**

826 **SECTION 15.** Section 43-55-5, Mississippi Code of 1972, is  
827 amended as follows:

828 43-55-5. (1) Members of the Commission for Volunteer  
829 Service shall be appointed by the Governor. The commission shall  
830 consist of no fewer than fifteen (15) and no more than twenty-five  
831 (25) members.

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

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

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

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

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

843 (e) A representative of local government.

844 (f) A representative of local labor organizations.

845 (g) A representative of business.

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

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

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

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

856 (a) Local educators.

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

860 (c) Representative of Native American tribes.

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

862 (e) Representatives of entities that receive assistance  
863 under the Domestic Volunteer Service Act of 1973, Public Law  
864 93-113, 87 Stat. 394.

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

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

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

876 (6) Except as provided in this subsection, members of the  
877 commission shall serve for staggered three-year terms expiring on  
878 October 1. The members constituting the Mississippi Commission  
879 for Volunteer Service under Executive Order No. 1994-742 on March  
880 28, 1996, shall serve on the commission for the remainder of the  
881 terms for which they were appointed. Of the additional members,  
882 the Governor shall appoint one-third (1/3) of the initial members  
883 for a term of one (1) year; one-third (1/3) for a term of two (2)  
884 years; and one-third (1/3) for a term of three (3) years.

885 Following expiration of these initial terms, all appointments  
886 shall be for three-year renewable terms. The members of the

887 commission as constituted on July 1, 2004, whose terms have not  
888 expired shall serve the balance of their terms, after which time  
889 the membership of the commission shall be appointed as follows:  
890 To the extent practicable, there shall be appointed one-fourth  
891 (1/4) of the membership of the commission from each of the four  
892 (4) Mississippi congressional districts as they currently exist,  
893 and the Governor shall make appointments from the congressional  
894 district having the smallest number of board members until  
895 one-fourth (1/4) of the membership is from each congressional  
896 district as required. Members of the commission may not serve  
897 more than two (2) consecutive terms.

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

903 **PRISON INDUSTRY CORPORATION BOARD OF DIRECTORS**

904 **SECTION 16.** Section 47-5-541, Mississippi Code of 1972, is  
905 amended as follows:

906 47-5-541. (1) The corporation shall be governed by a board  
907 of directors. The board of directors of the nonprofit corporation  
908 shall be composed of the following eleven (11) members who shall  
909 be appointed by the Governor with the advice and consent of the  
910 Senate: one (1) representative of the manufacturing industry, one  
911 (1) representative of the agriculture industry, one (1)  
912 representative of the banking and finance industry, one (1)  
913 representative of the labor industry, one (1) representative from  
914 the marketing industry and six (6) members from the state at  
915 large. In addition, the State Commissioner of Corrections and the  
916 President of Mississippi Delta Community College shall be ex  
917 officio members of the board of directors with full voting  
918 privileges. In making initial appointments, three (3) members  
919 shall be appointed for a term of two (2) years; four (4) members

920 shall be appointed for a term of three (3) years; and four (4)  
921 members shall be appointed for a term of four (4) years; to be  
922 designated by the Governor at the time of appointment; and all  
923 succeeding terms shall be for four (4) years from the expiration  
924 date of the previous term. Initial appointments shall be made  
925 within thirty (30) days after passage of Sections 47-5-531 through  
926 47-5-575. Any vacancy shall be filled by the Governor, with the  
927 advice and consent of the Senate. The members of the board as  
928 constituted on July 1, 2004, whose terms have not expired shall  
929 serve the balance of their terms, after which time the membership  
930 of the board of directors shall be appointed as follows: There  
931 shall be appointed two (2) members of the board from each of the  
932 four (4) Mississippi congressional districts as they currently  
933 exist, and three (3) from the state at large, and the Governor  
934 shall make appointments from the congressional district having the  
935 smallest number of board members until the membership includes at  
936 least two (2) members from each congressional district as  
937 required. The officers of the corporation shall consist of a  
938 chairman, vice chairman and a secretary-treasurer. The officers  
939 shall be selected by the members of the board. However, the  
940 Commissioner of Corrections and the President of Mississippi Delta  
941 Community College shall not be eligible to serve as an officer of  
942 the corporation. The superintendent for the Parchman facility of  
943 the Department of Corrections shall attend all meetings of the  
944 board of directors. In addition, the superintendents of the  
945 Rankin County and Greene County facilities of the Department of  
946 Corrections shall attend any meeting of the board of directors  
947 wherein the business relates to their respective facilities.

948 (2) The board of directors shall select and employ a chief  
949 executive officer of the corporation who shall serve at the  
950 pleasure of the board. The board shall set the compensation of  
951 the chief executive officer. The chief executive officer shall be  
952 responsible for the general business and entire operations of the

953 corporation, and shall be responsible for operating the  
954 corporation in compliance with the bylaws of the corporation and  
955 in compliance with any provision of law. The board shall be  
956 authorized and empowered to do only those acts provided by law and  
957 by the bylaws of the corporation. Except as otherwise  
958 specifically provided by law, such board shall have the authority  
959 to establish prison industries, to cease the operation of any  
960 industry which it deems unsuitable or unprofitable, to enter into  
961 any lease or contract for the corporation and it shall have the  
962 full authority to establish prices for any industry good.

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

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

973 (5) Each member of the board of directors of the corporation  
974 shall receive per diem as provided in Section 25-3-69 for each day  
975 or fraction thereof spent in actual discharge of his official  
976 duties and shall be reimbursed for mileage and actual expenses  
977 incurred in the performance of his official duties in accordance  
978 with the requirements of Section 25-3-41, Mississippi Code of  
979 1972.

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

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

994 (8) A member of the board of directors of the corporation  
995 shall not be liable for any civil damages for any personal injury  
996 or property damage caused to a person as a result of any acts or  
997 omissions committed in good faith in the exercise of their duties  
998 as members of the board of directors of the corporation, except  
999 where a member of the board engages in acts or omissions which are  
1000 intentional, willful, wanton, reckless or grossly negligent.

1001 **STATE PAROLE BOARD**

1002 **SECTION 17.** Section 47-7-5, Mississippi Code of 1972, is  
1003 amended as follows:

1004 47-7-5. (1) The State Parole Board, created under former  
1005 Section 47-7-5, is hereby created, continued and reconstituted and  
1006 shall be composed of five (5) members. The Governor shall appoint  
1007 the members with the advice and consent of the Senate. All terms  
1008 shall be at the will and pleasure of the Governor. The members of  
1009 the State Parole Board as constituted on July 1, 2004, whose terms  
1010 have not expired shall serve the balance of their terms, after  
1011 which time the membership of the board shall be appointed as  
1012 follows: There shall be appointed one (1) member of the board  
1013 from each of the four (4) Mississippi congressional districts as  
1014 they currently exist, and one (1) member from the state at large,  
1015 and the Governor shall make appointments from the congressional  
1016 district having the smallest number of board members until the  
1017 membership includes one (1) member from each congressional  
1018 district as required. Any vacancy shall be filled by the

1019 Governor, with the advice and consent of the Senate. The Governor  
1020 shall appoint a chairman of the board.

1021 (2) Any person who is appointed to serve on the board shall  
1022 possess at least a bachelor's degree or a high school diploma and  
1023 four (4) years' work experience. Each member shall devote his  
1024 full time to the duties of his office and shall not engage in any  
1025 other business or profession or hold any other public office. A  
1026 member shall not receive compensation or per diem in addition to  
1027 his salary as prohibited under Section 25-3-38. Each member shall  
1028 keep such hours and workdays as required of full-time state  
1029 employees under Section 25-1-98. Individuals shall be appointed  
1030 to serve on the board without reference to their political  
1031 affiliations. Each board member, including the chairman, may be  
1032 reimbursed for actual and necessary expenses as authorized by  
1033 Section 25-3-41; but a member shall not be reimbursed for travel  
1034 expenses from his residence to the nearest State Penitentiary.

1035 (3) The board shall have exclusive responsibility for the  
1036 granting of parole as provided by Sections 47-7-3 and 47-7-17 and  
1037 shall have exclusive authority for revocation of the same. The  
1038 board shall have exclusive responsibility for investigating  
1039 clemency recommendations upon request of the Governor.

1040 (4) The board, its members and staff, shall be immune from  
1041 civil liability for any official acts taken in good faith and in  
1042 exercise of the board's legitimate governmental authority.

1043 (5) The budget of the board shall be funded through a  
1044 separate line item within the general appropriation bill for the  
1045 support and maintenance of the department. Employees of the  
1046 department which are employed by or assigned to the board shall  
1047 work under the guidance and supervision of the board. There shall  
1048 be an executive secretary to the board who shall be responsible  
1049 for all administrative and general accounting duties related to  
1050 the board. The executive secretary shall keep and preserve all  
1051 records and papers pertaining to the board.



1052 (6) The board shall have no authority or responsibility for  
1053 supervision of offenders granted a release for any reason,  
1054 including, but not limited to, probation, parole or executive  
1055 clemency or other offenders requiring the same through interstate  
1056 compact agreements. The supervision shall be provided exclusively  
1057 by the staff of the Division of Community Corrections of the  
1058 department.

1059 (7) The State Parole Board shall review and investigate all  
1060 cases where offenders have been diagnosed with a serious illness.  
1061 If the Medical Director of the Department of Corrections certifies  
1062 to the State Parole Board that an offender is suffering from a  
1063 terminal illness, the State Parole Board shall parole the offender  
1064 with the approval and consent of the Commissioner of the  
1065 Department of Corrections and the medical director.

1066 (8) (a) The Parole Board shall maintain a central registry  
1067 of paroled inmates. The Parole Board shall place the following  
1068 information on the registry: name, address, photograph, crime for  
1069 which paroled, the date of the end of parole or flat-time date and  
1070 other information deemed necessary. The Parole Board shall  
1071 immediately remove information on a parolee at the end of his  
1072 parole or flat-time date.

1073 (b) When a person is placed on parole, the Parole Board  
1074 shall inform the parolee of the duty to report to the Parole  
1075 Officer any change in address ten (10) days before changing  
1076 address.

1077 (c) The Parole Board shall utilize an Internet website  
1078 or other electronic means to release or publish the information.

1079 (d) Records maintained on the registry shall be open to  
1080 law enforcement agencies and the public and shall be available no  
1081 later than July 1, 2003.

1082 (9) This section shall stand repealed on July 1, 2004.

1083 **COMMISSION ON ENVIRONMENTAL QUALITY**

1084           **SECTION 18.** Section 49-2-5, Mississippi Code of 1972, is  
1085 amended as follows:

1086           49-2-5. (1) There is hereby created the Mississippi  
1087 Commission on Environmental Quality, to be composed of seven (7)  
1088 persons appointed by the Governor, with the advice and consent of  
1089 the Senate, for a term of seven (7) years. One (1) person shall  
1090 be appointed from each congressional district as constituted  
1091 January 1, 1978, and two (2) members shall be appointed from the  
1092 state at large. The initial terms of the members from  
1093 congressional districts shall be for one (1), two (2), three (3),  
1094 four (4) and five (5) years respectively, and the initial terms of  
1095 the members from the state at large shall be one (1) for six (6)  
1096 years and one (1) for seven (7) years. Thereafter, all terms  
1097 shall be for seven (7) years. The members serving on the  
1098 predecessor Commission on Natural Resources on June 30, 1989,  
1099 shall continue to serve as members of the successor Commission on  
1100 Environmental Quality until the expiration of the term of their  
1101 appointment to the predecessor commission. The members of the  
1102 commission as constituted on July 1, 2004, whose terms have not  
1103 expired shall serve the balance of their terms, after which time  
1104 the membership of the commission shall be appointed as follows:  
1105 There shall be appointed one (1) member of the commission from  
1106 each of the four (4) Mississippi congressional districts as they  
1107 currently exist, and three (3) from the state at large, and the  
1108 Governor shall make appointments from the congressional district  
1109 having the smallest number of commission members until the  
1110 membership includes one (1) member from each district as required.

1111           (2) The commission shall elect from its membership a  
1112 chairman who shall preside over meetings and a vice chairman who  
1113 shall preside in the absence of the chairman or when the chairman  
1114 shall be excused.

1115           (3) The commission shall adopt rules and regulations  
1116 governing times and places for meetings, and governing the manner

1117 of conducting its business. Each member of the commission shall  
1118 take the oath prescribed by Section 268 of the Constitution and  
1119 shall enter into bond in the amount of Thirty Thousand Dollars  
1120 (\$30,000.00) to be approved by the Secretary of State, conditioned  
1121 according to law and payable to the State of Mississippi before  
1122 assuming the duties of office. Any member who shall not attend  
1123 three (3) consecutive regular meetings of the commission shall be  
1124 subject to removal by a majority vote of the commission members.

1125 (4) The members of the commission shall receive no annual  
1126 salary, but shall receive per diem compensation as authorized by  
1127 law for each day devoted to the discharge of official duties, and  
1128 shall be entitled to reimbursement for all actual and necessary  
1129 expenses incurred in the discharge of their duties, including  
1130 mileage as authorized by law.

1131 The commission shall be composed of persons with extensive  
1132 knowledge of or practical experience in at least one (1) of the  
1133 matters of jurisdiction of the commission.

1134 (5) The commission is authorized and empowered to use and  
1135 expend any funds received by it from any source for the purposes  
1136 of this chapter. Such funds shall be expended in accordance with  
1137 the statutes governing the expenditure of state funds.

1138 **COMMISSION ON WILDLIFE, FISHERIES & PARKS**

1139 **SECTION 19.** Section 49-4-4, Mississippi Code of 1972, is  
1140 amended as follows:

1141 49-4-4. (1) There is hereby created the Mississippi  
1142 Commission on Wildlife, Fisheries and Parks, to be composed of  
1143 five (5) persons appointed by the Governor, with the advice and  
1144 consent of the Senate, for a term of five (5) years. One (1)  
1145 person shall be appointed from each congressional district. The  
1146 initial terms of the members shall be one (1), two (2), three (3),  
1147 four (4) and five (5) years, respectively. Thereafter, all terms  
1148 shall be for five (5) years. An appointment to fill a vacancy  
1149 which arises for reasons other than by expiration of a term of

1150 office shall be made from the respective congressional district  
1151 for the unexpired term only. The members of the commission as  
1152 constituted on July 1, 2004, whose terms have not expired shall  
1153 serve the balance of their terms, after which time the membership  
1154 of the commission shall be appointed as follows: There shall be  
1155 appointed one (1) member of the commission from each of the four  
1156 (4) Mississippi congressional districts as they currently exist,  
1157 and one (1) from the state at large, and the Governor shall make  
1158 appointments from the congressional district having the smallest  
1159 number of commission members until the membership includes at  
1160 least one (1) member from each congressional district as required.

1161 (2) The commission shall elect from its membership a  
1162 chairman who shall preside over meetings and a vice chairman who  
1163 shall preside in the absence of the chairman or when the chairman  
1164 shall be excused.

1165 (3) The commission shall adopt rules and regulations  
1166 governing times and places for meetings and governing the manner  
1167 of conducting its business. Each member of the commission shall  
1168 take the oath prescribed by Section 268 of the Constitution, and  
1169 shall enter into bond in the amount of Thirty Thousand Dollars  
1170 (\$30,000.00) to be approved by the Secretary of State, conditioned  
1171 according to law, and payable to the State of Mississippi before  
1172 assuming the duties of office. Any member who shall not attend  
1173 three (3) consecutive regular meetings of the commission shall be  
1174 subject to removal by a majority vote of the commission members.

1175 (4) The members of the commission shall receive no annual  
1176 salary but shall receive per diem compensation as authorized by  
1177 law for each day devoted to the discharge of official duties and  
1178 shall be entitled to reimbursement for all actual and necessary  
1179 expenses incurred in the discharge of their duties, including  
1180 mileage as authorized by law.

1181 The commission shall be composed of persons with a  
1182 demonstrated history of involvement in at least one (1) of the

1183 matters of jurisdiction of the commission and whose employment and  
1184 activities are not in conflict. All of the commissioners shall be  
1185 an active outdoorsman holding a resident hunting or fishing  
1186 license in at least five (5) of the ten (10) years preceding  
1187 appointment. A member shall not have a record of conviction of  
1188 violation of fish or game laws and regulations within five (5)  
1189 years preceding appointment or a record of any felony conviction.

1190 (5) The commission shall have the power to adopt, amend and  
1191 repeal such regulations and rules as may be necessary for the  
1192 operation of the department.

1193 (6) The commission shall have the power and authority to  
1194 issue all licenses and permits under the jurisdiction of the  
1195 department.

1196 (7) In the furtherance of its duties and responsibilities,  
1197 the commission may conduct hearings, gather testimony and perform  
1198 other functions required to carry out its powers and duties as  
1199 prescribed by statute.

1200 (8) The commission shall have all power for conserving,  
1201 managing and developing wildlife and fishery resources except for  
1202 saltwater aquatic life and marine resources under the jurisdiction  
1203 of the Mississippi Commission on Marine Resources.

1204 **FORESTRY COMMISSION**

1205 **SECTION 20.** Section 49-19-1, Mississippi Code of 1972, is  
1206 amended as follows:

1207 49-19-1. (1) There shall be a State Forestry Commission  
1208 composed of nine (9) members, who shall be qualified electors of  
1209 the state. The Dean of the School of Forest Resources at  
1210 Mississippi State University shall be an ex officio member of the  
1211 commission, with full voting authority. The Governor shall  
1212 appoint eight (8) members, with the advice and consent of the  
1213 Senate, for a term of six (6) years. The Governor shall appoint  
1214 one (1) member from each congressional district as constituted at  
1215 the time the appointments are made and shall appoint the remainder

1216 of the members from the state at large. The members of the  
1217 commission as constituted on July 1, 2004, whose terms have not  
1218 expired shall serve the balance of their terms, after which time  
1219 the membership of the commission shall be appointed as follows:  
1220 There shall be appointed two (2) members of the commission from  
1221 each of the four (4) Mississippi congressional districts as they  
1222 currently exist, and the Governor shall make appointments from the  
1223 congressional district having the smallest number of board members  
1224 until the membership includes two (2) members from each district  
1225 as required. A member \* \* \* must be a certified tree farmer who  
1226 owns eighty (80) or more acres of forest land or a person who  
1227 derives a major portion of his personal income from forest-related  
1228 business, industry or other related activities. \* \* \*

1229 (2) The members of the commission shall receive no annual  
1230 salary but each member of the commission shall receive a per diem  
1231 plus expenses and mileage as authorized by law for each day  
1232 devoted to the discharge of official duties. No member of the  
1233 commission shall receive total per diem in excess of twenty-four  
1234 (24) days' compensation per annum.

1235 (3) If a vacancy occurs in the office of an appointed member  
1236 of the commission, the vacancy shall be filled by appointment for  
1237 the balance of the unexpired term.

1238 (4) The commission shall elect from its membership a  
1239 chairman, who shall preside over meetings, and a vice chairman,  
1240 who shall preside in the absence of the chairman or when the  
1241 chairman is excused.

1242 (5) The commission shall adopt rules and regulations  
1243 governing times and places for meetings, and governing the manner  
1244 of conducting its business. Each member of the commission shall  
1245 take the oath prescribed by Section 268 of the Constitution and  
1246 shall enter into bond in the amount of Thirty Thousand Dollars  
1247 (\$30,000.00) to be approved by the Secretary of State, conditioned

1248 according to law and payable to the State of Mississippi before  
1249 assuming the duties of office.

1250 (6) Any appointment made to the commission contrary to this  
1251 section shall be void, and it is unlawful for the State Fiscal  
1252 Officer to pay any per diem or authorize the expenses of the  
1253 appointee.

1254 **MISSISSIPPI BUSINESS FINANCE CORPORATION**

1255 **SECTION 21.** Section 57-10-167, Mississippi Code of 1972, is  
1256 amended as follows:

1257 57-10-167. There is hereby established the Certified  
1258 Development Company of Mississippi, Inc., a public corporation,  
1259 which shall be an incorporated certified development company  
1260 pursuant to Section 503 of the Small Business Investment Act of  
1261 1958, as amended.

1262 The Certified Development Company of Mississippi, Inc.,  
1263 hereinafter referred to as the "committee" unless the context  
1264 clearly indicates otherwise, shall be composed of twenty-five (25)  
1265 members as follows:

1266 (a) The State Treasurer; the Executive Director of the  
1267 University Research Center, or his designee; the Executive  
1268 Director of the Mississippi Development Authority; the Executive  
1269 Director of the Small Business Development Center; six (6) persons  
1270 associated with small business to be appointed by the Governor,  
1271 one (1) for a term of one (1) year, one (1) for a term of two (2)  
1272 years, one (1) for a term of three (3) years, one (1) for a term  
1273 of four (4) years, one (1) for a term of five (5) years and one  
1274 (1) for a term of six (6) years; three (3) persons associated with  
1275 small business to be appointed by the Lieutenant Governor, one (1)  
1276 for a term of one (1) year, one (1) for a term of two (2) years  
1277 and one (1) for a term of three (3) years; five (5) persons  
1278 involved in banking or small business to be appointed by the  
1279 Governor, one (1) for a term of one (1) year, one (1) for a term  
1280 of two (2) years, one (1) for a term of three (3) years, one (1)

1281 for a term of four (4) years and one (1) for a term of five (5)  
1282 years; and two (2) persons involved in banking or small business  
1283 to be appointed by the Lieutenant Governor, one (1) for a term of  
1284 one (1) year and one (1) for a term of two (2) years. The members  
1285 described above and serving on the committee on June 30, 1984,  
1286 shall continue to serve on the committee until the expiration of  
1287 their terms.

1288 (b) For terms to begin on July 1, 1984, the Governor  
1289 shall appoint one (1) person associated with small business for a  
1290 term of six (6) years; the Secretary of State shall appoint one  
1291 (1) person associated with small business for a term of one (1)  
1292 year; the Attorney General shall appoint one (1) person involved  
1293 in banking or small business for a term of six (6) years; and the  
1294 State Treasurer shall appoint two (2) persons, one (1) for a term  
1295 of one (1) year and one (1) for a term of two (2) years, and after  
1296 the expiration of the term of the person appointed hereinabove by  
1297 the Attorney General, that vacancy shall be filled thereafter by a  
1298 person involved in banking or small business appointed by the  
1299 State Treasurer for a term of six (6) years.

1300 The members of the committee as constituted on July 1, 2004,  
1301 who are appointed by the Governor and whose terms have not expired  
1302 shall serve the balance of their terms, after which time these  
1303 members shall be appointed as follows: The Governor shall appoint  
1304 three (3) members of the board from each of the four (4)  
1305 Mississippi congressional districts as they currently exist, and  
1306 the Governor shall make appointments from the congressional  
1307 district having the smallest number of members until the  
1308 membership includes three (3) members from each district as  
1309 required.

1310 All appointments after the initial appointment shall be for  
1311 terms of six (6) years each. All such appointments will be  
1312 subject to the approval of the Senate. An appointment to fill a  
1313 vacancy existing for any reason other than the expiration of a



1314 term shall be for the balance of the unexpired term. Members  
1315 serving by reason of their ex officio designation shall continue  
1316 to serve as long as they occupy the position which entitles them  
1317 to membership.

1318 Members who are officers or employees of the state shall  
1319 receive no compensation for their services, and other committee  
1320 members shall receive a per diem as provided in Section 25-3-69,  
1321 Mississippi Code of 1972. All members shall receive reimbursement  
1322 for actual traveling and subsistence expenses incurred in the  
1323 performance of their duties under this article, such reimbursement  
1324 to be as provided in Section 25-3-41, Mississippi Code of 1972.

1325 The Certified Development Company of Mississippi, Inc., shall  
1326 have an executive director who shall be appointed by the board of  
1327 directors.

1328 The Certified Development Company of Mississippi, Inc., shall  
1329 elect from among its membership a nine-member board of directors,  
1330 a majority of whom shall be a quorum, a president and vice  
1331 president and may appoint a secretary and a treasurer.

1332 From and after July 1, 1989, the Certified Development  
1333 Company of Mississippi, Inc., shall be known as the Mississippi  
1334 Business Finance Corporation, and wherever the term "Certified  
1335 Development Company of Mississippi, Inc.," appears in the laws of  
1336 this state it shall mean the Mississippi Business Finance  
1337 Corporation.

1338 **MOTOR VEHICLE COMMISSION**

1339 **SECTION 22.** Section 63-17-57, Mississippi Code of 1972, is  
1340 amended as follows:

1341 63-17-57. There is hereby created the Mississippi Motor  
1342 Vehicle Commission to be composed of eight (8) members, one (1) of  
1343 whom shall be appointed by the Attorney General from the state at  
1344 large for a term of four (4) years and one (1) of whom shall be  
1345 appointed by the Secretary of State from the state at large for a  
1346 term of four (4) years, and six (6) licensees who shall be

1347 appointed by the Governor, one (1) from the state at large and one  
1348 (1) from each of the five (5) congressional districts of this  
1349 state for terms of the following duration: the term of the member  
1350 from the state at large shall expire at the time the incumbent  
1351 Governor's term expires, the term of the member appointed from the  
1352 First Congressional District shall expire on June 30, 1973, the  
1353 term of the member appointed from the Second Congressional  
1354 District shall expire on June 30, 1974, the term of the member  
1355 appointed from the Third Congressional District shall expire on  
1356 June 30, 1976, the term of the member from the Fourth  
1357 Congressional District shall expire on June 30, 1977, and the term  
1358 of the member appointed from the Fifth Congressional District  
1359 shall expire on June 30, 1978. Each member shall serve until his  
1360 successor is appointed and qualified. At the expiration of the  
1361 term of the member initially appointed by the Attorney General  
1362 each successor member shall be appointed for a term of four (4)  
1363 years by the incumbent Attorney General, and at the expiration of  
1364 the term of the member appointed by the Secretary of State each  
1365 successor member shall be appointed for a term of four (4) years  
1366 by the incumbent Secretary. At the expiration of a term for which  
1367 each of the initial appointments of the Governor is made, each  
1368 successor member shall be appointed for a term of seven (7) years  
1369 except that the term of the member appointed from the state at  
1370 large shall be coterminous with that of the Governor making the  
1371 appointment. The members of the commission appointed by the  
1372 Governor as constituted on July 1, 2004, whose terms have not  
1373 expired shall serve the balance of their terms, after which time  
1374 the gubernatorial appointments shall be made as follows: The  
1375 Governor shall appoint one (1) member of the commission from each  
1376 of the four (4) Mississippi congressional districts as they  
1377 currently exist, and two (2) from the state at large, and the  
1378 Governor shall make appointments from the congressional district  
1379 having the smallest number of commission members until the

1380 membership includes one (1) from each congressional district as  
1381 required.

1382 One of the members appointed from the state at large by the  
1383 Governor shall be designated by him to serve as chairman of the  
1384 commission and one (1) of the other members appointed by the  
1385 Governor shall be designated by him to serve as vice chairman. In  
1386 the absence of the chairman at any meeting of the commission the  
1387 vice chairman shall preside and perform the duties of the  
1388 chairman.

1389 In the event of a vacancy created by the death, resignation  
1390 or removal of any member of the commission the vacancy shall be  
1391 filled by appointment of the Governor, Attorney General or the  
1392 Secretary of State, as the case may be, for the unexpired portion  
1393 of the term. All appointments hereunder shall be made with the  
1394 advice and consent of the Senate.

1395 **EGG MARKETING BOARD**

1396 **SECTION 23.** Section 69-7-253, Mississippi Code of 1972, is  
1397 amended as follows:

1398 69-7-253. There is hereby continued the Mississippi Egg  
1399 Marketing Board with domicile at the capital city of the state.  
1400 The board shall be composed of five (5) members: one (1) member  
1401 shall be the Commissioner of Agriculture and Commerce as ex  
1402 officio member. One (1) member shall be an egg producer as  
1403 defined in this article. Three (3) members shall be employed by  
1404 or associated with egg industry related businesses, or disciplines  
1405 which include poultry support, marketing, promotion, home  
1406 economist, extension poultry science agencies and the Mississippi  
1407 Department of Agriculture and Commerce. No more than one (1)  
1408 industry-related business or discipline member shall be employed  
1409 by, associated with or have a financial interest in the same  
1410 company or subsidiary.

1411 The Governor shall appoint the members, with the advice and  
1412 consent of the Senate. The Governor shall appoint a member from a

1413 list of not more than three (3) producers and not less than three  
1414 (3) individuals representing egg industry related businesses or  
1415 disciplines, provided by the board based upon a poll of its  
1416 members. The members of the board as constituted on July 1, 2004,  
1417 whose terms have not expired shall serve the balance of their  
1418 terms, after which time the membership of the board shall be  
1419 appointed as follows: There shall be appointed one (1) member of  
1420 the board from each of the four (4) Mississippi congressional  
1421 districts as they currently exist, and the Governor shall make  
1422 appointments from the congressional district having the smallest  
1423 number of board members until the membership includes one (1)  
1424 member from each congressional district as required; and the board  
1425 shall provide the Governor with its recommendations from the  
1426 appropriate congressional district. The terms shall be for six  
1427 (6) years. Each member shall serve, after the completion of his  
1428 term, until his successor is appointed and duly qualified. Each  
1429 vacancy shall be filled by appointment for the unexpired term.

1430 The terms of office of persons appointed under the original  
1431 act shall continue until the expiration of the terms to which they  
1432 were appointed, the intent of this article being to continue the  
1433 Mississippi Egg Marketing Board.

#### 1434 SOYBEAN PROMOTION BOARD

1435 **SECTION 24.** Section 69-9-3, Mississippi Code of 1972, is  
1436 amended as follows:

1437 69-9-3. (1) The Mississippi Soybean Promotion Board is  
1438 hereby created, to be composed of twelve (12) members to be  
1439 appointed by the Governor to serve terms of three (3) years, as  
1440 hereinafter provided. All of the twelve (12) members of the board  
1441 shall be producers of soybeans in the State of Mississippi.  
1442 Within ten (10) days following the effective date of this chapter,  
1443 each of the following organizations, namely, Mississippi Farm  
1444 Bureau Federation, Inc., Mississippi Feed and Grain Association,  
1445 Mississippi Soybean Association and Delta Council shall submit the

1446 names of six (6) soybean producers to the Governor, and he shall  
1447 appoint three (3) members from the nominees of each organization  
1448 to serve on the board on rotating three-year terms. The original  
1449 board shall be appointed with members of each of the aforementioned  
1450 organizations appointed as follows: one (1) for one (1) year, one  
1451 (1) for two (2) years, and one (1) for three (3) years. Each year  
1452 thereafter, not less than thirty (30) days prior to the expiration  
1453 of the terms of expiring board members, the aforementioned  
1454 organizations shall submit the names of three (3) nominees to the  
1455 Governor and succeeding boards shall be appointed by the Governor  
1456 in the same manner, giving equal representation to each  
1457 organization. The members of the board as constituted on July 1,  
1458 2004, whose terms have not expired shall serve the balance of  
1459 their terms, after which time the membership of the board shall be  
1460 appointed as follows: There shall be appointed three (3) members  
1461 of the board from each of the four (4) Mississippi congressional  
1462 districts as they currently exist, and the Governor shall make  
1463 appointments from the congressional district having the smallest  
1464 number of board members until the membership includes three (3)  
1465 members from each congressional district as required; and the  
1466 proper association shall submit nominations to the Governor from  
1467 the appropriate congressional district as required. Vacancies  
1468 which occur shall be filled in the same manner as the original  
1469 appointments were made.

1470 (2) The members of the board shall meet and organize  
1471 immediately after their appointment, and shall elect a chairman,  
1472 vice chairman and secretary-treasurer from the membership of the  
1473 board, whose duties shall be those customarily exercised by such  
1474 officers or specifically designated by the board. The chairman,  
1475 vice chairman and secretary-treasurer shall be bonded in an amount  
1476 not less than Twenty Thousand Dollars (\$20,000.00). The cost of  
1477 said bonds shall be paid from the funds received under the  
1478 provisions of this chapter. Such bond shall be a security for any

1479 illegal act of such member of the board and recovery thereon may  
1480 be had by the state for any injury by such illegal act of such  
1481 member. The board may establish rules and regulations for its own  
1482 government and the administration of the affairs of the board.

1483 **BOARD OF ANIMAL HEALTH**

1484 **SECTION 25.** Section 69-15-2, Mississippi Code of 1972, is  
1485 amended as follows:

1486 69-15-2. (1) The Mississippi Board of Animal Health is to  
1487 be composed of the Commissioner of Agriculture and Commerce, the  
1488 Dean of the College of Veterinary Medicine and the heads of the  
1489 Animal and Dairy Science and Poultry Science Departments at  
1490 Mississippi State University of Agriculture and Applied Science  
1491 and one (1) person appointed by the President of Alcorn State  
1492 University from its land grant staff as five (5) ex officio  
1493 members with full voting rights, and eleven (11) other members of  
1494 the board to be appointed by the Governor as hereinafter provided.  
1495 The board shall select annually a chairman and vice chairman from  
1496 any members of the board.

1497 (2) The Governor, with the advice and consent of the Senate,  
1498 shall appoint eleven (11) other members from the following groups  
1499 or associations from a written list of three (3) recommendations  
1500 from such groups or associations:

1501 One (1) licensed and practicing veterinarian who holds a  
1502 Doctor of Veterinary Medicine Degree, from a written list of three  
1503 (3) recommendations submitted by the Mississippi State Veterinary  
1504 Medical Association;

1505 One (1) general farmer from a written list of three (3)  
1506 recommendations submitted by the Mississippi Farm Bureau  
1507 Federation;

1508 One (1) poultry breeder and producer from a written list of  
1509 three (3) recommendations submitted by the Mississippi Poultry  
1510 Improvement Association;

1511 One (1) sheep breeder and producer from a written list of  
1512 three (3) recommendations submitted by the Mississippi Sheep  
1513 Producers' Association;

1514 One (1) beef cattle breeder and producer from a written list  
1515 of three (3) recommendations submitted by the Mississippi  
1516 Cattlemen's Association;

1517 One (1) swine breeder and producer from a written list of  
1518 three (3) recommendations submitted by the Mississippi Pork  
1519 Producers' Association;

1520 One (1) dairy breeder and producer from a written list of  
1521 three (3) recommendations submitted by the American Dairy  
1522 Association of Mississippi;

1523 One (1) horse breeder and producer from a written list of  
1524 three (3) recommendations submitted by the Mississippi Horse  
1525 Council;

1526 One (1) catfish breeder and producer from a written list of  
1527 three (3) recommendations submitted by the Mississippi Catfish  
1528 Association;

1529 One (1) member of the Mississippi Independent Meat Packers'  
1530 Association from a written list of three (3) recommendations  
1531 submitted by the Mississippi Independent Meat Packers'  
1532 Association;

1533 One (1) member of the Mississippi Livestock Auction  
1534 Association from a written list of three (3) recommendations  
1535 submitted by the Mississippi Livestock Auction Association.

1536 All members shall take and subscribe to the general oath of  
1537 office as provided in Section 268, Mississippi Constitution of  
1538 1890, and file the same with the Commissioner of Agriculture and  
1539 Commerce.

1540 (3) Effective August 1, 1968, the dairy producer member  
1541 shall be appointed for a one-year term; the Livestock Auction  
1542 Association member shall be appointed for a two-year term; \* \* \*  
1543 the meat packer member shall be appointed for a three-year term;

1544 the catfish producer member shall be appointed for a four-year  
1545 term; and the horse producer member shall be appointed for a  
1546 five-year term.

1547       Effective August 1, 1969, the poultry producer member shall  
1548 be appointed for a two-year term; on August 1, 1970, the sheep  
1549 producer member shall be appointed for a three-year term; on  
1550 August 1, 1971, the swine producing member shall be appointed for  
1551 a four-year term; on August 1, 1972, the general farmer member  
1552 shall be appointed for a five-year term; on August 1, 1973, the  
1553 veterinarian member shall be appointed for a six-year term; and on  
1554 August 1, 1974, the beef cattle producer member shall be appointed  
1555 for a seven-year term.

1556       The members of the board as constituted on July 1, 2004, who  
1557 are appointed by the Governor and whose terms have not expired  
1558 shall serve the balance of their terms, after which time the  
1559 membership of the board shall be appointed as follows: Not more  
1560 than three (3) members of the board shall be appointed from any of  
1561 the four (4) Mississippi congressional districts as they currently  
1562 exist, and the Governor shall make appointments from the  
1563 congressional district having the smallest number of board members  
1564 until the membership includes not less than two (2) members from  
1565 each district as required. All subsequent appointments shall be  
1566 for four-year terms, except for appointments to fill vacancies  
1567 which shall be for the unexpired term only.

1568       (4) (a) "Commissioner" means the Commissioner of  
1569 Agriculture and Commerce.

1570       (b) "Department" means the Department of Agriculture  
1571 and Commerce.

1572       (5) On or before July 1, 1998, the board shall appoint, from  
1573 a written list of not less than three (3) licensed veterinarians  
1574 submitted by the commissioner, the State Veterinarian.

1575       (6) There is created an advisory council to advise the Board  
1576 of Animal Health on matters concerning the board. The council



1577 shall be composed of the Chairman of the Senate Agriculture  
1578 Committee, the Chairman of the House Agriculture Committee, and  
1579 one (1) appointee of the Lieutenant Governor and one (1) appointee  
1580 of the Speaker of the House of Representatives. The members of  
1581 the advisory council shall serve in an advisory capacity only.  
1582 For attending meetings of the council, such legislators shall  
1583 receive per diem and expenses which shall be paid from the  
1584 contingent expense funds of their respective houses in the same  
1585 amounts provided for committee meetings when the Legislature is  
1586 not in session; however, no per diem or expenses for attending  
1587 meetings of the council shall be paid while the Legislature is in  
1588 session. No per diem and expenses shall be paid except for  
1589 attending meetings of the council without prior approval of the  
1590 proper committee in their respective houses.

1591 **STATE BOARD OF ARCHITECTURE**

1592 **SECTION 26.** Section 73-1-5, Mississippi Code of 1972, is  
1593 amended as follows:

1594 73-1-5. The State Board of Architecture is composed of five  
1595 (5) members who are licensed architects residing in this state and  
1596 who have been engaged in the practice of architecture not less  
1597 than seven (7) years. It is the duty of the board to carry out  
1598 the purposes of this chapter as herein provided.

1599 The Governor shall appoint the members of the board, and each  
1600 member shall serve for a term of five (5) years. The terms shall  
1601 be staggered so that the term of not more than one (1) member  
1602 shall expire each year on June 1. The members of the board as  
1603 constituted on July 1, 2004, whose terms have not expired shall  
1604 serve the balance of their terms, after which time the membership  
1605 of the board shall be appointed as follows: There shall be  
1606 appointed one (1) member of the board from each of the four (4)  
1607 Mississippi congressional districts as they currently exist, and  
1608 one (1) from the state at large, and the Governor shall make  
1609 appointments from the congressional district having the smallest

1610 number of board members until the membership includes one (1)  
1611 member from each district as required.

1612 Each member shall hold over after the expiration of his term  
1613 until his successor is duly appointed and qualified. The Governor  
1614 shall fill any vacancy occurring in the membership of the board  
1615 for the unexpired term of such membership. The Governor may  
1616 remove any of the members of said board for inefficiency, neglect  
1617 of duty or dishonorable conduct.

1618 **MISSISSIPPI AUCTIONEER COMMISSION**

1619 **SECTION 27.** Section 73-4-7, Mississippi Code of 1972, is  
1620 amended as follows:

1621 73-4-7. (1) The Mississippi Auctioneer Commission is  
1622 created, and it shall have the authority to make such rules and  
1623 regulations as are reasonable and necessary for the orderly  
1624 regulation of the auctioneering profession and the protection of  
1625 the public, which rules and regulations are not inconsistent with  
1626 the Mississippi Constitution of 1890 and state laws. The  
1627 commission shall have the following powers:

1628 (a) The power to set reasonable license fees, to  
1629 collect and hold such fees and to disburse such fees in any manner  
1630 not inconsistent with this chapter.

1631 (b) The power to make such rules and regulations as  
1632 will promote the orderly functioning of the auction profession and  
1633 ensure the protection of the public.

1634 (c) The power to hire and retain such staff and support  
1635 personnel as are necessary to conduct business and assure  
1636 compliance with this chapter.

1637 (d) The power to conduct investigations, hold hearings,  
1638 subpoena witnesses, make findings of fact and otherwise enforce  
1639 the disciplinary provisions contained in this chapter.

1640 (2) The Mississippi Auctioneer Commission shall consist of  
1641 five (5) members, one (1) from each congressional district, who

1642 shall be appointed by the Governor. All appointees shall possess  
1643 the following minimum qualifications:

1644 (a) An appointee shall be a citizen of Mississippi.

1645 (b) An appointee shall have been engaged as an  
1646 auctioneer for a period of not less than five (5) years  
1647 immediately preceding his appointment.

1648 (c) An appointee shall be of good reputation,  
1649 trustworthy and knowledgeable in the auction profession.

1650 An individual may not act as a member of the commission while  
1651 holding another elected or appointed office in either the state or  
1652 federal government or while owning a school or other facility to  
1653 train individuals to be auctioneers.

1654 (3) In order to assure continuity, the Governor shall  
1655 appoint the initial members of the commission for the following  
1656 terms:

1657 (a) The member appointed from the First Congressional  
1658 District shall serve a term of one (1) year;

1659 (b) The member appointed from the Second Congressional  
1660 District shall serve a term of two (2) years;

1661 (c) The member appointed from the Third Congressional  
1662 District shall serve a term of three (3) years;

1663 (d) The member appointed from the Fourth Congressional  
1664 District shall serve a term of four (4) years; and

1665 (e) The member appointed from the Fifth Congressional  
1666 District shall serve a term of five (5) years.

1667 The members of the commission as constituted on July 1, 2004,  
1668 whose terms have not expired shall serve the balance of their  
1669 terms, after which time the membership of the commission shall be  
1670 appointed as follows: There shall be appointed one (1) member of  
1671 the commission from each of the four (4) Mississippi congressional  
1672 districts as they currently exist, and one (1) from the state at  
1673 large, and the Governor shall make appointments from the  
1674 congressional district having the smallest number of commission

1675 members until the membership includes one (1) member from each  
1676 district as required.

1677 Subsequent terms shall be for five (5) years, except for  
1678 interim appointments to fill unexpired terms which shall be only  
1679 for the unexpired term.

1680 (4) Each member of the commission shall receive a per diem  
1681 as provided by Section 25-3-69 per meeting and shall be reimbursed  
1682 for ordinary and necessary expenses incurred in the performance of  
1683 official duties as provided in Section 25-3-41.

1684 **MISSISSIPPI BOARD OF NURSING**

1685 **SECTION 28.** Section 73-15-9, Mississippi Code of 1972, is  
1686 amended as follows:

1687 73-15-9. (1) There is hereby created a board to be known as  
1688 the Mississippi Board of Nursing, composed of thirteen (13)  
1689 members, two (2) of whom shall be nurse educators; three (3) of  
1690 whom shall be registered nurses in clinical practice, two (2) to  
1691 have as basic nursing preparation an associate degree or diploma  
1692 and one (1) to have as basic nursing preparation a baccalaureate  
1693 degree; one (1) of whom shall be a registered nurse at large; one  
1694 (1) of whom shall be a registered nurse practitioner; four (4) of  
1695 whom shall be licensed practical nurses; one (1) of whom shall be  
1696 a licensed physician who shall always be a member of the State  
1697 Board of Medical Licensure; and one (1) of whom shall represent  
1698 consumers of health services. There shall be at least one (1)  
1699 board member from each congressional district in the state;  
1700 provided, however, that the physician member, the consumer  
1701 representative member and one (1) registered nurse member shall be  
1702 at large always. The members of the board as constituted on July  
1703 1, 2004, whose terms have not expired shall serve the balance of  
1704 their terms, after which time the membership of the board shall be  
1705 appointed as follows: There shall be appointed not less than two  
1706 (2) members and not more than three (3) members of the board from  
1707 each of the four (4) Mississippi congressional districts as they

1708 currently exist, and the Governor shall make appointments from the  
1709 congressional district having the smallest number of board members  
1710 until the membership includes at least two (2) members from each  
1711 congressional district as required, and the nominating  
1712 organization and/or association shall make nominations to the  
1713 Governor from the appropriate congressional district.

1714       (2) Members of the Mississippi Board of Nursing, excepting  
1715 the member of the State Board of Medical Licensure, shall be  
1716 appointed by the Governor, with the advice and consent of the  
1717 Senate, from lists of nominees submitted by any Mississippi  
1718 registered nurse organization and/or association chartered by the  
1719 State of Mississippi whose board of directors is elected by the  
1720 membership and whose membership includes registered nurses  
1721 statewide, for the nomination of registered nurses, and by the  
1722 Mississippi Federation of Licensed Practical Nurses and the  
1723 Mississippi Licensed Practical Nurses' Association for the  
1724 nomination of a licensed practical nurse. Nominations submitted  
1725 by any such registered nurse organization or association to fill  
1726 vacancies on the board shall be made and voted on by registered  
1727 nurses only. Each list of nominees shall contain a minimum of  
1728 three (3) names for each vacancy to be filled. The list of names  
1729 shall be submitted at least thirty (30) days before the expiration  
1730 of the term for each position. If such list is not submitted, the  
1731 Governor is authorized to make an appointment from the group  
1732 affected and without nominations. Appointments made to fill  
1733 vacancies for unexpired terms shall be for the duration of such  
1734 terms and until a successor is duly appointed.

1735       (3) Members of the board shall be appointed in staggered  
1736 terms for four (4) years or until a successor shall be duly  
1737 qualified. No member may serve more than two (2) consecutive full  
1738 terms. Members of the board serving on July 1, 1988, shall  
1739 continue to serve for their appointed terms.

1740 (4) Vacancies occurring by reason of resignation, death or  
1741 otherwise shall be filled by appointment of the Governor upon  
1742 nominations from a list of nominees from the affected group to be  
1743 submitted within not more than thirty (30) days after such a  
1744 vacancy occurs. In the absence of such list, the Governor is  
1745 authorized to fill such vacancy in accordance with the provisions  
1746 for making full-term appointments. All vacancy appointments shall  
1747 be for the unexpired terms.

1748 (5) Any member may be removed from the board by the Governor  
1749 after a hearing by the board and provided such removal is  
1750 recommended by the executive committee of the affected group.

1751 **STATE BOARD OF OPTOMETRY**

1752 **SECTION 29.** Section 73-19-7, Mississippi Code of 1972, is  
1753 amended as follows:

1754 73-19-7. The Governor, with the advice and consent of the  
1755 Senate, shall appoint a State Board of Optometry, consisting of  
1756 five (5) persons, citizens of Mississippi, each of whom shall be a  
1757 nonmedical man or woman actually engaged in the practice of  
1758 optometry for five (5) years next preceding his appointment.  
1759 Within ninety (90) days after March 25, 1974, the Governor shall  
1760 appoint: one (1) member for a term of one (1) year, one (1)  
1761 member for a term of two (2) years, one (1) member for a term of  
1762 three (3) years, one (1) member for a term of four (4) years, and  
1763 one (1) member for a term of five (5) years; and upon the  
1764 expiration of all such terms their successors shall be appointed  
1765 by the Governor for a term of five (5) years. From and after July  
1766 1, 1983, the appointments to the board shall be made with one (1)  
1767 member to be appointed from each of the congressional districts as  
1768 existing on January 1, 1980; provided that the present members of  
1769 the State Board of Optometry whose terms have not expired by July  
1770 1, 1983, shall continue to serve until their terms of office have  
1771 expired. Each member shall remain in office after the expiration  
1772 of his term until his successor shall be duly appointed and

1773 qualified. The members of the board as constituted on July 1,  
1774 2004, whose terms have not expired shall serve the balance of  
1775 their terms, after which time the membership of the board shall be  
1776 appointed as follows: There shall be appointed one (1) member of  
1777 the board from each of the four (4) Mississippi congressional  
1778 districts as they currently exist, and one (1) from the state at  
1779 large, and the Governor shall make appointments from the  
1780 congressional district having the smallest number of board members  
1781 until the membership includes one (1) member from each  
1782 congressional district as required; and the Mississippi Optometric  
1783 Association shall make nominations to the Governor from the  
1784 appropriate congressional district.

1785 No person so appointed shall be a stockholder in or a member  
1786 of the faculty or of the board of trustees of any school of  
1787 optometry, or serve to exceed two (2) five-year terms.

1788 Vacancies on said board shall be filled by appointment by the  
1789 Governor, with the advice and consent of the Senate, from a list  
1790 of names submitted by the Mississippi Optometric Association  
1791 consisting of three (3) of its members, or by appointment of any  
1792 qualified member of the association.

1793 **MISSISSIPPI BOARD OF PSYCHOLOGY**

1794 **SECTION 30.** Section 73-31-5, Mississippi Code of 1972, is  
1795 amended as follows:

1796 73-31-5. (1) There is hereby created a Mississippi Board of  
1797 Psychology consisting of seven (7) members who are citizens of the  
1798 United States and residing in the State of Mississippi. One (1)  
1799 member of the board shall be a person who is not a psychologist or  
1800 a mental health professional but who has expressed a continuing  
1801 interest in the field of psychology. Each board member shall  
1802 otherwise be licensed under this chapter. At all times the board  
1803 shall be composed of three (3) members who are faculty at  
1804 institutions of higher learning that grant doctoral degrees, or  
1805 staff or faculty of an American Psychological Association approved

1806 doctoral level internship. Three (3) members of the board shall  
1807 be engaged in the professional practice of psychology. The  
1808 membership of the board shall reflect a diversity of practice  
1809 specialties.

1810 (2) When the term of each psychologist member ends the  
1811 Governor shall, within thirty (30) days, appoint as his successor,  
1812 for a term of five (5) years, a psychologist who holds a doctoral  
1813 degree from an institution of higher education and who has been  
1814 licensed under this chapter. When the term of the member who is  
1815 not a psychologist ends, the Governor shall, within thirty (30)  
1816 days, appoint a qualified person as his successor for a term of  
1817 five (5) years. No board member shall serve for consecutive  
1818 terms. Any vacancy occurring in the board membership other than  
1819 by expiration of term shall be filled by the Governor by  
1820 appointment for the unexpired term of such member. All  
1821 appointments of psychologist members of the board shall be made  
1822 from a list containing the names of at least three (3) eligible  
1823 nominees for each vacancy submitted by the Mississippi  
1824 Psychological Association. Each board member shall receive a  
1825 certificate of appointment from the Governor before entering on  
1826 the discharge of his duties, and within thirty (30) days from the  
1827 effective date of his appointment shall subscribe an oath for the  
1828 faithful performance of his official duty before any officer  
1829 authorized to administer oaths in this state, and shall file the  
1830 same with the Secretary of State. To enable the board to have  
1831 regular, planned changes in membership the following one-time  
1832 changes in length of terms of board members is enacted:

1833 (a) One (1) of the two (2) practice members appointed  
1834 in 1998 will serve a three-year term.

1835 (b) The practice member appointed in 2002 will serve a  
1836 three-year term.

1837 (c) One of the two (2) academic members appointed in  
1838 2002 will serve a four-year term.



1839       The members of the board as constituted on July 1, 2004,  
1840 whose terms have not expired shall serve the balance of their  
1841 terms, after which time the membership of the board shall be  
1842 appointed as follows: There shall be appointed one (1) member of  
1843 the board from each of the four (4) Mississippi congressional  
1844 districts as they currently exist, and three (3) from the state at  
1845 large, and the Governor shall make appointments from the  
1846 congressional district having the smallest number of board members  
1847 until the membership includes at least one (1) member from each  
1848 congressional district as required; and the association shall  
1849 nominate members to the Governor from the appropriate  
1850 congressional district as required.

1851       (3) The Governor may remove any board member for misconduct,  
1852 incompetency, or neglect of duty after giving the board member a  
1853 written statement of the charges and an opportunity to be heard  
1854 thereon.

1855       (4) Each board member shall serve without compensation, but  
1856 shall receive actual traveling and incidental expenses necessarily  
1857 incurred while engaged in the discharge of official duties.

1858       This section shall stand repealed from and after July 1,  
1859 2011.

1860                                   **STATE BOARD OF PUBLIC ACCOUNTANCY**

1861       **SECTION 31.** Section 73-33-3, Mississippi Code of 1972, is  
1862 amended as follows:

1863       73-33-3. (1) There shall be a board of public accountancy,  
1864 consisting of seven (7) members, who are qualified electors of  
1865 this state; their duties, powers and qualifications are herein  
1866 prescribed by this chapter. The members of the Mississippi State  
1867 Board of Public Accountancy shall be appointed from holders of  
1868 certificates issued under and by virtue of this chapter.

1869       (2) The present members of the Mississippi State Board of  
1870 Public Accountancy shall continue to serve until January 1, 1984.

1871 After January 1, 1984, the appointments to the board shall be as  
1872 hereinafter provided.

1873 The Governor shall appoint five (5) members from the  
1874 congressional districts as they are presently constituted, as  
1875 follows: The initial member from the First Congressional District  
1876 shall be appointed for a term of one (1) year; the initial member  
1877 from the Second Congressional District shall be for a term of two  
1878 (2) years; the initial member from the Third Congressional  
1879 District shall be appointed for a term of three (3) years; the  
1880 initial member from the Fourth Congressional District shall be  
1881 appointed for a term of four (4) years; the initial member from  
1882 the Fifth Congressional District shall be appointed for a term of  
1883 five (5) years. The members of the board as constituted on July  
1884 1, 2004, who are appointed from congressional districts and whose  
1885 terms have not expired shall serve the balance of their terms,  
1886 after which time the membership of the board shall be appointed as  
1887 follows: There shall be appointed one (1) member of the board  
1888 from each of the four (4) Mississippi congressional districts as  
1889 they currently exist, and the Governor shall make appointments  
1890 from the congressional district having the smallest number of  
1891 board members until the membership includes one (1) member from  
1892 each district as required. In addition, the Governor shall  
1893 appoint three (3) members from the state at large, each of whom  
1894 shall serve for an initial term of four (4) years. Subsequent  
1895 terms for all members shall be for five (5) years.

1896 All terms shall begin on January 1 of the appropriate year.  
1897 No member of the board shall hold any elected office.  
1898 Appointments made to fill a vacancy of a term shall be made by the  
1899 appointing officer within sixty (60) days after the vacancy  
1900 occurs. Any person appointed to fill an unexpired term shall hold  
1901 office only for and during the unexpired term of the member he  
1902 succeeds.

1903           (3) Each member of the board shall take the oath prescribed  
1904 by Section 268 of the Mississippi Constitution. The board shall  
1905 elect from among its membership, to serve one-year terms, a  
1906 chairman who shall preside over meetings and a vice chairman who  
1907 shall preside in the absence of the chairman or when the chairman  
1908 shall be excused. A majority of the membership of the board shall  
1909 constitute a quorum for the transaction of any business. Any  
1910 board member who shall not attend three (3) consecutive regular  
1911 meetings of the board for reasons other than illness of said  
1912 member shall be subject to removal by a majority vote of the board  
1913 members.

1914           (4) The board shall hold regular meetings and special  
1915 meetings as may be necessary for the purposes of conducting such  
1916 business as may be required. The board shall adopt rules and  
1917 regulations governing times and places for meetings, and governing  
1918 the manner of conducting its business. All meetings of the board  
1919 shall be open to the public.

1920                                       **SOCIAL WORKER & FAMILY THERAPY BOARD**

1921           **SECTION 32.** Section 73-53-8, Mississippi Code of 1972, is  
1922 amended as follows:

1923           73-53-8. (1) There is created the Board of Examiners for  
1924 Social Workers and Marriage and Family Therapists to license and  
1925 regulate social workers and marriage and family therapists. The  
1926 board shall be composed of ten (10) members, six (6) of which  
1927 shall be social workers and four (4) of which shall be marriage  
1928 and family therapists.

1929           (2) Of the social worker members of the board, two (2) must  
1930 be licensed social workers, and four (4) must be licensed master  
1931 social workers or licensed certified social workers or a  
1932 combination thereof. The marriage and family therapist members of  
1933 the board must be licensed marriage and family therapists. For at  
1934 least five (5) years immediately preceding his or her appointment,  
1935 each marriage and family therapist appointee must have been

1936 actively engaged as a marriage and family therapist in rendering  
1937 professional services in marriage and family therapy, or in the  
1938 education and training of master's, doctoral or post-doctoral  
1939 students of marriage and family therapy, or in marriage and family  
1940 therapy research, and during the two (2) years preceding his or  
1941 her appointment, must have spent the majority of the time devoted  
1942 to that activity in this state. The initial marriage and family  
1943 therapist appointees shall be deemed to be and shall become  
1944 licensed practicing marriage and family therapists immediately  
1945 upon their appointment and qualification as members of the board.  
1946 All subsequent marriage and family therapist appointees to the  
1947 board must be licensed marriage and family therapists before their  
1948 appointment.

1949 (3) The Governor shall appoint six (6) members of the board,  
1950 four (4) of which shall be social workers and two (2) of which  
1951 shall be marriage and family therapists, and the Lieutenant  
1952 Governor shall appoint four (4) members of the board, two (2) of  
1953 which shall be social workers and two (2) of which shall be  
1954 marriage and family therapists. Social worker members of the  
1955 board shall be appointed from nominations submitted by the  
1956 Mississippi Chapter of the National Association of Social Workers,  
1957 and marriage and family therapist members of the board shall be  
1958 appointed from nominations submitted by the Mississippi Marriage  
1959 and Family Therapy Association. All appointments shall be made  
1960 with the advice and consent of the Senate.

1961 (4) The initial appointments to the board shall be made as  
1962 follows: The Governor shall appoint one (1) social worker member  
1963 for a term that expires on June 30, 1999, one (1) social worker  
1964 member for a term that expires on June 30, 2001, two (2) social  
1965 worker members for terms that expire on June 30, 2002, one (1)  
1966 marriage and family therapist member for a term that expires on  
1967 June 30, 1998, and one (1) marriage and family therapist member  
1968 for a term that expires on June 30, 2000. The Lieutenant Governor

1969 shall appoint one (1) social worker member for a term that expires  
1970 on June 30, 1998, one (1) social worker member for a term that  
1971 expires on June 30, 2000, one (1) marriage and family therapist  
1972 member for a term that expires on June 30, 1999, and one (1)  
1973 marriage and family therapist member of the board for a term that  
1974 expires on June 30, 2001. After the expiration of the initial  
1975 terms, all subsequent appointments shall be made by the original  
1976 appointing authorities for terms of four (4) years from the  
1977 expiration date of the previous term. The members of the board as  
1978 constituted on July 1, 2004, whose terms have not expired shall  
1979 serve the balance of their terms, after which time the membership  
1980 of the board shall be appointed as follows: The appointments to  
1981 the board made by the Governor shall be made one (1) from each of  
1982 the four (4) Mississippi congressional districts as they currently  
1983 exist, and two (2) from the state at large, and the appointments  
1984 to the board made by the Lieutenant Governor shall be made one (1)  
1985 from each of the four (4) Mississippi congressional districts as  
1986 they exist on January 1, 2002, and each appointing officer shall  
1987 make appointments from the congressional district having the  
1988 smallest number of board members until the membership includes at  
1989 least the minimum number from each congressional district as  
1990 required; and the nominating organization shall submit nominations  
1991 to the Governor or the Lieutenant Governor from the appropriate  
1992 congressional district as required. Upon the expiration of his or  
1993 her term of office, a board member shall continue to serve until  
1994 his or her successor has been appointed and has qualified. No  
1995 person may be appointed more than once to fill an unexpired term  
1996 or more than two (2) consecutive full terms.

1997 (5) Any vacancy on the board before the expiration of a term  
1998 shall be filled by appointment of the original appointing  
1999 authority for the remainder of the unexpired term. Appointments  
2000 to fill vacancies shall be made from nominations submitted by the

2001 appropriate organization as specified in subsection (2) of this  
2002 section for the position being filled.

2003 (6) The appointing authorities shall give due regard to  
2004 geographic distribution, race and sex in making all appointments  
2005 to the board.

2006 (7) The board shall select one (1) of its members to serve  
2007 as chairman during the term of his or her appointment to the  
2008 board. No person may serve as chairman for more than four (4)  
2009 years. The board may remove any member of the board or the  
2010 chairman from his or her position as chairman for (a) malfeasance  
2011 in office, or (b) conviction of a felony or a crime of moral  
2012 turpitude while in office, or (c) failure to attend three (3)  
2013 consecutive board meetings. However, no member may be removed  
2014 until after a public hearing of the charges against him or her,  
2015 and at least thirty (30) days' prior written notice to the accused  
2016 member of the charges against him or her and of the date fixed for  
2017 such hearing. No board member shall participate in any matter  
2018 before the board in which he has a pecuniary interest, personal  
2019 bias or other similar conflict of interest.

2020 (8) Board members shall receive no compensation for their  
2021 services, but shall be reimbursed for their actual and necessary  
2022 expenses incurred in the performance of official board business as  
2023 provided in Section 25-3-41.

2024 (9) Four (4) social worker members and three (3) marriage  
2025 and family therapist members of the board shall constitute a  
2026 quorum of the board. In making its decisions and taking actions  
2027 affecting the members of one (1) of the professions regulated by  
2028 the board, the board shall consider the recommendations of the  
2029 board members who are members of that profession.

2030 (10) The principal office of the board shall be in the City  
2031 of Jackson, but the board may act and exercise all of its powers  
2032 at any other place. The board shall adopt an official seal, which

2033 shall be judicially noticed and which shall be affixed to all  
2034 licenses issued by the board.

2035 (11) The board is authorized to employ, subject to the  
2036 approval of the State Personnel Board, an executive director and  
2037 such attorneys, experts and other employees as it may, from time  
2038 to time, find necessary for the proper performance of its duties  
2039 and for which the necessary funds are available, and to set the  
2040 salary of the executive director, subject to the approval of the  
2041 State Personnel Board. The board is strongly encouraged to employ  
2042 any employees of the State Department of Health who may be  
2043 displaced as a result of the enactment of Laws, 1997, Chapter 516.

2044 (12) The board, by a majority vote, from time to time may  
2045 make such provisions as it deems appropriate to authorize the  
2046 performance by any board member or members, employee or other  
2047 agent of the board of any function given the board in this chapter  
2048 or Sections 73-54-1 through 73-54-39.

2049 **HOME INSPECTOR REGULATORY BOARD**

2050 **SECTION 33.** Section 73-60-5, Mississippi Code of 1972, is  
2051 amended as follows:

2052 73-60-5. (1) There is hereby created, as an adjunct board  
2053 to the Mississippi Real Estate Commission, a board to be known as  
2054 the Home Inspector Regulatory Board, which shall consist of five  
2055 (5) members appointed by the Governor, with the advice and consent  
2056 of the Senate, to include one (1) Representative from each of the  
2057 four (4) Mississippi congressional districts currently existing,  
2058 and two (2) from the state at large and all shall be licensed home  
2059 inspectors.

2060 (2) The Home Inspector Regulatory Board shall advise the  
2061 commission or its designee on all matters relating to this  
2062 chapter. The board shall meet no less than four (4) times  
2063 annually and shall be reimbursed for expenses on a per diem basis  
2064 pursuant to state law.

2065 **BOARD OF REGISTERED PROFESSIONAL GEOLOGISTS**

2066           **SECTION 34.** Section 73-63-9, Mississippi Code of 1972, is  
2067 amended as follows:

2068           73-63-9. (1) There is created the Board of Registered  
2069 Professional Geologists to administer this chapter. The board  
2070 shall consist of five (5) registered professional geologists  
2071 appointed by the Governor from nominees recommended by the  
2072 committee created in subsection (3) of this section, but  
2073 geologists initially appointed to the board shall be qualified for  
2074 registration under this chapter and shall register within the  
2075 first year of their term. The Governor shall require adequate  
2076 disclosure of potential conflicts of interest by appointees to the  
2077 board. The board shall, to the extent practicable, consist of one  
2078 (1) member appointed from the governmental sector, one (1) member  
2079 appointed from academia, one (1) member appointed from the  
2080 geotechnical/environmental industrial sector, one (1) member  
2081 appointed from the mining/mineral extraction industrial sector,  
2082 and one (1) member appointed at large. The initial term of the  
2083 members shall be as follows: two (2) members shall be appointed  
2084 for terms of four (4) years, two (2) members shall be appointed  
2085 for terms of three (3) years, and one (1) member shall be  
2086 appointed for a term of two (2) years. Following appointment of  
2087 the initial board, all terms shall be for four (4) years. The  
2088 term of members shall begin and end on July 1 of the appropriate  
2089 year regardless of the date of appointment. Upon expiration of a  
2090 member's term, the Governor may appoint a new member or may  
2091 reappoint the existing member to one (1) additional term. No  
2092 member of the board shall serve more than two (2) consecutive  
2093 terms. The members of the board as constituted on July 1, 2004,  
2094 whose terms have not expired shall serve the balance of their  
2095 terms, after which time the membership of the board shall be  
2096 appointed as follows: There shall be appointed one (1) member of  
2097 the board from each of the four (4) Mississippi congressional  
2098 districts as they currently exist, and the Governor shall make



2099 appointments from the congressional district having the smallest  
2100 number of board members until the membership includes one (1)  
2101 member from each district as required; and the nominating  
2102 committee shall make recommendations to the Governor from the  
2103 appropriate congressional district. Members shall hold office  
2104 until their successors have been appointed and qualified.  
2105 Vacancies in the membership of the board shall be filled for the  
2106 unexpired term by appointment in the same manner as the original  
2107 appointments. Before assuming the duties of office, each member  
2108 of the board shall take the oath prescribed in Section 268 of the  
2109 Constitution and shall give a surety bond in the amount of Fifty  
2110 Thousand Dollars (\$50,000.00) to be approved by the Secretary of  
2111 State, conditioned according to law and payable to the State of  
2112 Mississippi. The premium on the bond shall be a proper and  
2113 necessary expense of the board. Each member shall receive a  
2114 certificate of appointment from the Governor. Original  
2115 appointments to the board shall be made before October 1, 1997.

2116 (2) Each member of the board shall be a citizen of the  
2117 United States, a resident of this state for at least five (5)  
2118 years immediately preceding that person's appointment, and at  
2119 least thirty (30) years of age.

2120 (3) (a) Except as provided in paragraph (b) of this  
2121 subsection, the board annually shall appoint a nominating  
2122 committee. No board member shall participate on the nominating  
2123 committee during the year in which that member's term expires.  
2124 The nominating committee shall solicit nominees for membership to  
2125 the board by mailing a notice to each registered professional  
2126 geologist shown on the roster maintained by the board and residing  
2127 in the state. Within thirty (30) days following mailing of the  
2128 notices, any registered professional geologist meeting the  
2129 qualifications under subsection (2) of this section may place or  
2130 have placed his or her name in nomination. The nominating  
2131 committee shall compile a list of the nominees and submit that

2132 list to the registered professional geologists on the roster.  
2133 Each geologist shall have one (1) vote and shall submit that vote  
2134 in writing within fifteen (15) days following the mailing of the  
2135 list of nominees. The nominating committee shall calculate the  
2136 results and recommend to the Governor the three (3) nominees from  
2137 the sector and congressional districts in which the vacancy occurs  
2138 receiving the largest number of votes.

2139 (b) The Task Force/Advisory Committee on Geologic  
2140 Registration shall recommend fifteen (15) nominees to the Governor  
2141 for appointment to the initial board.

2142 **STATE BOARD OF MASSAGE THERAPY**

2143 **SECTION 35.** Section 73-67-9, Mississippi Code of 1972, is  
2144 amended as follows:

2145 73-67-9. (1) There is created the State Board of Massage  
2146 Therapy.

2147 (2) The board shall consist of five (5) members appointed by  
2148 the Governor, with the advice and consent of the Senate, as  
2149 follows: At least three (3) members shall be appointed from a  
2150 list submitted by state representatives of one or more nationally  
2151 recognized professional massage therapy association(s), one (1) to  
2152 be appointed from each Mississippi Supreme Court District and all  
2153 of whom must be residents of Mississippi and must have engaged in  
2154 the practice of massage therapy within the state for at least  
2155 three (3) years, one (1) member shall be a licensed health  
2156 professional in a health field other than massage therapy and one  
2157 (1) member shall be a consumer at large who is not associated with  
2158 or financially interested in the practice or business of massage  
2159 therapy. The initial members of the board shall be appointed for  
2160 staggered terms, as follows: one (1) member shall be appointed  
2161 for a term that ends on June 30, 2002; one (1) member shall be  
2162 appointed for a term that ends on June 30, 2003; one (1) member  
2163 shall be appointed for a term that ends on June 30, 2004; and two  
2164 (2) members shall be appointed for terms that end on June 30,

2165 2005, to be designated at the time of appointment. Appointments  
2166 shall be made within ninety (90) days from July 1, 2001.

2167 (3) All subsequent appointments to the board shall be  
2168 appointed by the Governor for terms of four (4) years from the  
2169 expiration date of the previous term. No person shall be  
2170 appointed for more than two (2) consecutive terms. By approval of  
2171 the majority of the board, the service of a member may be extended  
2172 at the completion of a four-year term until a new member is  
2173 appointed or the current member is reappointed. The board shall  
2174 elect one (1) of the appointed massage therapists as the chairman  
2175 of the board.

2176 (4) A majority of the board may elect an executive secretary  
2177 and other such individuals, including an attorney, as may be  
2178 necessary to implement the provisions of this chapter. The board  
2179 may hold additional meetings at such times and places as it deems  
2180 necessary. A majority of the board shall constitute a quorum and  
2181 a majority of the board shall be required to grant or revoke a  
2182 certificate of registration.

2183 **SECTION 36.** This act shall take effect and be in force from  
2184 and after July 1, 2004.