

By: Senator(s) Dawkins

To: Fees, Salaries and Administration

SENATE BILL NO. 2749

1 AN ACT TO PROVIDE THAT FROM AND AFTER JULY 1, 2006,  
2 APPOINTMENTS TO CERTAIN EXECUTIVE AGENCY BOARDS AND COMMISSIONS  
3 SHALL BE MADE FROM THE FOUR MISSISSIPPI CONGRESSIONAL DISTRICTS ON  
4 A PHASED-IN BASIS; TO AMEND SECTIONS 25-53-7, 31-3-3, 35-1-1,  
5 35-3-24, 35-7-7, 37-4-3, 37-63-3, 37-101-3, 37-155-7, 39-3-101,  
6 39-11-1, 41-4-3, 43-13-107, 43-13-409, 43-55-5, 47-5-541, 49-2-5,  
7 49-4-4, 49-19-1, 57-10-167, 63-17-57, 69-7-253, 69-9-3, 69-15-2,  
8 73-1-5, 73-4-7, 73-15-9, 73-19-7, 73-31-5, 73-33-3, 73-53-8,  
9 73-60-5, 73-63-9 AND 73-67-9, MISSISSIPPI CODE OF 1972, IN  
10 CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

12 MISSISSIPPI DEPARTMENT OF TECHNOLOGY SERVICES

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

15 25-53-7. (1) The membership of the authority shall be  
16 composed of five (5) members to be appointed by the Governor with  
17 the advice and consent of the Senate. The initial terms of the  
18 members shall be for one (1), two (2), three (3), four (4) and  
19 five (5) years, respectively, and thereafter all terms shall be  
20 for five (5) years. The initial appointments to the reconstituted  
21 authority shall be made no later than June 30, 1984, for terms to  
22 begin on July 1, 1984. The members of the authority as  
23 constituted on July 1, 2006, whose terms have not expired shall  
24 serve the balance of their terms, after which time the membership  
25 of the authority shall be appointed as follows: There shall be  
26 appointed one (1) member of the authority from each of the four  
27 (4) Mississippi congressional districts as they currently exist,  
28 and one (1) from the state at large, and the Governor shall make  
29 appointments from the congressional district having the smallest  
30 number of authority members until the membership includes one (1)  
31 member from each district as required. Vacancies shall be filled

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

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

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

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

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

69 **STATE BOARD OF CONTRACTORS**

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

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

89 Upon the expiration of the term of office of any member of  
90 the board, the Governor shall appoint a new member for a term of  
91 five (5) years, such new appointments being made so as to maintain  
92 on the board two (2) building contractors; two (2) road  
93 contractors; two (2) residential builders; one (1) plumbing or  
94 heating and air conditioning contractor; one (1) electrical  
95 contractor; and one (1) water and sewer contractor; and one (1)  
96 roofing contractor. The members of the board as constituted on  
97 July 1, 2006, whose terms have not expired shall serve the balance

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

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

114 **VETERANS AFFAIRS BOARD**

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

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

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

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

164 any federally recognized veterans organization, no national  
165 officer of any federally recognized veterans organization and no  
166 member of the Mississippi Council of Veterans Organizations shall  
167 be eligible for appointment to the board until the expiration of a  
168 period of three (3) years after the termination of their service  
169 in such disqualifying positions. The members of the board as  
170 constituted on July 1, 2006, whose terms have not expired shall  
171 serve the balance of their terms, after which time the membership  
172 of the board shall be appointed as follows: There shall be  
173 appointed one (1) member of the board from each of the four (4)  
174 Mississippi congressional districts as they currently exist, and  
175 three (3) from the state at large, and the Governor shall make  
176 appointments from the congressional district having the smallest  
177 number of board members until the membership includes at least one  
178 (1) member from each congressional district as required.

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

184 **WAR VETERANS MEMORIAL COMMISSION**

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

187 35-3-24. There is hereby created a War Veterans Memorial  
188 Commission, which is hereby charged with the duty of carrying out  
189 the provisions as hereinafter set forth, and it shall be referred  
190 to in the succeeding sections hereof as the "commission." The  
191 commission shall consist of seven (7) commissioners, one (1)  
192 member each from the American Legion, the Veterans of Foreign  
193 Wars, Disabled American Veterans, American Ex-Prisoners of War,  
194 Veterans of World War I, Sons of Confederate Veterans, and the  
195 Mississippi National Guard. The commissioners shall be appointed  
196 by the Governor on the recommendation of the state executive

197 governing body of each respective organization entitled to a  
198 member of the commission. The initial terms of the members shall  
199 be as follows, to be designated by the Governor at the time of  
200 appointment: (a) two (2) members shall be appointed for terms of  
201 two (2) years each; (b) two (2) members for terms of four (4)  
202 years each; (c) two (2) members for terms of six (6) years each;  
203 and (d) the member from the American Ex-Prisoners of War for a  
204 term of four (4) years. Thereafter, each term shall be for six  
205 (6) years or until a successor in office has been appointed and  
206 qualified. The members of the commission as constituted on July  
207 1, 2006, whose terms have not expired shall serve the balance of  
208 their terms, after which time the membership of the commission  
209 shall be appointed as follows: There shall be appointed one (1)  
210 member of the commission from each of the four (4) Mississippi  
211 congressional districts as they currently exist, and three (3)  
212 from the state at large, and the Governor shall make appointments  
213 from the congressional district having the smallest number of  
214 commission members until the membership includes at least one (1)  
215 member from each congressional district as required; and the  
216 appropriate organization/association shall submit nominations to  
217 the Governor from the proper congressional district as required.  
218 In the event of any vacancy on the commission, the Governor shall,  
219 within thirty (30) days, designate a successor in the same manner  
220 as the original appointment was made. No member of either branch  
221 of the Legislature nor any state officer or employee shall serve  
222 on the commission.

#### 223 **VETERANS HOME PURCHASE BOARD**

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

226 35-7-7. The administration of the provisions hereof is  
227 vested in a Veterans' Home Purchase Board consisting of six (6)  
228 members who shall be appointed, or reappointed, by the Governor,  
229 with the advice and consent of the Senate. Members appointed to

230 the board shall be veterans of either World War II, the Korean  
231 Conflict, the Southeast Asia Conflict, the Persian Gulf Conflict  
232 or have served in active duty for at least one hundred eighty  
233 (180) days during a time of war or a conflict in which a campaign  
234 ribbon or medal was issued and shall possess a background in  
235 business, banking, real estate or the legal profession which  
236 enables them to carry out the duties of the board. Appointments  
237 shall be staggered, with each Governor appointing or reappointing  
238 two (2) members in the first year of his administration; one (1)  
239 member in the second year, two (2) members in the third year, and  
240 one (1) member in the fourth year. Appointments for terms that  
241 expire in 1988 shall be made as follows: one (1) shall be made  
242 for a term ending on July 1, 1989; one (1) shall be made for a  
243 term ending on July 1, 1991; and two (2) shall be made for a term  
244 ending on July 1, 1992. Persons appointed to succeed the two (2)  
245 members whose terms expired in 1986, or any such member holding  
246 over after 1986 because no successor was appointed, shall serve  
247 until July 1, 1990. After the expiration of the foregoing terms,  
248 all appointments shall be for a term of four (4) years from the  
249 expiration date of the previous term. From and after July 1,  
250 1988, one (1) appointee shall be selected from each of the five  
251 (5) congressional districts of this state as such districts are  
252 composed on May 1, 1987, and one (1) appointee shall be selected  
253 from the state at large. The members of the board as constituted  
254 on July 1, 2006, whose terms have not expired shall serve the  
255 balance of their terms, after which time the membership of the  
256 board shall be appointed as follows: There shall be appointed one  
257 (1) member of the board from each of the four (4) Mississippi  
258 congressional districts as they currently exist, and two (2) from  
259 the state at large, and the Governor shall make appointments from  
260 the congressional district having the smallest number of board  
261 members until the membership includes at least one (1) from each  
262 congressional district as required. Any vacancy occurring during



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

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

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

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

296 coming into his hands; and each employee handling funds shall  
297 execute a like bond in the sum of Fifteen Thousand Dollars  
298 (\$15,000.00), and the premiums thereon shall be paid from the  
299 funds provided for administering this chapter.

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

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

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

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

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

324 37-4-3. (1) From and after July 1, 1986, there shall be a  
325 State Board for Community and Junior Colleges which shall receive  
326 and distribute funds appropriated by the Legislature for the use  
327 of the public community and junior colleges and funds from federal  
328 and other sources that are transmitted through the state

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

333 (2) The board shall consist of ten (10) members of which  
334 none shall be an elected official and none shall be engaged in the  
335 educational profession. The Governor shall appoint two (2)  
336 members from the First Mississippi Congressional District, one (1)  
337 who shall serve an initial term of two (2) years and one (1) who  
338 shall serve an initial term of five (5) years; two (2) members  
339 from the Second Mississippi Congressional District, one (1) who  
340 shall serve an initial term of five (5) years and one (1) who  
341 shall serve an initial term of three (3) years; and two (2)  
342 members from the Third Mississippi Congressional District, one (1)  
343 who shall serve an initial term of four (4) years and one (1) who  
344 shall serve an initial term of two (2) years; two (2) members from  
345 the Fourth Mississippi Congressional District, one (1) who shall  
346 serve an initial term of three (3) years and one (1) who shall  
347 serve an initial term of four (4) years; and two (2) members from  
348 the Fifth Mississippi Congressional District, one (1) who shall  
349 serve an initial term of five (5) years and one (1) who shall  
350 serve an initial term of two (2) years. The members of the board  
351 as constituted on July 1, 2006, whose terms have not expired shall  
352 serve the balance of their terms, after which time the membership  
353 of the board shall be appointed as follows: There shall be  
354 appointed two (2) members of the board from each of the four (4)  
355 Mississippi congressional districts as they currently exist, and  
356 the Governor shall make appointments from the congressional  
357 district having the smallest number of board members until the  
358 membership includes two (2) from each district as required. All  
359 subsequent appointments shall be for a term of six (6) years and  
360 continue until their successors are appointed and qualify. An  
361 appointment to fill a vacancy which arises for reasons other than

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

446 **MISSISSIPPI EDUCATIONAL TELEVISION AUTHORITY**

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

449 37-63-3. The Authority for Educational Television shall  
450 consist of the State Superintendent of Public Education, or his  
451 designee, and six (6) members appointed, with the advice and  
452 consent of the Senate. The Governor shall appoint four (4)  
453 members, one (1) of whom shall be actively engaged as a teacher or  
454 principal in a secondary school system in the State of Mississippi  
455 and one (1) of whom shall be actively engaged as a teacher or  
456 principal in an elementary school system in the State of  
457 Mississippi. Beginning July 1, 1994, the appointee actively  
458 engaged as a teacher or principal in a secondary school shall be

459 appointed for an initial term of three (3) years. The member  
460 actively engaged as a teacher or principal in an elementary school  
461 shall be appointed for an initial term of four (4) years. The  
462 remaining two (2) gubernatorial appointees shall serve until July  
463 1, 1996. Beginning July 1, 1996, the Governor shall appoint two  
464 (2) members for initial terms of three (3) and four (4) years,  
465 with the Governor specifically designating which member shall be  
466 appointed for three (3) years and which shall be appointed for  
467 four (4) years. The gubernatorial appointees on the authority as  
468 constituted on July 1, 2006, whose terms have not expired shall  
469 serve the balance of their terms, after which time these  
470 appointments shall be made as follows: The gubernatorial  
471 appointees shall be appointed one (1) from each of the four (4)  
472 Mississippi congressional districts as they currently exist, and  
473 the Governor shall make appointments from the congressional  
474 district having the smallest number of authority members until the  
475 membership includes one (1) member from each district as required.  
476 The State Board for Community and Junior Colleges shall appoint  
477 one (1) member, and the Board of Trustees of the State  
478 Institutions of Higher Learning shall appoint one (1) member.  
479 After the expiration of the initial terms, all members shall serve  
480 for terms of four (4) years. An appointment to fill a vacancy  
481 among the gubernatorial appointees, other than by expiration of a  
482 term of office, shall be made by the Governor for the balance of  
483 the unexpired term.

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

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

487 37-101-3. (1) The Governor \* \* \* shall appoint the members  
488 of the board \* \* \* with the advice and consent of the Senate. The  
489 Governor shall appoint only persons who are qualified electors  
490 residing in the district from which each is appointed, and at  
491 least twenty-five (25) years of age, and of the highest order of

492 intelligence, character, learning and fitness for the performance  
493 of such duties, to the end that such board shall perform its high  
494 and honorable duties to the greatest advantage of the people of  
495 the state and such educational institutions, uninfluenced by any  
496 political considerations. The board of trustees shall be composed  
497 of twelve (12) members. The members of the board of trustees as  
498 constituted on January 1, 2004, shall continue to serve until  
499 expiration of their respective terms of office. Appointments made  
500 to fill vacancies created by expiration of members' terms of  
501 office occurring after January 1, 2004, shall be as follows: The  
502 initial term of the members appointed in 2004 shall be for eleven  
503 (11) years; the initial term of the members appointed in 2008  
504 shall be for ten (10) years; and the initial term of the members  
505 appointed in 2012 shall be for nine (9) years. After the  
506 expiration of the initial terms, all terms shall be for nine (9)  
507 years. Four (4) members of the board of trustees shall be  
508 appointed from each of the three (3) Mississippi Supreme Court  
509 districts and, as such vacancies occur, the Governor shall make  
510 appointments from the Supreme Court district having the smallest  
511 number of board members until the membership includes four (4)  
512 members from each district.

513       (2) In case of a vacancy on the board by death or  
514 resignation of a member, or from any \* \* \* cause other than the  
515 expiration of such member's term of office, the board shall elect  
516 his successor, who shall hold office until the end of the next  
517 session of the Legislature. During such term of the session of  
518 the Legislature, the Governor shall appoint the successor member  
519 of the board from the district from which his predecessor was  
520 appointed, to hold office for the balance of the unexpired term  
521 for which such original trustee was appointed, to the end that  
522 one-third (1/3) of such trustees' terms will expire each three (3)  
523 years.



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

543 **PREPAID AFFORDABLE COLLEGE TUITION BOARD**

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

546 37-155-7. (1) The board of directors shall consist of  
547 thirteen (13) members as follows:

548 (a) Nine (9) voting members as follows: the State  
549 Treasurer; the Commissioner of Higher Education, or his designee;  
550 the Executive Director of the Community and Junior College Board,  
551 or his designee; the Department of Finance and Administration  
552 Executive Director, or his designee; and one (1) member from each  
553 congressional district to be appointed by the Governor with the  
554 advice and consent of the Senate. One (1) member shall be  
555 appointed for an initial term of one (1) year; one (1) member  
556 shall be appointed for an initial term of two (2) years; one (1)

557 member for an initial term of three (3) years; one (1) member for  
558 an initial term of four (4) years; and one (1) member for an  
559 initial term of five (5) years. On the expiration of any of the  
560 terms of office, the Governor shall appoint successors by and with  
561 the advice and consent of the Senate for terms of five (5) years  
562 in each case. The gubernatorial appointments of the board as  
563 constituted on July 1, 2006, whose terms have not expired shall  
564 serve the balance of their terms, after which time the  
565 gubernatorial appointments shall be made as follows: There shall  
566 be appointed one (1) member of the board from each of the four (4)  
567 Mississippi congressional districts as they currently exist, and  
568 one (1) from the state at large, and the Governor shall make  
569 appointments from the congressional district having the smallest  
570 number of board members until the membership includes at least one  
571 (1) member from each congressional district as required.

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

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

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

585 (4) Members of the board of directors shall serve without  
586 compensation, but shall be reimbursed for each day's official  
587 duties of the board at the same per diem as established by Section  
588 25-3-69 and actual travel and lodging expenses as established by  
589 Section 25-3-41.

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

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

600 **MISSISSIPPI LIBRARY COMMISSION**

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

603 39-3-101. There is hereby created a board of commissioners  
604 of the Mississippi Library Commission to be composed of five (5)  
605 members appointed by the Governor with overlapping terms, the  
606 members of the first board to be appointed one (1) for one (1)  
607 year, one (1) for two (2) years, one (1) for three (3) years, one  
608 (1) for four (4) years, one (1) for five (5) years, and their  
609 successors each to be appointed for five-year terms, each member  
610 to serve until his successor is appointed. Two (2) members shall  
611 be appointed by the Governor from the state at large. Two (2)  
612 members shall be appointed by the Governor from a list of not less  
613 than six (6) names submitted by the Mississippi Library  
614 Association, one (1) of whom shall be a librarian who is a  
615 graduate of a library school accredited by the American Library  
616 Association and actively engaged in full-time library work at the  
617 time of the appointment and one (1) of whom shall be, at time of  
618 the appointment, a member of a legally organized board of trustees  
619 of a Mississippi free public library; and one (1) member shall be  
620 the President of the Mississippi Federation of Women's Clubs, or a  
621 member of said federation recommended by her; and which federation  
622 member shall, when appointed, serve a full term as herein provided

623 for members to serve under a staggered term basis, and the  
624 successor to the federation member shall be the president of the  
625 federation then serving, or a member of the federation recommended  
626 by her, when the term of the federation member shall expire; and  
627 after the appointment of a federation member to the board, and  
628 when her term as a member thereof shall expire, each succeeding  
629 member of the federation who becomes a member of the board shall  
630 serve a full term under the provisions of this article. The  
631 members of the commission as constituted on July 1, 2006, whose  
632 terms have not expired shall serve the balance of their terms,  
633 after which time the membership of the board shall be appointed as  
634 follows: There shall be appointed one (1) member of the  
635 commission from each of the four (4) Mississippi congressional  
636 districts as they currently exist, and the federation member shall  
637 be considered an appointment from the state at large. The  
638 Governor shall make appointments from the congressional district  
639 having the smallest number of board members until the membership  
640 includes one (1) member from each congressional district as  
641 required, and the recommendations from the Mississippi Library  
642 Association shall be made from the appropriate congressional  
643 district. Vacancies created by resignation shall be filled by  
644 appointment for the unexpired term.

645 **MISSISSIPPI COMMISSION ON THE ARTS**

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

648 39-11-1. There is hereby created and established a state  
649 commission to be known as the Mississippi Arts Commission, to  
650 consist of fifteen (15) members broadly representative of all  
651 fields of the performing, visual, literary arts and the business  
652 community, and who are to be appointed by the Governor from among  
653 citizens of the state who have demonstrated a vital interest in  
654 the performing, visual or literary arts. These members shall also  
655 be representative of the different geographical areas of the

656 state. The members of the commission as constituted on July 1,  
657 2006, whose terms have not expired shall serve the balance of  
658 their terms, after which time the membership of the board shall be  
659 appointed as follows: No more than four (4) members of the  
660 commission shall be appointed from each of the four (4)  
661 Mississippi congressional districts as they currently exist, and  
662 the Governor shall make appointments from the congressional  
663 district having the smallest number of commission members until  
664 the membership includes at least three (3) members from each  
665 district as required.

666 **STATE BOARD OF MENTAL HEALTH**

667 **SECTION 12.** Section 41-4-3, Mississippi Code of 1972, is  
668 amended as follows:

669 41-4-3. (1) There is hereby created a State Board of Mental  
670 Health, herein referred to as "board," consisting of nine (9)  
671 members, to be appointed by the Governor, with the advice and  
672 consent of the Senate, each of whom shall be a qualified elector.  
673 One (1) member shall be appointed from each congressional district  
674 as presently constituted; and four (4) members shall be appointed  
675 from the state at large, one (1) of whom shall be a licensed  
676 medical doctor who is a psychiatrist, one (1) of whom shall hold a  
677 Ph.D. degree and be a licensed clinical psychologist, one (1) of  
678 whom shall be a licensed medical doctor, and one (1) of whom shall  
679 be a social worker with experience in the mental health field.

680 \* \* \*

681 Each member of the initial board shall serve for a term of  
682 years represented by the number of his congressional district; two  
683 (2) state-at-large members shall serve for a term of six (6)  
684 years; two (2) state-at-large members shall serve for a term of  
685 seven (7) years; subsequent appointments shall be for seven-year  
686 terms and the Governor shall fill any vacancy for the unexpired  
687 term. The members of the board as constituted on July 1, 2006,  
688 whose terms have not expired shall serve the balance of their

689 terms, after which time the membership of the board shall be  
690 appointed as follows: There shall be appointed two (2) members of  
691 the board from each of the four (4) Mississippi congressional  
692 districts as they currently exist, and one (1) from the state at  
693 large, to be designated at the time of appointment, and the  
694 Governor shall make appointments from the congressional district  
695 having the smallest number of board members until the membership  
696 includes two (2) members from each congressional district as  
697 required.

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

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

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

708 **MEDICAID MEDICAL CARE ADVISORY COMMITTEE**

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

711 43-13-107. (1) The Division of Medicaid is created in the  
712 Office of the Governor and established to administer this article  
713 and perform such other duties as are prescribed by law.

714 (2) (a) The Governor shall appoint a full-time executive  
715 director, with the advice and consent of the Senate, who shall be  
716 either (i) a physician with administrative experience in a medical  
717 care or health program, or (ii) a person holding a graduate degree  
718 in medical care administration, public health, hospital  
719 administration, or the equivalent, or (iii) a person holding a  
720 bachelor's degree in business administration or hospital  
721 administration, with at least ten (10) years' experience in

722 management-level administration of Medicaid programs. The  
723 executive director shall be the official secretary and legal  
724 custodian of the records of the division; shall be the agent of  
725 the division for the purpose of receiving all service of process,  
726 summons and notices directed to the division; and shall perform  
727 such other duties as the Governor may prescribe from time to time.

728 (b) The Governor shall appoint a full-time Deputy  
729 Director of Administration, with the advice and consent of the  
730 Senate, who shall have at least a bachelor's degree from an  
731 accredited college or university, and/or shall possess a special  
732 knowledge of Medicaid as pertaining to the State of Mississippi.  
733 The Deputy Director of Administration may perform those duties of  
734 the executive director that the executive director has not  
735 expressly retained for himself.

736 (c) The executive director and the Deputy Director of  
737 Administration of the Division of Medicaid shall perform all other  
738 duties that are now or may be imposed upon them by law.

739 (d) The terms of office of the executive director and  
740 the Deputy Director of Administration shall be concurrent with the  
741 terms of the Governor appointing them. In the event of a vacancy,  
742 the same shall be filled by the Governor for the unexpired portion  
743 of the term in which the vacancy occurs. However, the incumbent  
744 executive director and Deputy Director of Administration shall  
745 serve until the appointment and qualification of their successors.

746 (e) The executive director and the Deputy Director of  
747 Administration shall, before entering upon the discharge of the  
748 duties of their offices, take and subscribe to the oath of office  
749 prescribed by the Mississippi Constitution and shall file the same  
750 in the Office of the Secretary of State, and each shall execute a  
751 bond in some surety company authorized to do business in the state  
752 in the penal sum of One Hundred Thousand Dollars (\$100,000.00),  
753 conditioned for the faithful and impartial discharge of the duties  
754 of their offices. The premium on those bonds shall be paid as

755 provided by law out of funds appropriated to the Division of  
756 Medicaid for contractual services.

757 (f) The executive director, with the approval of the  
758 Governor and subject to the rules and regulations of the State  
759 Personnel Board, shall employ such professional, administrative,  
760 stenographic, secretarial, clerical and technical assistance as  
761 may be necessary to perform the duties required in administering  
762 this article and fix the compensation for those persons, all in  
763 accordance with a state merit system meeting federal requirements.  
764 When the salary of the executive director is not set by law, that  
765 salary shall be set by the State Personnel Board. No employees of  
766 the Division of Medicaid shall be considered to be staff members  
767 of the immediate Office of the Governor; however, the provisions  
768 of Section 25-9-107(c)(xv) shall apply to the executive director  
769 and other administrative heads of the division.

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

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

776 (i) The Governor shall appoint five (5) members,  
777 one (1) from each congressional district currently existing, and  
778 one (1) from the state at large;

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

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

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



788           (c) The respective Chairmen of the House Medicaid  
789 Committee, the House Public Health and Human Services Committee,  
790 the House Appropriations Committee, the Senate Public Health and  
791 Welfare Committee and the Senate Appropriations Committee, or  
792 their designees, two (2) members of the State Senate appointed by  
793 the Lieutenant Governor and one (1) member of the House of  
794 Representatives appointed by the Speaker of the House, shall serve  
795 as ex officio nonvoting members of the advisory committee.

796           (d) In addition to the committee members required by  
797 paragraph (b), the advisory committee shall consist of such other  
798 members as are necessary to meet the requirements of the federal  
799 regulation applicable to the advisory committee, who shall be  
800 appointed as provided in the federal regulation.

801           (e) The chairmanship of the advisory committee shall  
802 alternate for twelve-month periods between the Chairmen of the  
803 House Medicaid Committee and the Senate Public Health and Welfare  
804 Committee.

805           (f) The members of the advisory committee specified in  
806 paragraph (b) shall serve for terms that are concurrent with the  
807 terms of members of the Legislature, and any member appointed  
808 under paragraph (b) may be reappointed to the advisory committee.  
809 The members of the advisory committee specified in paragraph (b)  
810 shall serve without compensation, but shall receive reimbursement  
811 to defray actual expenses incurred in the performance of committee  
812 business as authorized by law. Legislators shall receive per diem  
813 and expenses, which may be paid from the contingent expense funds  
814 of their respective houses in the same amounts as provided for  
815 committee meetings when the Legislature is not in session.

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

820           (h) The executive director shall submit to the advisory  
821 committee all amendments, modifications and changes to the state  
822 plan for the operation of the Medicaid program, for review by the  
823 advisory committee before the amendments, modifications or changes  
824 may be implemented by the division.

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

827               (i) Advise the division with respect to  
828 amendments, modifications and changes to the state plan for the  
829 operation of the Medicaid program;

830               (ii) Advise the division with respect to issues  
831 concerning receipt and disbursement of funds and eligibility for  
832 Medicaid;

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

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

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

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

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

850               (i) Review and initiate retrospective drug use,  
851 review including ongoing periodic examination of claims data and  
852 other records in order to identify patterns of fraud, abuse, gross

853 overuse, or inappropriate or medically unnecessary care, among  
854 physicians, pharmacists and individuals receiving Medicaid  
855 benefits or associated with specific drugs or groups of drugs.

856 (ii) Review and initiate ongoing interventions for  
857 physicians and pharmacists, targeted toward therapy problems or  
858 individuals identified in the course of retrospective drug use  
859 reviews.

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

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

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

868 (d) The board meetings shall be open to the public,  
869 members of the press, legislators and consumers. Additionally,  
870 all documents provided to board members shall be available to  
871 members of the Legislature in the same manner, and shall be made  
872 available to others for a reasonable fee for copying. However,  
873 patient confidentiality and provider confidentiality shall be  
874 protected by blinding patient names and provider names with  
875 numerical or other anonymous identifiers. The board meetings  
876 shall be subject to the Open Meetings Act (Section 25-41-1 et  
877 seq.). Board meetings conducted in violation of this section  
878 shall be deemed unlawful.

879 (5) (a) There is established a Pharmacy and Therapeutics  
880 Committee, which shall be appointed by the Governor, or his  
881 designee.

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

885           (c) The committee meetings shall be open to the public,  
886 members of the press, legislators and consumers. Additionally,  
887 all documents provided to committee members shall be available to  
888 members of the Legislature in the same manner, and shall be made  
889 available to others for a reasonable fee for copying. However,  
890 patient confidentiality and provider confidentiality shall be  
891 protected by blinding patient names and provider names with  
892 numerical or other anonymous identifiers. The committee meetings  
893 shall be subject to the Open Meetings Act (Section 25-41-1 et  
894 seq.). Committee meetings conducted in violation of this section  
895 shall be deemed unlawful.

896           (d) After a thirty-day public notice, the executive  
897 director, or his or her designee, shall present the division's  
898 recommendation regarding prior approval for a therapeutic class of  
899 drugs to the committee. However, in circumstances where the  
900 division deems it necessary for the health and safety of Medicaid  
901 beneficiaries, the division may present to the committee its  
902 recommendations regarding a particular drug without a thirty-day  
903 public notice. In making that presentation, the division shall  
904 state to the committee the circumstances that precipitate the need  
905 for the committee to review the status of a particular drug  
906 without a thirty-day public notice. The committee may determine  
907 whether or not to review the particular drug under the  
908 circumstances stated by the division without a thirty-day public  
909 notice. If the committee determines to review the status of the  
910 particular drug, it shall make its recommendations to the  
911 division, after which the division shall file those  
912 recommendations for a thirty-day public comment under the  
913 provisions of Section 25-43-7(1).

914           (e) Upon reviewing the information and recommendations,  
915 the committee shall forward a written recommendation approved by a  
916 majority of the committee to the executive director or his or her  
917 designee. The decisions of the committee regarding any

918 limitations to be imposed on any drug or its use for a specified  
919 indication shall be based on sound clinical evidence found in  
920 labeling, drug compendia, and peer reviewed clinical literature  
921 pertaining to use of the drug in the relevant population.

922 (f) Upon reviewing and considering all recommendations  
923 including recommendation of the committee, comments, and data, the  
924 executive director shall make a final determination whether to  
925 require prior approval of a therapeutic class of drugs, or modify  
926 existing prior approval requirements for a therapeutic class of  
927 drugs.

928 (g) At least thirty (30) days before the executive  
929 director implements new or amended prior authorization decisions,  
930 written notice of the executive director's decision shall be  
931 provided to all prescribing Medicaid providers, all Medicaid  
932 enrolled pharmacies, and any other party who has requested the  
933 notification. However, notice given under Section 25-43-7(1) will  
934 substitute for and meet the requirement for notice under this  
935 subsection.

936 (h) Members of the committee shall dispose of matters  
937 before the committee in an unbiased and professional manner. If a  
938 matter being considered by the committee presents a real or  
939 apparent conflict of interest for any member of the committee,  
940 that member shall disclose the conflict in writing to the  
941 committee chair and recuse himself or herself from any discussions  
942 and/or actions on the matter.

943 (6) This section shall stand repealed on July 1, 2007.

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

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

947 43-13-409. (1) There is established a board of directors to  
948 invest the funds in the Health Care Trust Fund and the Health Care  
949 Expendable Fund. The board of directors shall consist of thirteen  
950 (13) members as follows:

951           (a) Seven (7) voting members as follows: the State  
952 Treasurer, or his designee, the Attorney General, or his designee,  
953 and one (1) member from each congressional district to be  
954 appointed by the Governor with the advice and consent of the  
955 Senate. Of the members appointed by the Governor, one (1) member  
956 shall be appointed for an initial term that expires on March 1,  
957 2000; one (1) member shall be appointed for an initial term that  
958 expires on March 1, 2001; one (1) member shall be appointed for an  
959 initial term that expires on March 1, 2002; one (1) member shall  
960 be appointed for an initial term that expires on March 1, 2003;  
961 and one (1) member shall be appointed for an initial term that  
962 expires on March 1, 2004. Upon the expiration of any of the  
963 initial terms of office, the Governor shall appoint successors by  
964 and with the advice and consent of the Senate for terms of five  
965 (5) years from the expiration date of the previous term. Any  
966 member appointed by the Governor shall be eligible for  
967 reappointment. Each member appointed by the Governor shall  
968 possess knowledge, skill and experience in business or financial  
969 matters commensurate with the duties and responsibilities of the  
970 board of directors in administering the Health Care Trust Fund and  
971 the Health Care Expendable Fund. The members appointed by the  
972 Governor as constituted on July 1, 2006, whose terms have not  
973 expired shall serve the balance of their terms, after which time  
974 the gubernatorial appointments shall be made as follows: There  
975 shall be appointed one (1) member of the board from each of the  
976 four (4) Mississippi congressional districts as they currently  
977 exist, and one (1) from the state at large, and the Governor shall  
978 make appointments from the congressional district having the  
979 smallest number of board members until the membership includes one  
980 (1) member from each district as required.

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

984 shall be appointed by the Lieutenant Governor, who shall serve for  
985 the length of the term of the appointing official and shall be  
986 eligible for reappointment.

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

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

997 (2) Nonlegislative members of the board of directors shall  
998 serve without compensation, but shall be reimbursed for each day's  
999 official duties of the board at the same per diem as established  
1000 by Section 25-3-69, and actual travel and lodging expenses as  
1001 established by Section 25-3-41. Legislative members of the board  
1002 of directors shall receive the same per diem and expense  
1003 reimbursement as for attending committee meetings when the  
1004 Legislature is not in regular session.

1005 (3) The State Treasurer shall be the chairman of the board  
1006 of directors. The board of directors shall annually elect one (1)  
1007 member to serve as vice chairman of the board. The vice chairman  
1008 shall act as chairman in the absence of or upon the disability of  
1009 the chairman or if there is a vacancy in the office of chairman.

1010 (4) All expenses of the board of directors in carrying out  
1011 its duties and responsibilities under this article, including the  
1012 payment of per diem and expenses of the nonlegislative members of  
1013 the board, shall be paid from funds appropriated to the State  
1014 Treasurer's office for that purpose.

1015 (5) The board of directors shall invest the funds in the  
1016 Health Care Trust Fund and the Health Care Expendable Fund in any

1017 of the investments authorized for the Mississippi Prepaid  
1018 Affordable College Tuition Program under Section 37-155-9, and  
1019 those investments shall be subject to the limitations prescribed  
1020 by Section 37-155-9.

1021 (6) In furtherance of the powers granted under subsection  
1022 (5) of this section, the board of directors shall have such powers  
1023 as necessary or convenient to carry out the purposes and  
1024 provisions of this article, including, but not limited to, the  
1025 following express powers:

1026 (a) To contract for necessary goods and services, to  
1027 employ necessary personnel, and to engage the services of  
1028 consultants for administrative and technical assistance in  
1029 carrying out its duties and responsibilities in administering the  
1030 Health Care Trust Fund and the Health Care Expendable Fund;

1031 (b) To administer the Health Care Trust Fund and the  
1032 Health Care Expendable Fund in a manner that is sufficiently  
1033 actuarially sound to meet the obligations of this article and to  
1034 establish a comprehensive investment plan for the purposes of this  
1035 article, which shall specify the investment policies to be  
1036 utilized by the board of directors in administering the funds;

1037 (c) Subject to the terms, conditions, limitations and  
1038 restrictions specified in Section 37-155-9, the board of directors  
1039 shall have power to sell, assign, transfer and dispose of any of  
1040 the securities and investments of the Health Care Trust Fund and  
1041 the Health Care Expendable Fund, provided that any such sale,  
1042 assignment or transfer has the majority approval of the entire  
1043 board; and

1044 (d) To annually prepare or cause to be prepared a  
1045 report setting forth in appropriate detail an accounting of the  
1046 Health Care Trust Fund and the Health Care Expendable Fund and a  
1047 description of the financial condition of the funds at the close  
1048 of each fiscal year, including any recommendations for legislation  
1049 regarding the investment authority of the board of directors over



1050 the funds. The report shall be submitted to the Governor and the  
1051 Legislative Budget Office on or before September 1 of each fiscal  
1052 year.

1053 **MISSISSIPPI COMMISSION FOR VOLUNTEER SERVICE**

1054 **SECTION 15.** Section 43-55-5, Mississippi Code of 1972, is  
1055 amended as follows:

1056 43-55-5. (1) Members of the Commission for Volunteer  
1057 Service shall be appointed by the Governor. The commission shall  
1058 consist of no fewer than fifteen (15) and no more than twenty-five  
1059 (25) members.

1060 (2) The commission members shall include as voting members,  
1061 except as otherwise indicated, at least one (1) of each of the  
1062 following:

1063 (a) An individual with expertise in the educational,  
1064 training, and developmental needs of youth, particularly  
1065 disadvantaged youth.

1066 (b) An individual with experience in promoting service  
1067 and volunteerism among older adults.

1068 (c) A representative of a community-based agency.

1069 (d) The superintendent of the State Department of  
1070 Education, or his or her designee.

1071 (e) A representative of local government.

1072 (f) A representative of local labor organizations.

1073 (g) A representative of business.

1074 (h) An individual between the ages of sixteen (16) and  
1075 twenty-five (25) who is a participant or supervisor in a program  
1076 as defined in Section 101 of Title I, 42 USCS 12511.

1077 (i) A representative of a national service program  
1078 described in Section 122(a) of Title I, 42 USCS 12572.

1079 (j) The employee of the corporation designated under  
1080 Section 195 of Title I, 42 USCS 12651f, as the representative of  
1081 the corporation in this state, as a nonvoting member.

1082           (3) In addition to the members described in subsection (2),  
1083 the commission may include as voting members any of the following:

1084           (a) Local educators.

1085           (b) Experts in the delivery of human, educational,  
1086 environmental, or public safety services to communities and  
1087 persons.

1088           (c) Representative of Native American tribes.

1089           (d) Out-of-school youth or other at-risk youth.

1090           (e) Representatives of entities that receive assistance  
1091 under the Domestic Volunteer Service Act of 1973, Public Law  
1092 93-113, 87 Stat. 394.

1093           (f) A member of the Board of Trustees of State  
1094 Institutions of Higher Learning.

1095           (4) Not more than twenty-five percent (25%) of the voting  
1096 commission members shall be officers or employees of this state.  
1097 The Governor may appoint additional officers or employees of state  
1098 agencies operating community service, youth service, education,  
1099 social service, senior service, and job training programs, as  
1100 nonvoting, ex officio members of the commission.

1101           (5) The Governor shall ensure, to the maximum extent  
1102 possible, that the commission membership is diverse with respect  
1103 to race, ethnicity, age, gender, and disability characteristics.

1104           (6) Except as provided in this subsection, members of the  
1105 commission shall serve for staggered three-year terms expiring on  
1106 October 1. The members constituting the Mississippi Commission  
1107 for Volunteer Service under Executive Order No. 1994-742 on March  
1108 28, 1996, shall serve on the commission for the remainder of the  
1109 terms for which they were appointed. Of the additional members,  
1110 the Governor shall appoint one-third (1/3) of the initial members  
1111 for a term of one (1) year; one-third (1/3) for a term of two (2)  
1112 years; and one-third (1/3) for a term of three (3) years.

1113 Following expiration of these initial terms, all appointments  
1114 shall be for three-year renewable terms. The members of the

1115 commission as constituted on July 1, 2006, whose terms have not  
1116 expired shall serve the balance of their terms, after which time  
1117 the membership of the commission shall be appointed as follows:  
1118 To the extent practicable, there shall be appointed one-fourth  
1119 (1/4) of the membership of the commission from each of the four  
1120 (4) Mississippi congressional districts as they currently exist,  
1121 and the Governor shall make appointments from the congressional  
1122 district having the smallest number of board members until  
1123 one-fourth (1/4) of the membership is from each congressional  
1124 district as required. Members of the commission may not serve  
1125 more than two (2) consecutive terms.

1126 (7) A vacancy on the commission shall be filled in the same  
1127 manner as the original appointments, and any member so appointed  
1128 shall serve during the remainder of the term for which the vacancy  
1129 occurred. The vacancy shall not affect the power of the remaining  
1130 commission members to execute the duties of the commission.

1131 **PRISON INDUSTRY CORPORATION BOARD OF DIRECTORS**

1132 **SECTION 16.** Section 47-5-541, Mississippi Code of 1972, is  
1133 amended as follows:

1134 47-5-541. (1) The corporation shall be governed by a board  
1135 of directors. The board of directors of the nonprofit corporation  
1136 shall be composed of the following eleven (11) members who shall  
1137 be appointed by the Governor with the advice and consent of the  
1138 Senate: one (1) representative of the manufacturing industry, one  
1139 (1) representative of the agriculture industry, one (1)  
1140 representative of the banking and finance industry, one (1)  
1141 representative of the labor industry, one (1) representative from  
1142 the marketing industry and six (6) members from the state at  
1143 large. In addition, the State Commissioner of Corrections and the  
1144 President of Mississippi Delta Community College shall be ex  
1145 officio members of the board of directors with full voting  
1146 privileges. In making initial appointments, three (3) members  
1147 shall be appointed for a term of two (2) years; four (4) members

1148 shall be appointed for a term of three (3) years; and four (4)  
1149 members shall be appointed for a term of four (4) years; to be  
1150 designated by the Governor at the time of appointment; and all  
1151 succeeding terms shall be for four (4) years from the expiration  
1152 date of the previous term. Initial appointments shall be made  
1153 within thirty (30) days after passage of Sections 47-5-531 through  
1154 47-5-575. Any vacancy shall be filled by the Governor, with the  
1155 advice and consent of the Senate. The members of the board as  
1156 constituted on July 1, 2006, whose terms have not expired shall  
1157 serve the balance of their terms, after which time the membership  
1158 of the board of directors shall be appointed as follows: There  
1159 shall be appointed two (2) members of the board from each of the  
1160 four (4) Mississippi congressional districts as they currently  
1161 exist, and three (3) from the state at large, and the Governor  
1162 shall make appointments from the congressional district having the  
1163 smallest number of board members until the membership includes at  
1164 least two (2) members from each congressional district as  
1165 required. The officers of the corporation shall consist of a  
1166 chairman, vice chairman and a secretary-treasurer. The officers  
1167 shall be selected by the members of the board. However, the  
1168 Commissioner of Corrections and the President of Mississippi Delta  
1169 Community College shall not be eligible to serve as an officer of  
1170 the corporation. The superintendent for the Parchman facility of  
1171 the Department of Corrections shall attend all meetings of the  
1172 board of directors. In addition, the superintendents of the  
1173 Rankin County and Greene County facilities of the Department of  
1174 Corrections shall attend any meeting of the board of directors  
1175 wherein the business relates to their respective facilities.

1176 (2) The board of directors shall select and employ a chief  
1177 executive officer of the corporation who shall serve at the  
1178 pleasure of the board. The board shall set the compensation of  
1179 the chief executive officer. The chief executive officer shall be  
1180 responsible for the general business and entire operations of the

1181 corporation, and shall be responsible for operating the  
1182 corporation in compliance with the bylaws of the corporation and  
1183 in compliance with any provision of law. The board shall be  
1184 authorized and empowered to do only those acts provided by law and  
1185 by the bylaws of the corporation. Except as otherwise  
1186 specifically provided by law, such board shall have the authority  
1187 to establish prison industries, to cease the operation of any  
1188 industry which it deems unsuitable or unprofitable, to enter into  
1189 any lease or contract for the corporation and it shall have the  
1190 full authority to establish prices for any industry good.

1191 (3) No member of the board of directors shall vote on any  
1192 matter that comes before the board that could result in pecuniary  
1193 benefit for himself or for any entity in which such member has an  
1194 interest.

1195 (4) In addition to the board of directors, an advisory board  
1196 may be set up for the benefit of each industry which is  
1197 established pursuant to the provisions of Sections 47-5-531  
1198 through 47-5-575. Such boards shall be advisory only, and may be  
1199 set up in the discretion of the board of directors of the  
1200 corporation.

1201 (5) Each member of the board of directors of the corporation  
1202 shall receive per diem as provided in Section 25-3-69 for each day  
1203 or fraction thereof spent in actual discharge of his official  
1204 duties and shall be reimbursed for mileage and actual expenses  
1205 incurred in the performance of his official duties in accordance  
1206 with the requirements of Section 25-3-41, Mississippi Code of  
1207 1972.

1208 (6) The board of directors shall make and publish policies,  
1209 rules and regulations governing all business functions, including  
1210 but not limited to accounting, marketing, purchasing and  
1211 personnel, not inconsistent with the terms of Sections 47-5-531  
1212 through 47-5-575, as may be necessary for the efficient  
1213 administration and operation of the corporation.

1214 (7) The chief executive officer of the corporation shall:  
1215 (a) Employ all necessary employees of the corporation  
1216 and dismiss them as is necessary;  
1217 (b) Administer the daily operations of the corporation;  
1218 (c) Upon approval of the board of directors, execute  
1219 any contracts on behalf of the corporation; and  
1220 (d) Take any further actions which are necessary and  
1221 proper toward the achievement of the corporation purposes.

1222 (8) A member of the board of directors of the corporation  
1223 shall not be liable for any civil damages for any personal injury  
1224 or property damage caused to a person as a result of any acts or  
1225 omissions committed in good faith in the exercise of their duties  
1226 as members of the board of directors of the corporation, except  
1227 where a member of the board engages in acts or omissions which are  
1228 intentional, willful, wanton, reckless or grossly negligent.

1229 **COMMISSION ON ENVIRONMENTAL QUALITY**

1230 **SECTION 17.** Section 49-2-5, Mississippi Code of 1972, is  
1231 amended as follows:

1232 49-2-5. (1) There is hereby created the Mississippi  
1233 Commission on Environmental Quality, to be composed of seven (7)  
1234 persons appointed by the Governor, with the advice and consent of  
1235 the Senate, for a term of seven (7) years. One (1) person shall  
1236 be appointed from each congressional district as constituted  
1237 January 1, 1978, and two (2) members shall be appointed from the  
1238 state at large. The initial terms of the members from  
1239 congressional districts shall be for one (1), two (2), three (3),  
1240 four (4) and five (5) years respectively, and the initial terms of  
1241 the members from the state at large shall be one (1) for six (6)  
1242 years and one (1) for seven (7) years. Thereafter, all terms  
1243 shall be for seven (7) years. The members serving on the  
1244 predecessor Commission on Natural Resources on June 30, 1989,  
1245 shall continue to serve as members of the successor Commission on  
1246 Environmental Quality until the expiration of the term of their

1247 appointment to the predecessor commission. The members of the  
1248 commission as constituted on July 1, 2006, whose terms have not  
1249 expired shall serve the balance of their terms, after which time  
1250 the membership of the commission shall be appointed as follows:  
1251 There shall be appointed one (1) member of the commission from  
1252 each of the four (4) Mississippi congressional districts as they  
1253 currently exist, and three (3) from the state at large, and the  
1254 Governor shall make appointments from the congressional district  
1255 having the smallest number of commission members until the  
1256 membership includes one (1) member from each district as required.

1257 (2) The commission shall elect from its membership a  
1258 chairman who shall preside over meetings and a vice chairman who  
1259 shall preside in the absence of the chairman or when the chairman  
1260 shall be excused.

1261 (3) The commission shall adopt rules and regulations  
1262 governing times and places for meetings, and governing the manner  
1263 of conducting its business. Each member of the commission shall  
1264 take the oath prescribed by Section 268 of the Mississippi  
1265 Constitution and shall enter into bond in the amount of Thirty  
1266 Thousand Dollars (\$30,000.00) to be approved by the Secretary of  
1267 State, conditioned according to law and payable to the State of  
1268 Mississippi before assuming the duties of office. Any member who  
1269 shall not attend three (3) consecutive regular meetings of the  
1270 commission shall be subject to removal by a majority vote of the  
1271 commission members.

1272 (4) The members of the commission shall receive no annual  
1273 salary, but shall receive per diem compensation as authorized by  
1274 law for each day devoted to the discharge of official duties, and  
1275 shall be entitled to reimbursement for all actual and necessary  
1276 expenses incurred in the discharge of their duties, including  
1277 mileage as authorized by law.

1278           The commission shall be composed of persons with extensive  
1279 knowledge of or practical experience in at least one (1) of the  
1280 matters of jurisdiction of the commission.

1281           (5) The commission is authorized and empowered to use and  
1282 expend any funds received by it from any source for the purposes  
1283 of this chapter. Such funds shall be expended in accordance with  
1284 the statutes governing the expenditure of state funds.

1285                           **COMMISSION ON WILDLIFE, FISHERIES & PARKS**

1286           **SECTION 18.** Section 49-4-4, Mississippi Code of 1972, is  
1287 amended as follows:

1288           49-4-4. (1) There is hereby created the Mississippi  
1289 Commission on Wildlife, Fisheries and Parks, to be composed of  
1290 five (5) persons appointed by the Governor, with the advice and  
1291 consent of the Senate, for a term of five (5) years. One (1)  
1292 person shall be appointed from each congressional district. The  
1293 initial terms of the members shall be one (1), two (2), three (3),  
1294 four (4) and five (5) years, respectively. Thereafter, all terms  
1295 shall be for five (5) years. An appointment to fill a vacancy  
1296 which arises for reasons other than by expiration of a term of  
1297 office shall be made from the respective congressional district  
1298 for the unexpired term only. The members of the commission as  
1299 constituted on July 1, 2006, whose terms have not expired shall  
1300 serve the balance of their terms, after which time the membership  
1301 of the commission shall be appointed as follows: There shall be  
1302 appointed one (1) member of the commission from each of the four  
1303 (4) Mississippi congressional districts as they currently exist,  
1304 and one (1) from the state at large, and the Governor shall make  
1305 appointments from the congressional district having the smallest  
1306 number of commission members until the membership includes at  
1307 least one (1) member from each congressional district as required.

1308           (2) The commission shall elect from its membership a  
1309 chairman who shall preside over meetings and a vice chairman who



1310 shall preside in the absence of the chairman or when the chairman  
1311 shall be excused.

1312 (3) The commission shall adopt rules and regulations  
1313 governing times and places for meetings and governing the manner  
1314 of conducting its business. Each member of the commission shall  
1315 take the oath prescribed by Section 268 of the Mississippi  
1316 Constitution, and shall enter into bond in the amount of Thirty  
1317 Thousand Dollars (\$30,000.00) to be approved by the Secretary of  
1318 State, conditioned according to law, and payable to the State of  
1319 Mississippi before assuming the duties of office. Any member who  
1320 shall not attend three (3) consecutive regular meetings of the  
1321 commission shall be subject to removal by a majority vote of the  
1322 commission members.

1323 (4) The members of the commission shall receive no annual  
1324 salary but shall receive per diem compensation as authorized by  
1325 law for each day devoted to the discharge of official duties and  
1326 shall be entitled to reimbursement for all actual and necessary  
1327 expenses incurred in the discharge of their duties, including  
1328 mileage as authorized by law.

1329 The commission shall be composed of persons with a  
1330 demonstrated history of involvement in at least one (1) of the  
1331 matters of jurisdiction of the commission and whose employment and  
1332 activities are not in conflict. All of the commissioners shall be  
1333 an active outdoorsman holding a resident hunting or fishing  
1334 license in at least five (5) of the ten (10) years preceding  
1335 appointment. A member shall not have a record of conviction of  
1336 violation of fish or game laws and regulations within five (5)  
1337 years preceding appointment or a record of any felony conviction.

1338 (5) The commission shall have the power to adopt, amend and  
1339 repeal such regulations and rules as may be necessary for the  
1340 operation of the department.

1341 (6) The commission shall have the power and authority to  
1342 issue all licenses and permits under the jurisdiction of the  
1343 department.

1344 (7) In the furtherance of its duties and responsibilities,  
1345 the commission may conduct hearings, gather testimony and perform  
1346 other functions required to carry out its powers and duties as  
1347 prescribed by statute.

1348 (8) The commission shall have all power for conserving,  
1349 managing and developing wildlife and fishery resources except for  
1350 saltwater aquatic life and marine resources under the jurisdiction  
1351 of the Mississippi Commission on Marine Resources.

1352 **FORESTRY COMMISSION**

1353 **SECTION 19.** Section 49-19-1, Mississippi Code of 1972, is  
1354 amended as follows:

1355 49-19-1. (1) There shall be a State Forestry Commission  
1356 composed of nine (9) members, who shall be qualified electors of  
1357 the state. The Dean of the School of Forest Resources at  
1358 Mississippi State University shall be an ex officio member of the  
1359 commission, with full voting authority. The Governor shall  
1360 appoint eight (8) members, with the advice and consent of the  
1361 Senate, for a term of six (6) years. The Governor shall appoint  
1362 one (1) member from each congressional district as constituted at  
1363 the time the appointments are made and shall appoint the remainder  
1364 of the members from the state at large. The members of the  
1365 commission as constituted on July 1, 2006, whose terms have not  
1366 expired shall serve the balance of their terms, after which time  
1367 the membership of the commission shall be appointed as follows:  
1368 There shall be appointed two (2) members of the commission from  
1369 each of the four (4) Mississippi congressional districts as they  
1370 currently exist, and the Governor shall make appointments from the  
1371 congressional district having the smallest number of board members  
1372 until the membership includes two (2) members from each district  
1373 as required. A member \* \* \* must be a certified tree farmer who

1374 owns eighty (80) or more acres of forest land or a person who  
1375 derives a major portion of his personal income from forest-related  
1376 business, industry or other related activities. \* \* \*

1377 (2) The members of the commission shall receive no annual  
1378 salary but each member of the commission shall receive a per diem  
1379 plus expenses and mileage as authorized by law for each day  
1380 devoted to the discharge of official duties. No member of the  
1381 commission shall receive total per diem in excess of twenty-four  
1382 (24) days' compensation per annum.

1383 (3) If a vacancy occurs in the office of an appointed member  
1384 of the commission, the vacancy shall be filled by appointment for  
1385 the balance of the unexpired term.

1386 (4) The commission shall elect from its membership a  
1387 chairman, who shall preside over meetings, and a vice chairman,  
1388 who shall preside in the absence of the chairman or when the  
1389 chairman is excused.

1390 (5) The commission shall adopt rules and regulations  
1391 governing times and places for meetings, and governing the manner  
1392 of conducting its business. Each member of the commission shall  
1393 take the oath prescribed by Section 268 of the Mississippi  
1394 Constitution and shall enter into bond in the amount of Thirty  
1395 Thousand Dollars (\$30,000.00) to be approved by the Secretary of  
1396 State, conditioned according to law and payable to the State of  
1397 Mississippi before assuming the duties of office.

1398 (6) Any appointment made to the commission contrary to this  
1399 section shall be void, and it is unlawful for the State Fiscal  
1400 Officer to pay any per diem or authorize the expenses of the  
1401 appointee.

1402 **MISSISSIPPI BUSINESS FINANCE CORPORATION**

1403 **SECTION 20.** Section 57-10-167, Mississippi Code of 1972, is  
1404 amended as follows:

1405 57-10-167. There is hereby established the Certified  
1406 Development Company of Mississippi, Inc., a public corporation,

1407 which shall be an incorporated certified development company  
1408 pursuant to Section 503 of the Small Business Investment Act of  
1409 1958, as amended.

1410 The Certified Development Company of Mississippi, Inc.,  
1411 hereinafter referred to as the "committee" unless the context  
1412 clearly indicates otherwise, shall be composed of twenty-five (25)  
1413 members as follows:

1414 (a) The State Treasurer; the Executive Director of the  
1415 University Research Center, or his designee; the Executive  
1416 Director of the Mississippi Development Authority; the Executive  
1417 Director of the Small Business Development Center; six (6) persons  
1418 associated with small business to be appointed by the Governor,  
1419 one (1) for a term of one (1) year, one (1) for a term of two (2)  
1420 years, one (1) for a term of three (3) years, one (1) for a term  
1421 of four (4) years, one (1) for a term of five (5) years and one  
1422 (1) for a term of six (6) years; three (3) persons associated with  
1423 small business to be appointed by the Lieutenant Governor, one (1)  
1424 for a term of one (1) year, one (1) for a term of two (2) years  
1425 and one (1) for a term of three (3) years; five (5) persons  
1426 involved in banking or small business to be appointed by the  
1427 Governor, one (1) for a term of one (1) year, one (1) for a term  
1428 of two (2) years, one (1) for a term of three (3) years, one (1)  
1429 for a term of four (4) years and one (1) for a term of five (5)  
1430 years; and two (2) persons involved in banking or small business  
1431 to be appointed by the Lieutenant Governor, one (1) for a term of  
1432 one (1) year and one (1) for a term of two (2) years. The members  
1433 described above and serving on the committee on June 30, 1984,  
1434 shall continue to serve on the committee until the expiration of  
1435 their terms.

1436 (b) For terms to begin on July 1, 1984, the Governor  
1437 shall appoint one (1) person associated with small business for a  
1438 term of six (6) years; the Secretary of State shall appoint one  
1439 (1) person associated with small business for a term of one (1)

1440 year; the Attorney General shall appoint one (1) person involved  
1441 in banking or small business for a term of six (6) years; and the  
1442 State Treasurer shall appoint two (2) persons, one (1) for a term  
1443 of one (1) year and one (1) for a term of two (2) years, and after  
1444 the expiration of the term of the person appointed hereinabove by  
1445 the Attorney General, that vacancy shall be filled thereafter by a  
1446 person involved in banking or small business appointed by the  
1447 State Treasurer for a term of six (6) years.

1448 The members of the committee as constituted on July 1, 2006,  
1449 who are appointed by the Governor and whose terms have not expired  
1450 shall serve the balance of their terms, after which time these  
1451 members shall be appointed as follows: The Governor shall appoint  
1452 three (3) members of the board from each of the four (4)  
1453 Mississippi congressional districts as they currently exist, and  
1454 the Governor shall make appointments from the congressional  
1455 district having the smallest number of members until the  
1456 membership includes three (3) members from each district as  
1457 required.

1458 All appointments after the initial appointment shall be for  
1459 terms of six (6) years each. All such appointments will be  
1460 subject to the approval of the Senate. An appointment to fill a  
1461 vacancy existing for any reason other than the expiration of a  
1462 term shall be for the balance of the unexpired term. Members  
1463 serving by reason of their ex officio designation shall continue  
1464 to serve as long as they occupy the position which entitles them  
1465 to membership.

1466 Members who are officers or employees of the state shall  
1467 receive no compensation for their services, and other committee  
1468 members shall receive a per diem as provided in Section 25-3-69,  
1469 Mississippi Code of 1972. All members shall receive reimbursement  
1470 for actual traveling and subsistence expenses incurred in the  
1471 performance of their duties under this article, such reimbursement  
1472 to be as provided in Section 25-3-41, Mississippi Code of 1972.



1506 of the member appointed from the Fifth Congressional District  
1507 shall expire on June 30, 1978. Each member shall serve until his  
1508 successor is appointed and qualified. At the expiration of the  
1509 term of the member initially appointed by the Attorney General  
1510 each successor member shall be appointed for a term of four (4)  
1511 years by the incumbent Attorney General, and at the expiration of  
1512 the term of the member appointed by the Secretary of State each  
1513 successor member shall be appointed for a term of four (4) years  
1514 by the incumbent Secretary. At the expiration of a term for which  
1515 each of the initial appointments of the Governor is made, each  
1516 successor member shall be appointed for a term of seven (7) years  
1517 except that the term of the member appointed from the state at  
1518 large shall be coterminous with that of the Governor making the  
1519 appointment. The members of the commission appointed by the  
1520 Governor as constituted on July 1, 2006, whose terms have not  
1521 expired shall serve the balance of their terms, after which time  
1522 the gubernatorial appointments shall be made as follows: The  
1523 Governor shall appoint one (1) member of the commission from each  
1524 of the four (4) Mississippi congressional districts as they  
1525 currently exist, and two (2) from the state at large, and the  
1526 Governor shall make appointments from the congressional district  
1527 having the smallest number of commission members until the  
1528 membership includes one (1) from each congressional district as  
1529 required.

1530 One of the members appointed from the state at large by the  
1531 Governor shall be designated by him to serve as chairman of the  
1532 commission and one (1) of the other members appointed by the  
1533 Governor shall be designated by him to serve as vice chairman. In  
1534 the absence of the chairman at any meeting of the commission the  
1535 vice chairman shall preside and perform the duties of the  
1536 chairman.

1537 In the event of a vacancy created by the death, resignation  
1538 or removal of any member of the commission the vacancy shall be

1539 filled by appointment of the Governor, Attorney General or the  
1540 Secretary of State, as the case may be, for the unexpired portion  
1541 of the term. All appointments hereunder shall be made with the  
1542 advice and consent of the Senate.

1543 **EGG MARKETING BOARD**

1544 **SECTION 22.** Section 69-7-253, Mississippi Code of 1972, is  
1545 amended as follows:

1546 69-7-253. There is hereby continued the Mississippi Egg  
1547 Marketing Board with domicile at the capital city of the state.  
1548 The board shall be composed of five (5) members: one (1) member  
1549 shall be the Commissioner of Agriculture and Commerce as ex  
1550 officio member. One (1) member shall be an egg producer as  
1551 defined in this article. Three (3) members shall be employed by  
1552 or associated with egg industry related businesses, or disciplines  
1553 which include poultry support, marketing, promotion, home  
1554 economist, extension poultry science agencies and the Mississippi  
1555 Department of Agriculture and Commerce. No more than one (1)  
1556 industry-related business or discipline member shall be employed  
1557 by, associated with or have a financial interest in the same  
1558 company or subsidiary.

1559 The Governor shall appoint the members, with the advice and  
1560 consent of the Senate. The Governor shall appoint a member from a  
1561 list of not more than three (3) producers and not less than three  
1562 (3) individuals representing egg industry related businesses or  
1563 disciplines, provided by the board based upon a poll of its  
1564 members. The members of the board as constituted on July 1, 2006,  
1565 whose terms have not expired shall serve the balance of their  
1566 terms, after which time the membership of the board shall be  
1567 appointed as follows: There shall be appointed one (1) member of  
1568 the board from each of the four (4) Mississippi congressional  
1569 districts as they currently exist, and the Governor shall make  
1570 appointments from the congressional district having the smallest  
1571 number of board members until the membership includes one (1)



1572 member from each congressional district as required; and the board  
1573 shall provide the Governor with its recommendations from the  
1574 appropriate congressional district. The terms shall be for six  
1575 (6) years. Each member shall serve, after the completion of his  
1576 term, until his successor is appointed and duly qualified. Each  
1577 vacancy shall be filled by appointment for the unexpired term.

1578 The terms of office of persons appointed under the original  
1579 act shall continue until the expiration of the terms to which they  
1580 were appointed, the intent of this article being to continue the  
1581 Mississippi Egg Marketing Board.

1582 **SOYBEAN PROMOTION BOARD**

1583 **SECTION 23.** Section 69-9-3, Mississippi Code of 1972, is  
1584 amended as follows:

1585 69-9-3. (1) The Mississippi Soybean Promotion Board is  
1586 hereby created, to be composed of twelve (12) members to be  
1587 appointed by the Governor to serve terms of three (3) years, as  
1588 hereinafter provided. All of the twelve (12) members of the board  
1589 shall be producers of soybeans in the State of Mississippi.  
1590 Within ten (10) days following the effective date of this chapter,  
1591 each of the following organizations, namely, Mississippi Farm  
1592 Bureau Federation, Inc., Mississippi Feed and Grain Association,  
1593 Mississippi Soybean Association and Delta Council shall submit the  
1594 names of six (6) soybean producers to the Governor, and he shall  
1595 appoint three (3) members from the nominees of each organization  
1596 to serve on the board on rotating three-year terms. The original  
1597 board shall be appointed with members of each of the aforementioned  
1598 organizations appointed as follows: one (1) for one (1) year, one  
1599 (1) for two (2) years, and one (1) for three (3) years. Each year  
1600 thereafter, not less than thirty (30) days prior to the expiration  
1601 of the terms of expiring board members, the aforementioned  
1602 organizations shall submit the names of three (3) nominees to the  
1603 Governor and succeeding boards shall be appointed by the Governor  
1604 in the same manner, giving equal representation to each

1605 organization. The members of the board as constituted on July 1,  
1606 2006, whose terms have not expired shall serve the balance of  
1607 their terms, after which time the membership of the board shall be  
1608 appointed as follows: There shall be appointed three (3) members  
1609 of the board from each of the four (4) Mississippi congressional  
1610 districts as they currently exist, and the Governor shall make  
1611 appointments from the congressional district having the smallest  
1612 number of board members until the membership includes three (3)  
1613 members from each congressional district as required; and the  
1614 proper association shall submit nominations to the Governor from  
1615 the appropriate congressional district as required. Vacancies  
1616 which occur shall be filled in the same manner as the original  
1617 appointments were made.

1618 (2) The members of the board shall meet and organize  
1619 immediately after their appointment, and shall elect a chairman,  
1620 vice chairman and secretary-treasurer from the membership of the  
1621 board, whose duties shall be those customarily exercised by such  
1622 officers or specifically designated by the board. The chairman,  
1623 vice chairman and secretary-treasurer shall be bonded in an amount  
1624 not less than Twenty Thousand Dollars (\$20,000.00). The cost of  
1625 said bonds shall be paid from the funds received under the  
1626 provisions of this chapter. Such bond shall be a security for any  
1627 illegal act of such member of the board and recovery thereon may  
1628 be had by the state for any injury by such illegal act of such  
1629 member. The board may establish rules and regulations for its own  
1630 government and the administration of the affairs of the board.

1631 **BOARD OF ANIMAL HEALTH**

1632 **SECTION 24.** Section 69-15-2, Mississippi Code of 1972, is  
1633 amended as follows:

1634 69-15-2. (1) The Mississippi Board of Animal Health is to  
1635 be composed of the Commissioner of Agriculture and Commerce, the  
1636 Dean of the College of Veterinary Medicine and the heads of the  
1637 Animal and Dairy Science and Poultry Science Departments at

1638 Mississippi State University of Agriculture and Applied Science  
1639 and one (1) person appointed by the President of Alcorn State  
1640 University from its land grant staff as five (5) ex officio  
1641 members with full voting rights, and eleven (11) other members of  
1642 the board to be appointed by the Governor as hereinafter provided.  
1643 The board shall select annually a chairman and vice chairman from  
1644 any members of the board.

1645 (2) The Governor, with the advice and consent of the Senate,  
1646 shall appoint eleven (11) other members from the following groups  
1647 or associations from a written list of three (3) recommendations  
1648 from such groups or associations:

1649 One (1) licensed and practicing veterinarian who holds a  
1650 Doctor of Veterinary Medicine Degree, from a written list of three  
1651 (3) recommendations submitted by the Mississippi State Veterinary  
1652 Medical Association;

1653 One (1) general farmer from a written list of three (3)  
1654 recommendations submitted by the Mississippi Farm Bureau  
1655 Federation;

1656 One (1) poultry breeder and producer from a written list of  
1657 three (3) recommendations submitted by the Mississippi Poultry  
1658 Improvement Association;

1659 One (1) sheep breeder and producer from a written list of  
1660 three (3) recommendations submitted by the Mississippi Sheep  
1661 Producers' Association;

1662 One (1) beef cattle breeder and producer from a written list  
1663 of three (3) recommendations submitted by the Mississippi  
1664 Cattlemen's Association;

1665 One (1) swine breeder and producer from a written list of  
1666 three (3) recommendations submitted by the Mississippi Pork  
1667 Producers' Association;

1668 One (1) dairy breeder and producer from a written list of  
1669 three (3) recommendations submitted by the American Dairy  
1670 Association of Mississippi;

1671           One (1) horse breeder and producer from a written list of  
1672 three (3) recommendations submitted by the Mississippi Horse  
1673 Council;

1674           One (1) catfish breeder and producer from a written list of  
1675 three (3) recommendations submitted by the Mississippi Catfish  
1676 Association;

1677           One (1) member of the Mississippi Independent Meat Packers'  
1678 Association from a written list of three (3) recommendations  
1679 submitted by the Mississippi Independent Meat Packers'  
1680 Association;

1681           One (1) member of the Mississippi Livestock Auction  
1682 Association from a written list of three (3) recommendations  
1683 submitted by the Mississippi Livestock Auction Association.

1684           All members shall take and subscribe to the general oath of  
1685 office as provided in Section 268, Mississippi Constitution of  
1686 1890, and file the same with the Commissioner of Agriculture and  
1687 Commerce.

1688           (3) Effective August 1, 1968, the dairy producer member  
1689 shall be appointed for a one-year term; the Livestock Auction  
1690 Association member shall be appointed for a two-year term; and the  
1691 meat packer member shall be appointed for a three-year term; the  
1692 catfish producer member shall be appointed for a four-year term;  
1693 and the horse producer member shall be appointed for a five-year  
1694 term.

1695           Effective August 1, 1969, the poultry producer member shall  
1696 be appointed for a two-year term; on August 1, 1970, the sheep  
1697 producer member shall be appointed for a three-year term; on  
1698 August 1, 1971, the swine producing member shall be appointed for  
1699 a four-year term; on August 1, 1972, the general farmer member  
1700 shall be appointed for a five-year term; on August 1, 1973, the  
1701 veterinarian member shall be appointed for a six-year term; and on  
1702 August 1, 1974, the beef cattle producer member shall be appointed  
1703 for a seven-year term.

1704       The members of the board as constituted on July 1, 2006, who  
1705 are appointed by the Governor and whose terms have not expired  
1706 shall serve the balance of their terms, after which time the  
1707 membership of the board shall be appointed as follows: Not more  
1708 than three (3) members of the board shall be appointed from any of  
1709 the four (4) Mississippi congressional districts as they currently  
1710 exist, and the Governor shall make appointments from the  
1711 congressional district having the smallest number of board members  
1712 until the membership includes not less than two (2) members from  
1713 each district as required.

1714       All subsequent appointments shall be for four-year terms,  
1715 except for appointments to fill vacancies which shall be for the  
1716 unexpired term only.

1717       (4) (a) "Commissioner" means the Commissioner of  
1718 Agriculture and Commerce.

1719       (b) "Department" means the Department of Agriculture  
1720 and Commerce.

1721       (5) On or before July 1, 1998, the board shall appoint, from  
1722 a written list of not less than three (3) licensed veterinarians  
1723 submitted by the commissioner, the State Veterinarian.

1724       (6) There is created an advisory council to advise the Board  
1725 of Animal Health on matters concerning the board. The council  
1726 shall be composed of the Chairman of the Senate Agriculture  
1727 Committee, the Chairman of the House Agriculture Committee, and  
1728 one (1) appointee of the Lieutenant Governor and one (1) appointee  
1729 of the Speaker of the House of Representatives. The members of  
1730 the advisory council shall serve in an advisory capacity only.  
1731 For attending meetings of the council, such legislators shall  
1732 receive per diem and expenses which shall be paid from the  
1733 contingent expense funds of their respective houses in the same  
1734 amounts provided for committee meetings when the Legislature is  
1735 not in session; however, no per diem or expenses for attending  
1736 meetings of the council shall be paid while the Legislature is in

1737 session. No per diem and expenses shall be paid except for  
1738 attending meetings of the council without prior approval of the  
1739 proper committee in their respective houses.

1740 **STATE BOARD OF ARCHITECTURE**

1741 **SECTION 25.** Section 73-1-5, Mississippi Code of 1972, is  
1742 amended as follows:

1743 73-1-5. The State Board of Architecture is composed of five  
1744 (5) members who are licensed architects residing in this state and  
1745 who have been engaged in the practice of architecture not less  
1746 than seven (7) years. It is the duty of the board to carry out  
1747 the purposes of this chapter as herein provided.

1748 The Governor shall appoint the members of the board, and each  
1749 member shall serve for a term of five (5) years. The terms shall  
1750 be staggered so that the term of not more than one (1) member  
1751 shall expire each year on June 1. The members of the board as  
1752 constituted on July 1, 2006, whose terms have not expired shall  
1753 serve the balance of their terms, after which time the membership  
1754 of the board shall be appointed as follows: There shall be  
1755 appointed one (1) member of the board from each of the four (4)  
1756 Mississippi congressional districts as they currently exist, and  
1757 one (1) from the state at large, and the Governor shall make  
1758 appointments from the congressional district having the smallest  
1759 number of board members until the membership includes one (1)  
1760 member from each district as required.

1761 Each member shall hold over after the expiration of his term  
1762 until his successor is duly appointed and qualified. The Governor  
1763 shall fill any vacancy occurring in the membership of the board  
1764 for the unexpired term of such membership. The Governor may  
1765 remove any of the members of said board for inefficiency, neglect  
1766 of duty or dishonorable conduct.

1767 **MISSISSIPPI AUCTIONEER COMMISSION**

1768 **SECTION 26.** Section 73-4-7, Mississippi Code of 1972, is  
1769 amended as follows:

1770           73-4-7. (1) The Mississippi Auctioneer Commission is  
1771 created, and it shall have the authority to make such rules and  
1772 regulations as are reasonable and necessary for the orderly  
1773 regulation of the auctioneering profession and the protection of  
1774 the public, which rules and regulations are not inconsistent with  
1775 the Mississippi Constitution of 1890 and state laws. The  
1776 commission shall have the following powers:

1777           (a) The power to set reasonable license fees, to  
1778 collect and hold such fees and to disburse such fees in any manner  
1779 not inconsistent with this chapter.

1780           (b) The power to make such rules and regulations as  
1781 will promote the orderly functioning of the auction profession and  
1782 ensure the protection of the public.

1783           (c) The power to hire and retain such staff and support  
1784 personnel as are necessary to conduct business and assure  
1785 compliance with this chapter.

1786           (d) The power to conduct investigations, hold hearings,  
1787 subpoena witnesses, make findings of fact and otherwise enforce  
1788 the disciplinary provisions contained in this chapter.

1789           (2) The Mississippi Auctioneer Commission shall consist of  
1790 five (5) members, one (1) from each congressional district, who  
1791 shall be appointed by the Governor. All appointees shall possess  
1792 the following minimum qualifications:

1793           (a) An appointee shall be a citizen of Mississippi.

1794           (b) An appointee shall have been engaged as an  
1795 auctioneer for a period of not less than five (5) years  
1796 immediately preceding his appointment.

1797           (c) An appointee shall be of good reputation,  
1798 trustworthy and knowledgeable in the auction profession.

1799           An individual may not act as a member of the commission while  
1800 holding another elected or appointed office in either the state or  
1801 federal government or while owning a school or other facility to  
1802 train individuals to be auctioneers.





1836           73-15-9. (1) There is hereby created a board to be known as  
1837 the Mississippi Board of Nursing, composed of thirteen (13)  
1838 members, two (2) of whom shall be nurse educators; three (3) of  
1839 whom shall be registered nurses in clinical practice, two (2) to  
1840 have as basic nursing preparation an associate degree or diploma  
1841 and one (1) to have as basic nursing preparation a baccalaureate  
1842 degree; one (1) of whom shall be a registered nurse at large; one  
1843 (1) of whom shall be a registered nurse practitioner; four (4) of  
1844 whom shall be licensed practical nurses; one (1) of whom shall be  
1845 a licensed physician who shall always be a member of the State  
1846 Board of Medical Licensure; and one (1) of whom shall represent  
1847 consumers of health services. There shall be at least one (1)  
1848 board member from each congressional district in the state;  
1849 provided, however, that the physician member, the consumer  
1850 representative member and one (1) registered nurse member shall be  
1851 at large always. The members of the board as constituted on July  
1852 1, 2006, whose terms have not expired shall serve the balance of  
1853 their terms, after which time the membership of the board shall be  
1854 appointed as follows: There shall be appointed not less than two  
1855 (2) members and not more than three (3) members of the board from  
1856 each of the four (4) Mississippi congressional districts as they  
1857 currently exist, and the Governor shall make appointments from the  
1858 congressional district having the smallest number of board members  
1859 until the membership includes at least two (2) members from each  
1860 congressional district as required, and the nominating  
1861 organization and/or association shall make nominations to the  
1862 Governor from the appropriate congressional district.

1863           (2) Members of the Mississippi Board of Nursing, excepting  
1864 the member of the State Board of Medical Licensure, shall be  
1865 appointed by the Governor, with the advice and consent of the  
1866 Senate, from lists of nominees submitted by any Mississippi  
1867 registered nurse organization and/or association chartered by the  
1868 State of Mississippi whose board of directors is elected by the

1869 membership and whose membership includes registered nurses  
1870 statewide, for the nomination of registered nurses, and by the  
1871 Mississippi Federation of Licensed Practical Nurses and the  
1872 Mississippi Licensed Practical Nurses' Association for the  
1873 nomination of a licensed practical nurse. Nominations submitted  
1874 by any such registered nurse organization or association to fill  
1875 vacancies on the board shall be made and voted on by registered  
1876 nurses only. Each list of nominees shall contain a minimum of  
1877 three (3) names for each vacancy to be filled. The list of names  
1878 shall be submitted at least thirty (30) days before the expiration  
1879 of the term for each position. If such list is not submitted, the  
1880 Governor is authorized to make an appointment from the group  
1881 affected and without nominations. Appointments made to fill  
1882 vacancies for unexpired terms shall be for the duration of such  
1883 terms and until a successor is duly appointed.

1884 (3) Members of the board shall be appointed in staggered  
1885 terms for four (4) years or until a successor shall be duly  
1886 qualified. No member may serve more than two (2) consecutive full  
1887 terms. Members of the board serving on July 1, 1988, shall  
1888 continue to serve for their appointed terms.

1889 (4) Vacancies occurring by reason of resignation, death or  
1890 otherwise shall be filled by appointment of the Governor upon  
1891 nominations from a list of nominees from the affected group to be  
1892 submitted within not more than thirty (30) days after such a  
1893 vacancy occurs. In the absence of such list, the Governor is  
1894 authorized to fill such vacancy in accordance with the provisions  
1895 for making full-term appointments. All vacancy appointments shall  
1896 be for the unexpired terms.

1897 (5) Any member may be removed from the board by the Governor  
1898 after a hearing by the board and provided such removal is  
1899 recommended by the executive committee of the affected group.

1900

**STATE BOARD OF OPTOMETRY**

1901           **SECTION 28.** Section 73-19-7, Mississippi Code of 1972, is  
1902 amended as follows:  
1903           73-19-7. The Governor, with the advice and consent of the  
1904 Senate, shall appoint a State Board of Optometry, consisting of  
1905 five (5) persons, citizens of Mississippi, each of whom shall be a  
1906 nonmedical man or woman actually engaged in the practice of  
1907 optometry for five (5) years next preceding his appointment.  
1908 Within ninety (90) days after March 25, 1974, the Governor shall  
1909 appoint: one (1) member for a term of one (1) year, one (1)  
1910 member for a term of two (2) years, one (1) member for a term of  
1911 three (3) years, one (1) member for a term of four (4) years, and  
1912 one (1) member for a term of five (5) years; and upon the  
1913 expiration of all such terms their successors shall be appointed  
1914 by the Governor for a term of five (5) years. From and after July  
1915 1, 1983, the appointments to the board shall be made with one (1)  
1916 member to be appointed from each of the congressional districts as  
1917 existing on January 1, 1980; provided that the present members of  
1918 the State Board of Optometry whose terms have not expired by July  
1919 1, 1983, shall continue to serve until their terms of office have  
1920 expired. Each member shall remain in office after the expiration  
1921 of his term until his successor shall be duly appointed and  
1922 qualified. The members of the board as constituted on July 1,  
1923 2006, whose terms have not expired shall serve the balance of  
1924 their terms, after which time the membership of the board shall be  
1925 appointed as follows: There shall be appointed one (1) member of  
1926 the board from each of the four (4) Mississippi congressional  
1927 districts as they currently exist, and one (1) from the state at  
1928 large, and the Governor shall make appointments from the  
1929 congressional district having the smallest number of board members  
1930 until the membership includes one (1) member from each  
1931 congressional district as required; and the Mississippi Optometric  
1932 Association shall make nominations to the Governor from the  
1933 appropriate congressional district.

1934 No person so appointed shall be a stockholder in or a member  
1935 of the faculty or of the board of trustees of any school of  
1936 optometry, or serve to exceed two (2) five-year terms.

1937 Vacancies on said board shall be filled by appointment by the  
1938 Governor, with the advice and consent of the Senate, from a list  
1939 of names submitted by the Mississippi Optometric Association  
1940 consisting of three (3) of its members, or by appointment of any  
1941 qualified member of the association.

1942 **MISSISSIPPI BOARD OF PSYCHOLOGY**

1943 **SECTION 29.** Section 73-31-5, Mississippi Code of 1972, is  
1944 amended as follows:

1945 73-31-5. (1) There is hereby created a Mississippi Board of  
1946 Psychology consisting of seven (7) members who are citizens of the  
1947 United States and residing in the State of Mississippi. One (1)  
1948 member of the board shall be a person who is not a psychologist or  
1949 a mental health professional but who has expressed a continuing  
1950 interest in the field of psychology. Each board member shall  
1951 otherwise be licensed under this chapter. At all times the board  
1952 shall be composed of three (3) members who are faculty at  
1953 institutions of higher learning that grant doctoral degrees, or  
1954 staff or faculty of an American Psychological Association approved  
1955 doctoral level internship. Three (3) members of the board shall  
1956 be engaged in the professional practice of psychology. The  
1957 membership of the board shall reflect a diversity of practice  
1958 specialties.

1959 (2) When the term of each psychologist member ends the  
1960 Governor shall, within thirty (30) days, appoint as his successor,  
1961 for a term of five (5) years, a psychologist who holds a doctoral  
1962 degree from an institution of higher education and who has been  
1963 licensed under this chapter. When the term of the member who is  
1964 not a psychologist ends, the Governor shall, within thirty (30)  
1965 days, appoint a qualified person as his successor for a term of  
1966 five (5) years. No board member shall serve for consecutive

1967 terms. Any vacancy occurring in the board membership other than  
1968 by expiration of term shall be filled by the Governor by  
1969 appointment for the unexpired term of such member. All  
1970 appointments of psychologist members of the board shall be made  
1971 from a list containing the names of at least three (3) eligible  
1972 nominees for each vacancy submitted by the Mississippi  
1973 Psychological Association. Each board member shall receive a  
1974 certificate of appointment from the Governor before entering on  
1975 the discharge of his duties, and within thirty (30) days from the  
1976 effective date of his appointment shall subscribe an oath for the  
1977 faithful performance of his official duty before any officer  
1978 authorized to administer oaths in this state, and shall file the  
1979 same with the Secretary of State. To enable the board to have  
1980 regular, planned changes in membership the following one-time  
1981 changes in length of terms of board members is enacted:

1982 (a) One (1) of the two (2) practice members appointed  
1983 in 1998 will serve a three-year term.

1984 (b) The practice member appointed in 2002 will serve a  
1985 three-year term.

1986 (c) One of the two (2) academic members appointed in  
1987 2002 will serve a four-year term.

1988 The members of the board as constituted on July 1, 2006,  
1989 whose terms have not expired shall serve the balance of their  
1990 terms, after which time the membership of the board shall be  
1991 appointed as follows: There shall be appointed one (1) member of  
1992 the board from each of the four (4) Mississippi congressional  
1993 districts as they currently exist, and three (3) from the state at  
1994 large, and the Governor shall make appointments from the  
1995 congressional district having the smallest number of board members  
1996 until the membership includes at least one (1) member from each  
1997 congressional district as required; and the association shall  
1998 nominate members to the Governor from the appropriate  
1999 congressional district as required.

2000 (3) The Governor may remove any board member for misconduct,  
2001 incompetency, or neglect of duty after giving the board member a  
2002 written statement of the charges and an opportunity to be heard  
2003 thereon.

2004 (4) Each board member shall serve without compensation, but  
2005 shall receive actual traveling and incidental expenses necessarily  
2006 incurred while engaged in the discharge of official duties.

2007 This section shall stand repealed from and after July 1,  
2008 2011.

2009 **STATE BOARD OF PUBLIC ACCOUNTANCY**

2010 **SECTION 30.** Section 73-33-3, Mississippi Code of 1972, is  
2011 amended as follows:

2012 73-33-3. (1) There shall be a board of public accountancy,  
2013 consisting of seven (7) members, who are qualified electors of  
2014 this state; their duties, powers and qualifications are herein  
2015 prescribed by this chapter. The members of the Mississippi State  
2016 Board of Public Accountancy shall be appointed from holders of  
2017 certificates issued under and by virtue of this chapter.

2018 (2) The present members of the Mississippi State Board of  
2019 Public Accountancy shall continue to serve until January 1, 1984.  
2020 After January 1, 1984, the appointments to the board shall be as  
2021 hereinafter provided.

2022 The Governor shall appoint five (5) members from the  
2023 congressional districts as they are presently constituted, as  
2024 follows: The initial member from the First Congressional District  
2025 shall be appointed for a term of one (1) year; the initial member  
2026 from the Second Congressional District shall be for a term of two  
2027 (2) years; the initial member from the Third Congressional  
2028 District shall be appointed for a term of three (3) years; the  
2029 initial member from the Fourth Congressional District shall be  
2030 appointed for a term of four (4) years; the initial member from  
2031 the Fifth Congressional District shall be appointed for a term of  
2032 five (5) years. The members of the board as constituted on July

2033 1, 2006, who are appointed from congressional districts and whose  
2034 terms have not expired shall serve the balance of their terms,  
2035 after which time the membership of the board shall be appointed as  
2036 follows: There shall be appointed one (1) member of the board  
2037 from each of the four (4) Mississippi congressional districts as  
2038 they currently exist, and the Governor shall make appointments  
2039 from the congressional district having the smallest number of  
2040 board members until the membership includes one (1) member from  
2041 each district as required. In addition, the Governor shall  
2042 appoint three (3) members from the state at large, each of whom  
2043 shall serve for an initial term of four (4) years. Subsequent  
2044 terms for all members shall be for five (5) years.

2045 All terms shall begin on January 1 of the appropriate year.  
2046 No member of the board shall hold any elected office.

2047 Appointments made to fill a vacancy of a term shall be made by the  
2048 appointing officer within sixty (60) days after the vacancy  
2049 occurs. Any person appointed to fill an unexpired term shall hold  
2050 office only for and during the unexpired term of the member he  
2051 succeeds.

2052 (3) Each member of the board shall take the oath prescribed  
2053 by Section 268 of the Mississippi Constitution. The board shall  
2054 elect from among its membership, to serve one-year terms, a  
2055 chairman who shall preside over meetings and a vice chairman who  
2056 shall preside in the absence of the chairman or when the chairman  
2057 shall be excused. A majority of the membership of the board shall  
2058 constitute a quorum for the transaction of any business. Any  
2059 board member who shall not attend three (3) consecutive regular  
2060 meetings of the board for reasons other than illness of said  
2061 member shall be subject to removal by a majority vote of the board  
2062 members.

2063 (4) The board shall hold regular meetings and special  
2064 meetings as may be necessary for the purposes of conducting such  
2065 business as may be required. The board shall adopt rules and

2066 regulations governing times and places for meetings, and governing  
2067 the manner of conducting its business. All meetings of the board  
2068 shall be open to the public.

2069 **SOCIAL WORKER & FAMILY THERAPY BOARD**

2070 **SECTION 31.** Section 73-53-8, Mississippi Code of 1972, is  
2071 amended as follows:

2072 73-53-8. (1) There is created the Board of Examiners for  
2073 Social Workers and Marriage and Family Therapists to license and  
2074 regulate social workers and marriage and family therapists. The  
2075 board shall be composed of ten (10) members, six (6) of which  
2076 shall be social workers and four (4) of which shall be marriage  
2077 and family therapists.

2078 (2) Of the social worker members of the board, two (2) must  
2079 be licensed social workers, and four (4) must be licensed master  
2080 social workers or licensed certified social workers or a  
2081 combination thereof. The marriage and family therapist members of  
2082 the board must be licensed marriage and family therapists. For at  
2083 least five (5) years immediately preceding his or her appointment,  
2084 each marriage and family therapist appointee must have been  
2085 actively engaged as a marriage and family therapist in rendering  
2086 professional services in marriage and family therapy, or in the  
2087 education and training of master's, doctoral or post-doctoral  
2088 students of marriage and family therapy, or in marriage and family  
2089 therapy research, and during the two (2) years preceding his or  
2090 her appointment, must have spent the majority of the time devoted  
2091 to that activity in this state. The initial marriage and family  
2092 therapist appointees shall be deemed to be and shall become  
2093 licensed practicing marriage and family therapists immediately  
2094 upon their appointment and qualification as members of the board.  
2095 All subsequent marriage and family therapist appointees to the  
2096 board must be licensed marriage and family therapists before their  
2097 appointment.



2098           (3) The Governor shall appoint six (6) members of the board,  
2099 four (4) of which shall be social workers and two (2) of which  
2100 shall be marriage and family therapists, and the Lieutenant  
2101 Governor shall appoint four (4) members of the board, two (2) of  
2102 which shall be social workers and two (2) of which shall be  
2103 marriage and family therapists. Social worker members of the  
2104 board shall be appointed from nominations submitted by the  
2105 Mississippi Chapter of the National Association of Social Workers,  
2106 and marriage and family therapist members of the board shall be  
2107 appointed from nominations submitted by the Mississippi Marriage  
2108 and Family Therapy Association. All appointments shall be made  
2109 with the advice and consent of the Senate.

2110           (4) The initial appointments to the board shall be made as  
2111 follows: The Governor shall appoint one (1) social worker member  
2112 for a term that expires on June 30, 1999, one (1) social worker  
2113 member for a term that expires on June 30, 2001, two (2) social  
2114 worker members for terms that expire on June 30, 2002, one (1)  
2115 marriage and family therapist member for a term that expires on  
2116 June 30, 1998, and one (1) marriage and family therapist member  
2117 for a term that expires on June 30, 2000. The Lieutenant Governor  
2118 shall appoint one (1) social worker member for a term that expires  
2119 on June 30, 1998, one (1) social worker member for a term that  
2120 expires on June 30, 2000, one (1) marriage and family therapist  
2121 member for a term that expires on June 30, 1999, and one (1)  
2122 marriage and family therapist member of the board for a term that  
2123 expires on June 30, 2001. After the expiration of the initial  
2124 terms, all subsequent appointments shall be made by the original  
2125 appointing authorities for terms of four (4) years from the  
2126 expiration date of the previous term. The members of the board as  
2127 constituted on July 1, 2006, whose terms have not expired shall  
2128 serve the balance of their terms, after which time the membership  
2129 of the board shall be appointed as follows: The appointments to  
2130 the board made by the Governor shall be made one (1) from each of

2131 the four (4) Mississippi congressional districts as they currently  
2132 exist, and two (2) from the state at large, and the appointments  
2133 to the board made by the Lieutenant Governor shall be made one (1)  
2134 from each of the four (4) Mississippi congressional districts as  
2135 they currently exist and each appointing officer shall make  
2136 appointments from the congressional district having the smallest  
2137 number of board members until the membership includes at least the  
2138 minimum number from each congressional district as required; and  
2139 the nominating organization shall submit nominations to the  
2140 Governor or the Lieutenant Governor from the appropriate  
2141 congressional district as required. Upon the expiration of his or  
2142 her term of office, a board member shall continue to serve until  
2143 his or her successor has been appointed and has qualified. No  
2144 person may be appointed more than once to fill an unexpired term  
2145 or more than two (2) consecutive full terms.

2146 (5) Any vacancy on the board before the expiration of a term  
2147 shall be filled by appointment of the original appointing  
2148 authority for the remainder of the unexpired term. Appointments  
2149 to fill vacancies shall be made from nominations submitted by the  
2150 appropriate organization as specified in subsection (2) of this  
2151 section for the position being filled.

2152 (6) The appointing authorities shall give due regard to  
2153 geographic distribution, race and sex in making all appointments  
2154 to the board.

2155 (7) The board shall select one (1) of its members to serve  
2156 as chairman during the term of his or her appointment to the  
2157 board. No person may serve as chairman for more than four (4)  
2158 years. The board may remove any member of the board or the  
2159 chairman from his or her position as chairman for (a) malfeasance  
2160 in office, or (b) conviction of a felony or a crime of moral  
2161 turpitude while in office, or (c) failure to attend three (3)  
2162 consecutive board meetings. However, no member may be removed  
2163 until after a public hearing of the charges against him or her,

2164 and at least thirty (30) days' prior written notice to the accused  
2165 member of the charges against him or her and of the date fixed for  
2166 such hearing. No board member shall participate in any matter  
2167 before the board in which he has a pecuniary interest, personal  
2168 bias or other similar conflict of interest.

2169 (8) Board members shall receive no compensation for their  
2170 services, but shall be reimbursed for their actual and necessary  
2171 expenses incurred in the performance of official board business as  
2172 provided in Section 25-3-41.

2173 (9) Four (4) social worker members and three (3) marriage  
2174 and family therapist members of the board shall constitute a  
2175 quorum of the board. In making its decisions and taking actions  
2176 affecting the members of one (1) of the professions regulated by  
2177 the board, the board shall consider the recommendations of the  
2178 board members who are members of that profession.

2179 (10) The principal office of the board shall be in the City  
2180 of Jackson, but the board may act and exercise all of its powers  
2181 at any other place. The board shall adopt an official seal, which  
2182 shall be judicially noticed and which shall be affixed to all  
2183 licenses issued by the board.

2184 (11) The board is authorized to employ, subject to the  
2185 approval of the State Personnel Board, an executive director and  
2186 such attorneys, experts and other employees as it may, from time  
2187 to time, find necessary for the proper performance of its duties  
2188 and for which the necessary funds are available, and to set the  
2189 salary of the executive director, subject to the approval of the  
2190 State Personnel Board. The board is strongly encouraged to employ  
2191 any employees of the State Department of Health who may be  
2192 displaced as a result of the enactment of Laws, 1997, Chapter 516.

2193 (12) The board, by a majority vote, from time to time may  
2194 make such provisions as it deems appropriate to authorize the  
2195 performance by any board member or members, employee or other

2196 agent of the board of any function given the board in this chapter  
2197 or Sections 73-54-1 through 73-54-39.

2198 **HOME INSPECTOR REGULATORY BOARD**

2199 **SECTION 32.** Section 73-60-5, Mississippi Code of 1972, is  
2200 amended as follows:

2201 73-60-5. (1) There is hereby created, as an adjunct board  
2202 to the Mississippi Real Estate Commission, a board to be known as  
2203 the Home Inspector Regulatory Board, which shall consist of five  
2204 (5) members appointed by the Governor, with the advice and consent  
2205 of the Senate, to include one (1) Representative from each of the  
2206 four (4) Mississippi congressional districts currently existing,  
2207 and two (2) from the state at large and all shall be licensed home  
2208 inspectors.

2209 (2) The Home Inspector Regulatory Board shall advise the  
2210 commission or its designee on all matters relating to this  
2211 chapter. The board shall meet no less than four (4) times  
2212 annually and shall be reimbursed for expenses on a per diem basis  
2213 pursuant to state law.

2214 **BOARD OF REGISTERED PROFESSIONAL GEOLOGISTS**

2215 **SECTION 33.** Section 73-63-9, Mississippi Code of 1972, is  
2216 amended as follows:

2217 73-63-9. (1) There is created the Board of Registered  
2218 Professional Geologists to administer this chapter. The board  
2219 shall consist of five (5) registered professional geologists  
2220 appointed by the Governor from nominees recommended by the  
2221 committee created in subsection (3) of this section, but  
2222 geologists initially appointed to the board shall be qualified for  
2223 registration under this chapter and shall register within the  
2224 first year of their term. The Governor shall require adequate  
2225 disclosure of potential conflicts of interest by appointees to the  
2226 board. The board shall, to the extent practicable, consist of one  
2227 (1) member appointed from the governmental sector, one (1) member  
2228 appointed from academia, one (1) member appointed from the

2229 geotechnical/environmental industrial sector, one (1) member  
2230 appointed from the mining/mineral extraction industrial sector,  
2231 and one (1) member appointed at large. The initial term of the  
2232 members shall be as follows: two (2) members shall be appointed  
2233 for terms of four (4) years, two (2) members shall be appointed  
2234 for terms of three (3) years, and one (1) member shall be  
2235 appointed for a term of two (2) years. Following appointment of  
2236 the initial board, all terms shall be for four (4) years. The  
2237 term of members shall begin and end on July 1 of the appropriate  
2238 year regardless of the date of appointment. Upon expiration of a  
2239 member's term, the Governor may appoint a new member or may  
2240 reappoint the existing member to one (1) additional term. No  
2241 member of the board shall serve more than two (2) consecutive  
2242 terms. The members of the board as constituted on July 1, 2006,  
2243 whose terms have not expired shall serve the balance of their  
2244 terms, after which time the membership of the board shall be  
2245 appointed as follows: There shall be appointed one (1) member of  
2246 the board from each of the four (4) Mississippi congressional  
2247 districts as they currently exist, and the Governor shall make  
2248 appointments from the congressional district having the smallest  
2249 number of board members until the membership includes one (1)  
2250 member from each district as required; and the nominating  
2251 committee shall make recommendations to the Governor from the  
2252 appropriate congressional district. Members shall hold office  
2253 until their successors have been appointed and qualified.  
2254 Vacancies in the membership of the board shall be filled for the  
2255 unexpired term by appointment in the same manner as the original  
2256 appointments. Before assuming the duties of office, each member  
2257 of the board shall take the oath prescribed in Section 268 of the  
2258 Mississippi Constitution and shall give a surety bond in the  
2259 amount of Fifty Thousand Dollars (\$50,000.00) to be approved by  
2260 the Secretary of State, conditioned according to law and payable  
2261 to the State of Mississippi. The premium on the bond shall be a

2262 proper and necessary expense of the board. Each member shall  
2263 receive a certificate of appointment from the Governor. Original  
2264 appointments to the board shall be made before October 1, 1997.

2265 (2) Each member of the board shall be a citizen of the  
2266 United States, a resident of this state for at least five (5)  
2267 years immediately preceding that person's appointment, and at  
2268 least thirty (30) years of age.

2269 (3) (a) Except as provided in paragraph (b) of this  
2270 subsection, the board annually shall appoint a nominating  
2271 committee. No board member shall participate on the nominating  
2272 committee during the year in which that member's term expires.  
2273 The nominating committee shall solicit nominees for membership to  
2274 the board by mailing a notice to each registered professional  
2275 geologist shown on the roster maintained by the board and residing  
2276 in the state. Within thirty (30) days following mailing of the  
2277 notices, any registered professional geologist meeting the  
2278 qualifications under subsection (2) of this section may place or  
2279 have placed his or her name in nomination. The nominating  
2280 committee shall compile a list of the nominees and submit that  
2281 list to the registered professional geologists on the roster.  
2282 Each geologist shall have one (1) vote and shall submit that vote  
2283 in writing within fifteen (15) days following the mailing of the  
2284 list of nominees. The nominating committee shall calculate the  
2285 results and recommend to the Governor the three (3) nominees from  
2286 the sector and congressional districts in which the vacancy occurs  
2287 receiving the largest number of votes.

2288 (b) The Task Force/Advisory Committee on Geologic  
2289 Registration shall recommend fifteen (15) nominees to the Governor  
2290 for appointment to the initial board.

2291 **STATE BOARD OF MASSAGE THERAPY**

2292 **SECTION 34.** Section 73-67-9, Mississippi Code of 1972, is  
2293 amended as follows:

2294           73-67-9. (1) There is created the State Board of Massage  
2295 Therapy.

2296           (2) The board shall consist of five (5) members appointed by  
2297 the Governor, with the advice and consent of the Senate. At least  
2298 three (3) members shall be appointed from a list submitted by  
2299 state representatives of one or more nationally recognized  
2300 professional massage therapy association(s), one (1) to be  
2301 appointed from each Mississippi Supreme Court District and all of  
2302 whom must be residents of Mississippi and must have engaged in the  
2303 practice of massage therapy within the state for at least three  
2304 (3) years, one (1) member shall be a licensed health professional  
2305 in a health field other than massage therapy and one (1) member  
2306 shall be a consumer at large who is not associated with or  
2307 financially interested in the practice or business of massage  
2308 therapy. The initial members of the board shall be appointed for  
2309 staggered terms, as follows: one (1) member shall be appointed  
2310 for a term that ends on June 30, 2002; one (1) member shall be  
2311 appointed for a term that ends on June 30, 2003; one (1) member  
2312 shall be appointed for a term that ends on June 30, 2004; and two  
2313 (2) members shall be appointed for terms that end on June 30,  
2314 2005. Appointments shall be made within ninety (90) days from  
2315 July 1, 2001.

2316           (3) All subsequent appointments to the board shall be  
2317 appointed by the Governor for terms of four (4) years from the  
2318 expiration date of the previous term. No person shall be  
2319 appointed for more than two (2) consecutive terms. By approval of  
2320 the majority of the board, the service of a member may be extended  
2321 at the completion of a four-year term until a new member is  
2322 appointed or the current member is reappointed. The board shall  
2323 elect one (1) of the appointed massage therapists as the chairman  
2324 of the board.

2325           (4) A majority of the board may appoint an executive  
2326 director and other such individuals, including an attorney, as may

2327 be necessary to implement the provisions of this chapter. The  
2328 board may hold additional meetings at such times and places as it  
2329 deems necessary. A majority of the board shall constitute a  
2330 quorum and a majority of the board shall be required to grant or  
2331 revoke a certificate of registration.

2332         **SECTION 35.** This act shall take effect and be in force from  
2333 and after July 1, 2006.