

By: Senator(s) Harden

To: Public Health and
Welfare

SENATE BILL NO. 2974

1 AN ACT TO AMEND SECTION 73-9-7, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE FOR AN ADDITIONAL TWO AFRICAN-AMERICAN MEMBERS OF THE
3 STATE BOARD OF DENTAL EXAMINERS TO BE APPOINTED FROM THE STATE AT
4 LARGE; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 73-9-7, Mississippi Code of 1972, is
7 amended as follows:

8 73-9-7. (1) The duties of the Mississippi State Board of
9 Dental Examiners, or "the board," shall be to carry out the
10 purposes and provisions of the laws pertaining to the practice of
11 dentistry and dental hygiene. The Mississippi State Board of
12 Dental Examiners is continued and reconstructed as follows: The
13 board shall consist of nine (9) licensed and actively practicing
14 dentists and one (1) licensed and actively practicing dental
15 hygienist, each a graduate of an accredited college of dentistry
16 or dental hygiene, as appropriate, and practicing within the State
17 of Mississippi for a period of five (5) or more years next
18 preceding his or her appointment. No dentist or dental hygienist
19 shall be eligible for appointment who can be construed to be in
20 violation of current state ethics laws and regulations.

21 (2) The members of the board appointed and serving before
22 July 1, 2002, shall complete their current four-year appointments.
23 Upon completion of those appointments, the term of each of the
24 successor dentist and dental hygienist appointees provided for in
25 this section shall be for a period of six (6) years and shall
26 terminate on and after June 30 of the sixth year.

27 (3) The Governor shall appoint three (3) licensed
28 African-American dentists from the state at large from a list of

29 six (6) licensed African-American dentists, each of whom being the
30 African-American dentist receiving the highest number of votes in
31 his or her individual district from a poll conducted and compiled
32 by the board. The poll shall consist of a blank ballot with three
33 (3) spaces for nomination provided to all licensed
34 African-American dentists in the state. During the course of each
35 calendar year, the board shall take like polls of all licensed
36 African-American dentists practicing in the state, and shall
37 prepare a new list of six (6) dentists, the list to consist of the
38 licensed African-American dentist receiving the highest numbers of
39 votes in each district, to be submitted to the Governor, which
40 shall be used in the appointment of the African-American dentist
41 members from the state at large. In case of a tie, the persons
42 receiving tie votes shall have their names placed on the list even
43 though it results in more than six (6) names on the list. The
44 board shall poll all licensed African-American dentists in the
45 state by dental district as that enumerated in subsection (6) of
46 this section.

47 (4) * * * Upon expiration of the term of office of any of
48 the six (6) members of the board who are appointed from districts,
49 the Governor shall appoint his successor from a list of names to
50 be submitted as set out in this subsection.

51 (5) All appointments to the board shall be made with the
52 advice and consent of the Senate.

53 (6) The board shall poll all licensed dentists in the state
54 by dental district as follows:

55 Dental District One: Alcorn, Benton, Calhoun, Chickasaw,
56 Choctaw, Clay, Itawamba, Lafayette, Lee, Lowndes, Marshall,
57 Monroe, Oktibbeha, Pontotoc, Prentiss, Tippah, Tishomingo, Union,
58 Webster;

59 Dental District Two: Bolivar, Carroll, Coahoma, DeSoto,
60 Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery,

61 Panola, Quitman, Sharkey, Sunflower, Tallahatchie, Tate, Tunica,
62 Washington, Yalobusha, Yazoo;

63 Dental District Three: Attala, Clarke, Covington, Forrest,
64 Jasper, Jones, Kemper, Lamar, Lauderdale, Leake, Neshoba, Newton,
65 Noxubee, Perry, Scott, Smith, Wayne, Winston;

66 Dental District Four: Hinds, Madison, Rankin, Warren;

67 Dental District Five: George, Greene, Hancock, Harrison,
68 Jackson, Pearl River, Stone;

69 Dental District Six: Adams, Amite, Claiborne, Copiah,
70 Franklin, Jefferson Davis, Jefferson, Lawrence, Lincoln, Marion,
71 Pike, Simpson, Walthall, Wilkinson;

72 and request the submission from each such dental district of three
73 (3) nominations for appointment as members of the board from the
74 six (6) districts. Thirty (30) days after submitting that
75 request, the board shall list all nominations by district
76 according to the number of votes each received. The top three (3)
77 names from each district shall then be considered as a list of
78 names to be submitted to the Governor as referred to above each
79 time a vacancy occurs in one (1) of the six (6) positions
80 appointed from districts or whenever the Governor requests that
81 submission. During the course of each calendar year, the board
82 shall take like polls of all licensed dentists practicing in each
83 dental district, and shall prepare new lists therefrom to be
84 submitted to the Governor, which shall be used in the appointment
85 of the six (6) members appointed from districts.

86 It is the purpose of this section that no more than one (1)
87 appointee of the six (6) members appointed from districts shall
88 serve from any district at any one time. The names on the lists
89 shall be given priority in accordance with the votes for each
90 nominee. In case of a tie, the persons receiving tie votes shall
91 have their names placed on the list even though it results in more
92 than three (3) names on the list from that district.

93 (7) The one (1) dental hygienist member shall be appointed
94 by the Governor from the state at large from a list of six (6)
95 dental hygienists, each of whom being the dental hygienist
96 receiving the highest number of votes in his or her individual
97 district from a poll conducted and compiled by the board. The
98 poll shall consist of a blank ballot with three (3) spaces for
99 nomination provided to all licensed dental hygienists in the
100 state. During the course of each calendar year, the board shall
101 take like polls of all licensed dental hygienists practicing in
102 the state, and shall prepare a new list of six (6) dental
103 hygienists, the list to consist of the dental hygienists receiving
104 the highest number of votes in each district, to be submitted to
105 the Governor, which shall be used in the appointment of the dental
106 hygienist member from the state at large. In case of a tie, the
107 persons receiving tie votes shall have their names placed on the
108 list even though it results in more than six (6) names on the
109 list.

110 The board shall poll all licensed dental hygienists in the
111 state by dental district as that enumerated in subsection (6) of
112 this section.

113 (8) No dentist or dental hygienist member shall be permitted
114 to serve consecutive terms, but may be nominated for reappointment
115 after the expiration of six (6) years from the conclusion of his
116 or her term. Any vacancy in the board membership shall be filled
117 by the Governor within sixty (60) days by appointment from the
118 list of nominees submitted for the existing term of office. Any
119 appointment made to fill a vacancy or to replace an incumbent
120 holding over shall terminate in accordance with the designation of
121 the particular term and until his or her successor is duly
122 appointed and qualified.

123 (9) A vote for an individual dentist or dental hygienist in
124 all polls may be counted only once for each ballot no matter how
125 many times the name is listed on the ballot.

126 (10) The Secretary of State shall, at his discretion, at any
127 time there is sufficient cause, investigate the method and
128 procedure of taking those polls and establishing those lists, and
129 the board shall make available to him all records involved
130 therein; and if the Secretary of State should find cause therefor
131 he may, upon specifying the cause, declare the list invalid,
132 whereupon the board shall follow the procedure set out above to
133 establish a new list. If a vacancy exists and no list is
134 available, the Board of Dental Examiners is to follow the
135 above-described procedure in establishing a new list for the
136 appropriate board appointment.

137 **SECTION 2.** This act shall take effect and be in force from
138 and after July 1, 2007.