

By: Senator(s) Wiggins, Hill, Parker

To: Accountability,  
Efficiency, Transparency

SENATE BILL NO. 2373

1 AN ACT TO AMEND SECTION 73-13-5, MISSISSIPPI CODE OF 1972, TO  
2 REMOVE THE PROVISION REQUIRING THE GOVERNOR TO MAKE HIS  
3 APPOINTMENTS TO THE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS  
4 AND SURVEYORS FROM NOMINEES RECOMMENDED BY CERTAIN ORGANIZATIONS;  
5 AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 73-13-5, Mississippi Code of 1972, is  
8 amended as follows:

9 73-13-5. A Board of Licensure for Professional Engineers and  
10 Surveyors is hereby created whose duty it shall be to administer  
11 the provisions of Sections 73-13-1 through 73-13-105. The board  
12 shall consist of six (6) licensed professional engineers, who  
13 shall be appointed by the Governor \* \* \*, and shall have the  
14 qualifications required by Section 73-13-7, and three (3) licensed  
15 professional surveyors who are not licensed professional  
16 engineers, who shall be appointed by the Governor \* \* \* and who  
17 shall have the qualifications required by Section 73-13-77. \* \* \*  
18 The board so appointed shall have two (2) engineer members from  
19 each of the three (3) state Supreme Court districts, designated by



20 district, Post 1 and Post 2, and shall serve for four (4) years,  
21 or until their successors are duly appointed and qualified.  
22 Beginning July 1, 2022, the Governor shall not be required to make  
23 his appointments to the board from nominees recommended by the  
24 Mississippi Engineering Society or the Mississippi Association of  
25 Professional Surveyors.

26       The members \* \* \* who are licensed surveyors shall be  
27 appointed from each of the three (3) state Supreme Court districts  
28 and serve for four (4) years, or until their successors are duly  
29 appointed and qualified. Each member of the board shall receive a  
30 certificate of appointment from the Governor, and before beginning  
31 his term of office he shall file with the Secretary of State the  
32 constitutional oath of office. On the expiration of the term of  
33 any member, the Governor shall in the manner herein provided  
34 appoint for a term of four (4) years a licensed professional  
35 engineer having the qualifications required by Section 73-13-7, or  
36 a licensed professional surveyor having the qualifications  
37 required by Section 73-13-77 to take the place of the member of  
38 the board whose term is about to expire. Each member shall hold  
39 office until the expiration of the term for which such member is  
40 appointed or until a successor shall have been duly appointed and  
41 shall have qualified.

42       The initial members of the reconstituted board shall serve  
43 terms of office as follows:



44 (a) The term of the engineer member presently serving  
45 at large, which term was set to expire on April 8, 2004, shall  
46 expire on July 1, 2004; and from and after July 1, 2004, this  
47 appointment shall be designated as Post 1.

48 (b) The term of the engineer member presently serving  
49 at large, which term was set to expire on April 8, 2004, shall  
50 expire on July 1, 2005; and from and after July 1, 2004, this  
51 appointment shall be designated as Post 2.

52 (c) An appointment of an engineer member serving at  
53 large shall be made on July 1, 2004, and shall expire on July 1,  
54 2006; and from and after July 1, 2004, this appointment shall be  
55 designated as Post 3.

56 (d) The term of the engineer member presently serving  
57 from the First Supreme Court District, which term was set to  
58 expire on April 8, 2006, shall expire on July 1, 2007; and from  
59 and after July 1, 2004, this appointment shall be designated as  
60 Post 4.

61 (e) The term of the engineer member presently serving  
62 from the Second Supreme Court District, which term was set to  
63 expire on April 8, 2006, shall expire on July 1, 2008; and from  
64 and after July 1, 2004, this appointment shall be designated as  
65 Post 5.

66 (f) The term of the engineer member presently serving  
67 from the Third Supreme Court District, which term was set to  
68 expire on April 8, 2006, shall expire on July 1, 2009; and from



69 and after July 1, 2004, this appointment shall be designated as  
70 Post 6.

71 (g) The term of the surveyor member presently serving  
72 at large, which term was set to expire on April 8, 2007, shall  
73 expire on July 1, 2004; subsequent appointments shall be made from  
74 the First Supreme Court District; from and after July 1, 2004,  
75 this appointment shall be designated as Post 7.

76 (h) An appointment of a surveyor member shall be made  
77 from the Second Supreme Court District; the appointment shall be  
78 made on July 1, 2004, and shall expire on July 1, 2005; from and  
79 after July 1, 2004, this appointment shall be designated as Post  
80 8.

81 (i) The term of the surveyor member presently serving  
82 at large, which term was set to expire on April 8, 2006, shall  
83 expire on July 1, 2006; subsequent appointments shall be made from  
84 the Third Supreme Court District; from and after July 1, 2004,  
85 this appointment shall be designated as Post 9.

86 At the expiration of a term, members of the board shall be  
87 appointed in the manner prescribed in this section for terms of  
88 four (4) years from the expiration date of the previous terms.  
89 Any vacancy on the board prior to the expiration of a term for any  
90 reason, including resignation, removal, disqualification, death or  
91 disability, shall be filled by appointment of the Governor in the  
92 manner prescribed in this section for the balance of the unexpired



93 term. The \* \* \* Governor shall fill such vacancies within ninety  
94 (90) days after each such vacancy occurs.

95 It shall not be considered the duty of the State of  
96 Mississippi to provide office space and office equipment for the  
97 board herein created.

98 No member of the board shall, during the term of his office  
99 or thereafter, be required to defend any action for damages in any  
100 of the courts of this state where it is shown that said damage  
101 followed or resulted from any of the official acts of said board  
102 in the performance of its powers, duties or authority as set forth  
103 in this chapter. Any such action filed shall upon motion be  
104 dismissed, at the cost of the plaintiff, with prejudice.

105 **SECTION 2.** This act shall take effect and be in force from  
106 and after July 1, 2022.

