

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.

