

By: Senator(s) Sparks

To: Government Structure

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2799

1 AN ACT RELATING TO APPOINTMENTS TO STATE BOARDS AND
2 COMMISSIONS AND AGENCY DIRECTOR POSITIONS BY PUBLIC OFFICIALS
3 WHICH REQUIRE SENATE CONFIRMATION; TO AMEND SECTION 7-1-35,
4 MISSISSIPPI CODE OF 1972, TO REVISE AND STANDARDIZE TERMS OF
5 OFFICE, PROCEDURES FOR FILLING VACANCIES AND THE RESPONSIBILITIES
6 OF THE SECRETARY OF STATE REGARDING SAID APPOINTMENTS; TO AMEND
7 SECTIONS 43-28-7, 73-33-3, 73-33-5, 49-15-301, 49-15-305, 69-15-2,
8 73-1-5, 73-1-11, 39-11-1, 39-11-5, 75-75-103, 73-4-7, 73-4-11,
9 37-169-3, 73-75-7, 81-1-61, 81-3-12, 73-5-1, 73-5-3, 43-3-103,
10 39-27-1, 31-13-1, 57-10-167, 29-5-213, 37-28-7, 73-6-3, 73-6-5,
11 39-5-91, 37-155-7, 65-1-46, 19-5-333, 37-4-3, 31-3-3, 31-3-11,
12 69-44-3, 47-5-8, 73-7-1, 73-7-3, 73-30-5, 73-30-7, 45-39-3,
13 73-9-7, 73-9-13, 43-26-1, 57-1-5, 43-13-107, 37-1-1, 37-63-3,
14 37-63-7, 69-7-253, 73-69-21, 33-15-7, 41-59-7, 71-5-107, 73-13-5,
15 73-13-15, 49-2-4, 49-2-5, 25-4-5, 69-5-1, 27-104-101, 73-36-9,
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18 41-3-1.1, 41-3-5.1, 43-33-704, 43-33-707, 41-73-7, 43-1-2,
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22 73-19-9, 47-7-5, 51-15-1, 69-48-3, 51-9-1, 25-9-109, 25-9-119,
23 73-21-75, 73-21-79, 73-23-41, 73-23-43, 73-29-7, 37-106-9,
24 73-31-5, 73-31-7, 25-11-15, 27-104-7, 45-1-2, 51-35-317, 73-34-7,
25 73-34-9, 73-35-5, 37-33-155, 37-33-159, 25-58-21, 73-59-21,
26 27-3-1, 69-10-2, 55-5-53, 49-17-45, 25-43-4.103, 73-53-8, 69-9-3,
27 65-9-9, 27-4-1, 51-27-1, 41-113-9, 51-13-105, 11-46-18, 77-13-29,
28 49-17-422, 7-1-501, 7-1-503, 35-1-1, 35-1-3, 35-7-7, 73-39-55,
29 43-55-5, 35-3-24, 59-7-125, 49-4-4, 49-4-6, 83-34-7, 43-59-3,
30 71-3-85, 37-153-7, 59-17-23 AND 77-19-5, MISSISSIPPI CODE OF 1972,
31 TO REVISE THE PROCEDURES AND TERMS OF OFFICE FOR THE APPOINTMENTS
32 OF MEMBERS TO CERTAIN STATE BOARDS, AGENCIES, AND OTHER GOVERNMENT
33 ENTITIES AND AUTHORITIES WHICH REQUIRE SENATE CONFIRMATION; AND
34 FOR RELATED PURPOSES.



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

36 **SECTION 1.** Section 7-1-35, Mississippi Code of 1972, is
37 amended as follows:

38 **[Until January 1, 2028, this section shall read as follows:]**

39 7-1-35. The Governor shall fill by appointment, with the
40 advice and consent of the Senate, all offices subject to such
41 appointment when the term of the incumbent will expire within nine
42 (9) months after the meeting of the Legislature, and also
43 vacancies in such offices occurring from any cause during the
44 session of the Senate or during the vacation of that body. All
45 such appointments to offices made in vacation shall be reported to
46 the Senate within ten (10) days after the commencement of the
47 session of that body for its advice and consent to the
48 appointment, and the vacancy shall not be filled if caused by the
49 Senate's refusal to confirm any appointment or nomination, or if
50 it * * * does not occur during the last five (5) days of the
51 session, by the appointment of the Governor in the vacation of the
52 Senate, without its concurrence. Any appointment in vacation to
53 which the Senate shall refuse to consent shall be thereby annulled
54 from that date, but the acts of the appointee prior thereto shall
55 not be affected thereby.

56 **[From and after January 1, 2028, this section shall read as**
57 **follows:]**

58 7-1-35. (1) Unless otherwise provided by law, all
59 appointments to agencies, boards, commissions, director and



60 executive director positions in the executive branch of
61 Mississippi government shall be made with the advice and consent
62 of the Senate for terms of office of four (4) years commencing on
63 the day of appointment, and continuing until December 31 of the
64 final year of the term of office as provided in the applicable
65 statute, unless another term of office is prescribed by the
66 Mississippi Constitution of 1890.

67 (2) All appointments to agencies, boards, commissions,
68 director or executive director positions whose term is expiring
69 shall serve until his or her successor is appointed and qualified,
70 but in no event shall he or she serve past the July 1 occurring
71 after the end of his term, unless he shall be reappointed by the
72 Governor or other appointing authority.

73 (3) To allow geographic representation, all appointments to
74 boards and commissions shall be made from Mississippi Supreme
75 Court Districts as they exist at the time of the appointment, as
76 specifically provided in the code section which establishes the
77 board or commission.

78 (4) All appointments to boards and commissions shall be made
79 in a staggered fashion where a majority of the membership of the
80 board or commission shall be appointed at the beginning of the
81 four-year cycle for elected officials and the remainder of the
82 membership of the board or commission shall be appointed at the
83 beginning of the third year of the four-year cycle for elected
84 officials. Appointments made at the beginning of the four-year



85 cycle shall be made to fill any member's term which actually
86 expires that year and any member's term which expires next until
87 the majority of the membership of the board or commission is
88 reached. Appointments made at the beginning of the third year of
89 the four-year cycle shall be made for the remainder of the
90 membership positions irrespective of the time of their prior
91 appointment. Any question regarding the order of appointments
92 shall be determined by the Secretary of State in accordance with
93 the specific statute.

94 (5) The Secretary of State shall be the records repository
95 for all appointments to boards, commissions, executive directors
96 and agency directors. Appointing authorities shall notify the
97 Secretary of State prior to submitting the appointment to the
98 Senate. The Secretary of State shall send a list of the required
99 appointments to boards, commissions, executive directors and
100 agency directors to be made in the upcoming term of office by
101 newly elected appointing authorities within ten (10) days of the
102 election certification of the appointing authority. The Secretary
103 of State shall also compile and issue a report to the Governor,
104 Lieutenant Governor and Speaker of the House annually, detailing
105 the number of official meetings each board and commission has held
106 in the previous years.

107 (6) Unless otherwise provided by statute, every appointment
108 to an agency, board, commission, executive director or director
109 position required by statute shall be made by July 1 of the first



110 year of the appointing authorities' term or July 1 of the third
111 year in the appointing authorities' term, as the case may be. In
112 the event an appointment is not made on or before July 1 as
113 required herein, the appointment shall be made by the next elected
114 official in the following order: Governor, Lieutenant Governor,
115 Secretary of State. The elected officials in this order shall
116 have one hundred twenty (120) days to make appointments or else
117 the appointment shall fall to the next elected official in this
118 order. In the event an appointment is not made on or before July
119 1 as required, by an appointing authority other than the three (3)
120 named above, the appointment shall be made by the next official in
121 the following order: Governor, Lieutenant Governor, Secretary of
122 State.

123 (7) If, for any cause, a vacancy occurs in the office of an
124 appointed agency, board, or commission member, executive director
125 or director position, the appointing authority shall make an
126 appointment to fill the vacancy for the unexpired term within one
127 hundred twenty (120) days of the date the vacancy occurs. If the
128 appointment is not made within one hundred twenty (120) days as
129 required herein, the appointment shall be in the manner prescribed
130 in subsection (6) of this section.

131 (8) Interim appointments shall be allowed to serve for no
132 more than nine (9) months. No interim appointee may serve
133 consecutive interim terms. If an appointment occurs in vacation



134 of the legislative session, it shall be considered an interim
135 appointment until confirmed by the Senate.

136 (9) An appointed agency, board or commission member may be
137 removed by the Governor or other appointing authority for chronic
138 absenteeism, which shall consist of more than three (3) unexcused
139 absences in any one (1) year, and such person shall not be
140 reappointed until their original term has expired. This provision
141 is not applicable to meetings where a designee has attended in
142 place of the agency, board or commission member if the attendance
143 by a designee is authorized by law.

144 (10) All appointments to an agency, board, commission or
145 director position made in vacation of the legislative session
146 shall be reported to the Senate within ten (10) days after the
147 commencement of the next regular session of that body for its
148 advice and consent to the appointment. Any vacancy to an agency,
149 board, commission, executive director or director position shall
150 not be filled if caused by the Senate's refusal to confirm or the
151 Senate's inaction on the nomination, unless the vacancy occurs
152 during the last five (5) days of the session. Any appointment in
153 vacation of the Senate to which the Senate shall refuse to consent
154 or takes no action shall be thereby annulled from the date of sine
155 die adjournment, but the acts of the appointee prior thereto shall
156 not be affected thereby.

157 (11) All appointment procedures, term of office provisions,
158 vacancy provisions, interim appointment provisions and removal



159 provisions specifically provided for in this Section 7-1-35 shall
160 be fully applicable to the appointment of agency directors by the
161 Governor or by the respective board or commission.

162 **SECTION 2.** Section 43-28-7, Mississippi Code of 1972, is
163 amended as follows:

164 43-28-7. (1) * * * The Mississippi ABLE Board of
165 Directors * * *, created by former Section 43-28-7, is continued
166 and reconstituted. The ABLE Board of Directors shall consist of
167 nine (9) members as follows:

168 (a) The State Treasurer, or his or her designee;

169 (b) The Executive Director of the Department of
170 Rehabilitation Services, or his or her designee;

171 (c) The Executive Director of the Department of Mental
172 Health, or his or her designee;

173 (d) Three (3) members of the public who, by reason of
174 his or her education and experience relating to disabilities or
175 financial planning, is qualified to serve, to be appointed by the
176 Governor one (1) of whom shall be appointed from each Supreme
177 Court District;

178 (e) The Executive Director, or his or her designee, of
179 an advocacy organization for citizens of all ages with cognitive,
180 intellectual and developmental disabilities and their families, to
181 be appointed by the Governor;

182 (f) The Executive Director, or his or her designee, of
183 an advocacy organization for citizens of all ages with cross



184 disabilities and their families, to be appointed by the Governor;
185 and

186 (g) The Executive Director, or his or her designee, of
187 an advocacy organization for citizens with mental health
188 disabilities, to be appointed by the Governor.

189 (2) * * * Effective January 1, 2028, the six (6) appointed
190 members shall be appointed by the Governor * * *, with the advice
191 and consent of the Senate, for a term of office of four (4) years,
192 provided that four (4) such members shall be appointed in 2028 to
193 a term ending December 31, 2031, and two (2) such members shall be
194 appointed in 2030 to a term ending December 31, 2033.

195 Appointments made at the beginning of the four-year cycle shall be
196 made to fill any member's term which actually expires that year
197 and any member's term which expires next until the majority of the
198 membership of the board or commission is reached. Appointments
199 made at the beginning of the third year of the four-year cycle
200 shall be made for the remainder of the membership positions
201 irrespective of the time of their prior appointment. Any question
202 regarding the order of appointments shall be determined by the
203 Secretary of State in accordance with the specific statute. All
204 appointment procedures, vacancy provisions, interim appointment
205 provisions and removal provisions specifically provided for in
206 Section 7-1-35, Mississippi Code of 1972, shall be fully
207 applicable to appointments to the Mississippi ABLE Board of
208 Directors.



209 * * *

210 (* * *3) Members of the board of directors shall serve
211 without compensation, but shall be reimbursed for each day's
212 official duties of the board at the same per diem as established
213 by Section 25-3-69, and actual travel and lodging expenses as
214 established by Section 25-3-41.

215 (* * *4) The board of directors shall annually elect one
216 (1) member to serve as chairman of the board and one (1) member to
217 serve as vice chairman. The vice chairman shall act as chairman
218 in the absence of, or upon the disability of the chairman, or in
219 the event of a vacancy of the office of chairman.

220 (* * *5) A majority of the currently serving members of the
221 board shall constitute a quorum for the purposes of conducting
222 business and exercising its official powers and duties. Any
223 action taken by the board shall be upon the vote of a majority of
224 the members present.

225 **SECTION 3.** Section 73-33-3, Mississippi Code of 1972, is
226 amended as follows:

227 73-33-3. (1) There shall be a board of public accountancy,
228 consisting of seven (7) members, who are qualified electors of
229 this state; their duties, powers and qualifications are herein
230 prescribed by this chapter. The members of the Mississippi State
231 Board of Public Accountancy shall be appointed from holders of
232 certificates issued under and by virtue of this chapter.



233 (2) Effective January 1, 2028, the * * * Mississippi State
234 Board of Public Accountancy * * *, created by former Section
235 73-33-3, is continued and reconstituted as follows:

236 The Governor shall appoint * * * two (2) members from * * *
237 each Mississippi Supreme Court District and one (1) from the state
238 at large. The members shall be appointed by the Governor, with
239 the advice and consent of the Senate, for a term of office of four
240 (4) years, commencing on the day of appointment or on July 1 of
241 the year in which the Governor is inaugurated, whichever comes
242 first, provided that four (4) such members shall be appointed in
243 2028 to a term ending December 31, 2031, and three (3) such
244 members shall be appointed in 2030 to a term ending December 31,
245 2033. Appointments made at the beginning of the four-year cycle
246 shall be made to fill any member's term which actually expires
247 that year and any member's term which expires next until the
248 majority of the membership of the board or commission is reached.
249 Appointments made at the beginning of the third year of the
250 four-year cycle shall be made for the remainder of the membership
251 positions irrespective of the time of their prior appointment.
252 Any question regarding the order of appointments shall be
253 determined by the Secretary of State in accordance with the
254 specific statute. All appointment procedures, vacancy provisions,
255 interim appointment provisions and removal provisions specifically
256 provided for in Section 7-1-35, Mississippi Code of 1972, shall be



257 fully applicable to appointments to the Mississippi State Board of
258 Public Accountancy.

259 * * *

260 (3) Each member of the board shall take the oath prescribed
261 by Section 268 of the Mississippi Constitution. The board shall
262 elect from among its membership, to serve one (1) year terms, a
263 chairman who shall preside over meetings and a vice chairman who
264 shall preside in the absence of the chairman or when the chairman
265 shall be excused. A majority of the membership of the board shall
266 constitute a quorum for the transaction of any business. Any
267 board member who shall not attend three (3) consecutive regular
268 meetings of the board for reasons other than illness of said
269 member shall be subject to removal by a majority vote of the board
270 members.

271 (4) The board shall hold regular meetings and special
272 meetings as may be necessary for the purposes of conducting such
273 business as may be required. The board shall adopt rules and
274 regulations governing times and places for meetings, and governing
275 the manner of conducting its business. All meetings of the board
276 shall be open to the public.

277 **SECTION 4.** Section 73-33-5, Mississippi Code of 1972, is
278 amended as follows:

279 73-33-5. The Mississippi State Board of Public Accountancy
280 is hereby authorized with the following powers and duties:

281 (a) To adopt a seal;



282 (b) To govern its proceedings;

283 (c) To set the fees and to regulate the time, manner
284 and place of conducting examinations to be held under this
285 chapter. To be admitted to the examination, a candidate must have
286 completed a baccalaureate degree of at least one hundred twenty
287 (120) collegiate-level semester hours of education or its
288 equivalent at a college or university acceptable to the board.
289 The education program shall include an accounting concentration or
290 the equivalent as determined by the board to be appropriate in its
291 rules and regulations. The examination shall cover branches of
292 knowledge pertaining to accountancy as the board may deem proper.
293 A total of one hundred fifty (150) collegiate-level semester hours
294 of education shall be required before the board shall accept an
295 application for a certified public accountant license under this
296 chapter;

297 (d) To initiate investigations of certified public
298 accountant and certified public accountant firm practices;

299 (e) To notify applicants who have failed an examination
300 of such failure and in what branch or branches deficiency was
301 found;

302 (f) To adopt and enforce such rules and regulations
303 concerning certified public accountant examinee and licensee
304 qualifications and practices and certified public accountant firm
305 permits and practices as the board considers necessary to maintain
306 the highest standard of proficiency in the profession of certified



307 public accounting and for the protection of the public interest.
308 The standards of practice by certified public accountants and
309 certified public accountant firms shall include generally accepted
310 auditing and accounting standards as recognized by the Mississippi
311 State Board of Public Accountancy;

312 (g) To issue certified public accountant licenses under
313 the signature and the official seal of the board as provided in
314 this chapter; and to issue permits to practice public accounting
315 to certified public accountant firms pursuant to such rules and
316 regulations as may be promulgated by the board;

317 (h) To employ personnel;

318 (i) To appoint an executive director for a term of four
319 (4) years subject to the advice and consent of the Senate, and
320 consistent with the provisions of Section 7-1-35, Mississippi Code
321 of 1972;

322 (* * *j) To contract for services and rent; and

323 (* * *k) To adopt and enforce all such rules and
324 regulations as shall be necessary for the administration of this
325 chapter; provided, however, no adoption or modification of any
326 rules or regulations of the board shall become effective unless
327 any final action of the board approving such adoption or
328 modification shall occur at a time and place which is open to the
329 public and for which notice by mail or electronic mail of such
330 time and place and the rules and regulations proposed to be
331 adopted or modified has been given at least thirty (30) days prior



332 thereto to every person who is licensed and registered with the
333 board.

334 Each application or filing made under this section shall
335 include the social security number(s) of the applicant in
336 accordance with Section 93-11-64, Mississippi Code of 1972.

337 **SECTION 5.** Section 49-15-301, Mississippi Code of 1972, is
338 amended as follows:

339 49-15-301. (1) The Mississippi Advisory Commission on
340 Marine Resources is hereby established and full power is vested in
341 the advisory commission to advise the Executive Director of the
342 Department of Marine Resources on all matters pertaining to all
343 saltwater aquatic life and marine resources. The advisory
344 commission shall advise the Executive Director of the Department
345 of Marine Resources on the administration of the Coastal Wetlands
346 Protection Law and the Public Trust Tidelands Act.
347 Notwithstanding any other provision of law to the contrary, the
348 commission shall only be an advisory commission to the Department
349 of Marine Resources and shall not have independent authority to
350 take official action on behalf of the Mississippi Department of
351 Marine Resources and its actions are purely advisory in nature.
352 Whenever the terms "Mississippi Commission on Marine Resources,"
353 "Commission on Marine Resources" and "commission" when referring
354 to the Mississippi Commission on Marine Resources appear in any
355 state law, they shall mean the "Mississippi Advisory Commission on
356 Marine Resources."



357 (2) The reconstituted Mississippi Advisory Commission on
358 Marine Resources shall consist of five (5) members to be appointed
359 as follows:

360 (a) The Governor shall appoint five (5) members who
361 shall be residents of Jackson, Harrison and Hancock Counties with
362 the advice and consent of the Senate. The Governor shall appoint
363 at least one (1) member from each county but not more than two (2)
364 members from any one (1) county. The members designated in
365 subparagraphs (i), (ii) and (iv) must be a resident of the county
366 where the business he is appointed to represent is located.

367 (b) The advisory commission shall be composed as
368 follows:

369 (i) One (1) member shall be a commercial seafood
370 processor.

371 (ii) One (1) member shall be a commercial
372 fisherman.

373 (iii) One (1) member shall be a recreational
374 sports fisherman.

375 (iv) One (1) member shall be a charter boat
376 operator.

377 (v) One (1) member shall be a member of an
378 incorporated nonprofit environmental organization.

379 (c) * * * The Mississippi Advisory Commission on Marine
380 Resources, created by former Section 49-15-301, is continued and
381 reconstituted as follows: Effective January 1, 2028, the members



382 designated in paragraph (b) of this subsection shall be appointed
383 by the Governor, with the advice and consent of the Senate,
384 provided that three (3) such members shall be appointed in 2028 to
385 a term ending December 31, 2031, and two (2) such members shall be
386 appointed in 2030 to a term ending December 31, 2033.
387 Appointments made at the beginning of the four-year cycle shall be
388 made to fill any member's term which actually expires that year
389 and any member's term which expires next until the majority of the
390 membership of the board or commission is reached. Appointments
391 made at the beginning of the third year of the four-year cycle
392 shall be made for the remainder of the membership positions
393 irrespective of the time of their prior appointment. Any question
394 regarding the order of appointments shall be determined by the
395 Secretary of State in accordance with the specific statute. All
396 appointment procedures, vacancy provisions, interim appointment
397 provisions and removal provisions specifically provided for in
398 Section 7-1-35, Mississippi Code of 1972, shall be fully
399 applicable to appointments to the Mississippi Advisory Commission
400 on Marine Resources.

401 * * *

402 (3) Each member shall have a demonstrated history of
403 involvement in the matter of jurisdiction for which he is
404 appointed to represent and his employment and activities must not
405 conflict with the matter of jurisdiction represented. A member
406 shall not have a record of conviction of violation of fish and



407 game or seafood laws or regulations within the five (5) years
408 preceding his appointment or a record of any felony conviction.
409 After July 1, * * * 2028, if a member is convicted of a violation
410 of the seafood laws during his term, his office shall be deemed
411 vacant and the Governor shall fill the vacancy as provided
412 in * * * Section 7-1-35.

413 (4) The advisory commission shall elect a chairman who shall
414 preside at all meetings of the commission, and the advisory
415 commission shall also elect a vice chairman who shall serve in the
416 absence or inability of the chairman.

417 (5) Each member shall be paid actual and necessary expenses
418 incurred in attending meetings of the advisory commission and in
419 performing his duties away from his domicile under assignment by
420 the advisory commission. In addition, members shall receive the
421 per diem authorized in Section 25-3-69.

422 (6) The advisory commission shall adopt rules and
423 regulations governing times and places of meetings.

424 (7) The advisory commission shall not take any action
425 without the approval of the Department of Marine Resources, and
426 such action shall be included in the minutes of the advisory
427 commission. A majority of the members shall constitute a quorum
428 of the advisory commission.

429 (8) The advisory commission shall advise the Department of
430 Marine Resources on how to devise a plan to make licenses
431 available in each coastal county.



432 (9) (a) There is hereby created a Marine Resources
433 Technical Advisory Council composed of the Executive Director of
434 the Gulf Coast Research Lab, or his designee; the Executive
435 Director of the Department of Environmental Quality, or his
436 designee; and the Executive Director of the Department of
437 Wildlife, Fisheries and Parks, or his designee.

438 (b) The council shall give technical assistance to the
439 department.

440 (10) For purposes of this section the following definitions
441 apply:

442 (a) "Charter boat operator" means an individual who
443 operates a vessel for hire, guiding sports fishermen for a fee and
444 is duly licensed to engage in such activity in the State of
445 Mississippi.

446 (b) "Commercial fisherman" means a fisherman who sells,
447 barters or exchanges any or all of his catch or who is paid for
448 attempting to catch marine species, and is duly licensed to engage
449 in commercial fishing.

450 (c) "Commercial seafood processor" means an individual
451 who engages in the business of purchasing seafood products and
452 preparing them for resale and who is duly licensed to engage in
453 such commercial activity in the State of Mississippi.

454 (d) "Incorporated environmental nonprofit organization"
455 means an organization duly incorporated in any state as a



456 nonprofit organization and whose stated goals and purposes are the
457 conservation of natural resources.

458 (e) "Recreational sports fisherman" means an individual
459 who catches or harvests marine species only for recreation or
460 personal consumption and not for sale. The individual must
461 possess a saltwater sports fishing license, be a member of an
462 incorporated nonprofit sports fishing organization and not possess
463 a commercial fishing or seafood processor license.

464 **SECTION 6.** Section 49-15-305, Mississippi Code of 1972, is
465 amended as follows:

466 49-15-305. (1) Effective July 1, 2028, the Governor shall
467 appoint the Executive Director of the Department of Marine
468 Resources for a term of four (4) years, with the advice and
469 consent of the Senate, * * * and consistent with the provisions of
470 Section 7-1-35, Mississippi Code of 1972. The executive director
471 shall be knowledgeable and experienced in marine resources
472 management.

473 (2) The executive director of the department shall have the
474 following powers and duties:

475 (a) To supervise and direct all administrative,
476 inspection and technical activities and personnel of the
477 department;

478 (b) To employ qualified professional personnel in the
479 subject matter or fields, and any other technical and clerical
480 staff as may be required for the operation of the department;



481 (c) To coordinate all studies in the State of
482 Mississippi concerned with the supply, development, use and
483 conservation of marine resources;

484 (d) To prepare and deliver to the Legislature and the
485 Governor on or before January 1 of each year, and at any other
486 times as may be required by the Legislature or Governor, a full
487 report of the work of the department, including a detailed
488 statement of expenditures of the department and any
489 recommendations the department may have;

490 (e) To enter into cooperative agreements with any
491 federal or state agency or subdivision thereof, or any public or
492 private institution located inside or outside the State of
493 Mississippi, or any person, corporation or association in
494 connection with studies and investigations pertaining to marine
495 resources, provided the agreements do not have a financial cost in
496 excess of the amounts appropriated for the purposes by the
497 Legislature; and

498 (f) To carry out all regulations and rules adopted by
499 the department and enforce all licenses and permits issued by the
500 department.

501 **SECTION 7.** Section 69-15-2, Mississippi Code of 1972, is
502 amended as follows:

503 69-15-2. (1) The Mississippi Board of Animal Health is to
504 be composed of the Commissioner of Agriculture and Commerce, the
505 Dean of the College of Veterinary Medicine and the heads of the



506 Animal and Dairy Science and Poultry Science Departments at
507 Mississippi State University of Agriculture and Applied Science,
508 and one (1) person appointed by the President of Alcorn State
509 University from its land grant staff as five (5) ex officio
510 members with full voting rights, and ten (10) other members of the
511 board to be appointed by the Governor as hereinafter provided.
512 The board shall select annually a chairman and vice chairman from
513 any members of the board.

514 (2) The Governor, with the advice and consent of the Senate,
515 shall appoint eleven (11) other members from the following groups
516 or associations from a written list of recommendations from such
517 groups or associations:

518 One (1) licensed and practicing veterinarian who holds a
519 Doctor of Veterinary Medicine Degree, from a written list of three
520 (3) recommendations submitted by the Mississippi State Veterinary
521 Medical Association;

522 One (1) general farmer from a written list of three (3)
523 recommendations submitted by the Mississippi Farm Bureau
524 Federation;

525 One (1) poultry breeder and producer from a written list of
526 three (3) recommendations submitted by the Mississippi Poultry
527 Association;

528 One (1) small ruminant breeder and producer from a written
529 list of three (3) recommendations, one (1) recommendation
530 submitted by each of the following: the Mississippi Sheep



531 Producers' Association, the Mississippi Club Goat Association, and
532 the Mississippi Goat Association. If an association fails to
533 timely submit its recommendation, the Governor may appoint the
534 member from the list of recommendations submitted by the other
535 associations;

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

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

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

545 One (1) horse breeder and producer from a written list of
546 four (4) recommendations, one (1) recommendation submitted by each
547 of the following: the Mississippi Quarter Horse Association,
548 Tennessee Walking Horse Association, Mississippi Cutting Horse
549 Association and Mississippi State Equine Association. If an
550 association fails to timely submit its recommendation, the
551 Governor may appoint the member from the list of recommendations
552 submitted by the other associations;

553 One (1) catfish breeder and producer from a written list of
554 three (3) recommendations submitted by the Mississippi Catfish
555 Association; and



556 One (1) member of the Mississippi Livestock Auction
557 Association from a written list of three (3) recommendations
558 submitted by the Mississippi Livestock Auction Association.

559 All members shall take and subscribe to the general oath of
560 office as provided in Section 268, Mississippi Constitution of
561 1890, and file the same with the Commissioner of Agriculture and
562 Commerce.

563 (3) * * * The Mississippi Board of Animal Health, created by
564 former Section 69-15-2, is continued and reconstituted as follows:
565 Effective January 1, 2028, the board members shall be appointed by
566 the Governor, with the advice and consent of the Senate, for a
567 term of office of four (4) years, provided that six (6) such
568 members shall be appointed in 2028 to a term ending December 31,
569 2031, and five (5) such members shall be appointed in 2030 to a
570 term ending December 31, 2033. Appointments made at the beginning
571 of the four-year cycle shall be made to fill any member's term
572 which actually expires that year and any member's term which
573 expires next until the majority of the membership of the board or
574 commission is reached. Appointments made at the beginning of the
575 third year of the four-year cycle shall be made for the remainder
576 of the membership positions irrespective of the time of their
577 prior appointment. Any question regarding the order of
578 appointments shall be determined by the Secretary of State in
579 accordance with the specific statute. All appointment procedures,
580 vacancy provisions, interim appointment provisions and removal



581 provisions specifically provided for in Section 7-1-35,
582 Mississippi Code of 1972, shall be fully applicable to
583 appointments to the Mississippi Board of Animal Health, and to the
584 position of State Veterinarian.

585 (4) (a) "Commissioner" means the Commissioner of
586 Agriculture and Commerce.

587 (b) "Department" means the Department of Agriculture
588 and Commerce.

589 (5) On or before July 1, * * * 2028, the board shall
590 appoint, with the advice and consent of the Senate, from a written
591 list of not less than three (3) licensed veterinarians submitted
592 by the commissioner, the State Veterinarian, to serve for a term
593 of four (4) years.

594 (6) There is created an advisory council to advise the Board
595 of Animal Health on matters concerning the board. The council
596 shall be composed of the Chairman of the Senate Agriculture
597 Committee, the Chairman of the House Agriculture Committee, and
598 one (1) appointee of the Lieutenant Governor and one (1) appointee
599 of the Speaker of the House of Representatives. The members of
600 the advisory council shall serve in an advisory capacity only.
601 For attending meetings of the council, such legislators shall
602 receive per diem and expenses which shall be paid from the
603 contingent expense funds of their respective houses in the same
604 amounts provided for committee meetings when the Legislature is
605 not in session; however, no per diem or expenses for attending



606 meetings of the council shall be paid while the Legislature is in
607 session. No per diem and expenses shall be paid except for
608 attending meetings of the council without prior approval of the
609 proper committee in their respective houses.

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

612 73-1-5. The State Board of Architecture is composed of five
613 (5) members who are licensed architects residing in this state and
614 who have been engaged in the practice of architecture not less
615 than seven (7) years. It is the duty of the board to carry out
616 the purposes of this chapter as herein provided.

617 * * *

618 The State Board of Architecture, created by former Section
619 73-1-5, is continued and reconstituted as follows: Effective
620 January 1, 2028, the board members shall be appointed by the
621 Governor, with the advice and consent of the Senate, one (1) from
622 each Mississippi Supreme Court District and two (2) from the state
623 at large for a term of office of four (4) years, provided that
624 three (3) such members shall be appointed in 2028 to a term ending
625 December 31, 2031, and two (2) such members shall be appointed in
626 2030 to a term ending December 31, 2033. Appointments made at the
627 beginning of the four-year cycle shall be made to fill any
628 member's term which actually expires that year and any member's
629 term which expires next until the majority of the membership of
630 the board or commission is reached. Appointments made at the



631 beginning of the third year of the four-year cycle shall be made
632 for the remainder of the membership positions irrespective of the
633 time of their prior appointment. Any question regarding the order
634 of appointments shall be determined by the Secretary of State in
635 accordance with the specific statute. All appointment procedures,
636 vacancy provisions, interim appointment provisions and removal
637 provisions specifically provided for in Section 7-1-35,
638 Mississippi Code of 1972, shall be fully applicable to
639 appointments to the State Board of Architecture, and to the
640 position of executive director.

641 **SECTION 9.** Section 73-1-11, Mississippi Code of 1972, is
642 amended as follows:

643 73-1-11. The board is hereby authorized to pay from
644 registration and other fees provided for herein the expenses of
645 said board and the office thereof, the examinations held by said
646 board, the bond premium of the treasurer, the pay of clerks or
647 assistants hired by the board in the performance of its duties,
648 attorney's fees for services rendered in connection with the
649 affairs of the board, and fees and necessary expenses incident to
650 cooperation with national boards and like boards of other states,
651 and in no case shall any of such fees or expenses be paid by the
652 state of Mississippi or be charged against said state.

653 The board is authorized to appoint an executive director for
654 a term of four (4) years, with the advice and consent of the



655 Senate, and consistent with the provisions of Section 7-1-35,
656 Mississippi Code of 1972.

657 The members of the board shall be entitled to receive a per
658 diem in such amount as shall be set by resolution of the board but
659 not to exceed the amount provided for in Section 25-3-69, and
660 shall be entitled to be reimbursed for their traveling expenses
661 and hotel expenses incurred in the pursuance of their duties. The
662 secretary and treasurer of said board shall receive such annual
663 compensation as shall, by resolution adopted by the board, be
664 provided by the board, subject to the approval of the state
665 personnel board.

666 **SECTION 10.** Section 39-11-1, Mississippi Code of 1972, is
667 amended as follows:

668 39-11-1. (1) There is hereby created and established a
669 state commission to be known as the Mississippi Arts Commission,
670 to consist of fifteen (15) members broadly representative of all
671 fields of the performing, visual, literary arts, and the business
672 community, and who are to be appointed by the Governor from among
673 citizens of the state who have demonstrated a vital interest in
674 the performing, visual, or literary arts. These members shall
675 also be representative of the different geographical areas of the
676 state, with not more than five (5) members to be appointed from
677 any Mississippi Supreme Court District.

678 (2) The Mississippi Arts Commission, created by former
679 Section 39-11-1, is continued and reconstituted as follows:



680 Effective January 1, 2028, each member shall be appointed by the
681 Governor, with the advice and consent of the Senate, for a term of
682 office of four (4) years, provided that eight (8) such members
683 shall be appointed in 2028 to a term ending December 31, 2031, and
684 seven (7) such members shall be appointed in 2030 to a term ending
685 December 31, 2033. Appointments made at the beginning of the
686 four-year cycle shall be made to fill any member's term which
687 actually expires that year and any member's term which expires
688 next until the majority of the membership of the board or
689 commission is reached. Appointments made at the beginning of the
690 third year of the four-year cycle shall be made for the remainder
691 of the membership positions irrespective of the time of their
692 prior appointment. Any question regarding the order of
693 appointments shall be determined by the Secretary of State in
694 accordance with the specific statute. All appointment procedures,
695 vacancy provisions, interim appointment provisions and removal
696 provisions specifically provided for in Section 7-1-35,
697 Mississippi Code of 1972, shall be fully applicable to
698 appointments to the Mississippi Arts Commission, and to the
699 position of executive director.

700 **SECTION 11.** Section 39-11-5, Mississippi Code of 1972, is
701 amended as follows:

702 39-11-5. The chairman shall employ, with the approval of the
703 commission, an executive director as administrative officer, who
704 shall serve a term of four (4) years, with the advice and consent



705 of the Senate, and consistent with the provisions of Section
706 7-1-5, Mississippi Code of 1972. The executive director shall
707 employ other officers, experts and employees as may be needed and
708 shall fix their compensation within the amounts made available for
709 such purposes. Employment of staff members is subject to the
710 approval of the commission. The commission may also, at its
711 discretion, form advisory panels from qualified persons within the
712 state to obtain their advice and counsel on matters pertaining to
713 the arts. Members of these panels shall serve at the will and
714 pleasure of the commission and will receive no compensation.

715 **SECTION 12.** Section 75-75-103, Mississippi Code of 1972, is
716 amended as follows:

717 75-75-103. There is hereby created the Mississippi Athletic
718 Commission, hereinafter referred to as the commission. The
719 commission shall consist of three (3) members, each of whom shall
720 be a qualified voter and at least thirty (30) years of age. The
721 membership of the commission shall consist of a chairman of the
722 commission and two (2) associate commissioners, appointed by the
723 Governor, with the advice and consent of the Senate, to be
724 appointed from each of the three (3) Mississippi Supreme Court
725 Districts. * * * The Mississippi Athletic Commission, created by
726 former Section 75-75-103, is continued and reconstituted as
727 follows: Effective January 1, 2028, the commissioners shall be
728 appointed by the Governor, with the advice and consent of the
729 Senate, for a term of office of four (4) years, provided that two



730 (2) such members shall be appointed in 2028 to a term ending
731 December 31, 2031, and one (1) such member shall be appointed to a
732 term ending December 31, 2033. Appointments made at the beginning
733 of the four-year cycle shall be made to fill any member's term
734 which actually expires that year and any member's term which
735 expires next until the majority of the membership of the board or
736 commission is reached. Appointments made at the beginning of the
737 third year of the four-year cycle shall be made for the remainder
738 of the membership positions irrespective of the time of their
739 prior appointment. Any question regarding the order of
740 appointments shall be determined by the Secretary of State in
741 accordance with the specific statute. All appointment procedures,
742 vacancy provisions, interim appointment provisions and removal
743 provisions specifically provided for in Section 7-1-5, Mississippi
744 Code of 1972, shall be fully applicable to appointments to the
745 Mississippi Athletic Commission.

746 **SECTION 13.** Section 73-4-7, Mississippi Code of 1972, is
747 amended as follows:

748 73-4-7. (1) The Mississippi Auctioneer Commission is
749 created, and it shall have the authority to make such rules and
750 regulations as are reasonable and necessary for the orderly
751 regulation of the auctioneering profession and the protection of
752 the public, which rules and regulations are not inconsistent with
753 the Mississippi Constitution of 1890 and state laws. The
754 commission shall have the following powers:



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

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

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

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

767 (2) The Mississippi Auctioneer Commission shall consist of
768 five (5) members, one (1) from each * * * Mississippi Supreme
769 Court District and two (2) from the state at large, who shall be
770 appointed by the Governor, with the advice and consent of the
771 Senate. All appointees shall possess the following minimum
772 qualifications:

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

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

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



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

783 (3) * * * The Mississippi Auctioneer Commission, created by
784 former Section 73-4-7, is continued and reconstituted as follows:
785 Effective January 1, 2028, each commissioner shall be appointed by
786 the Governor, with the advice and consent of the Senate, for a
787 term of office of four (4) years, provided that three (3) such
788 members shall be appointed in 2028 to a term ending December 31,
789 2031, and two (2) such members shall be appointed in 2030 to a
790 term ending December 31, 2033. Appointments made at the beginning
791 of the four-year cycle shall be made to fill any member's term
792 which actually expires that year and any member's term which
793 expires next until the majority of the membership of the board or
794 commission is reached. Appointments made at the beginning of the
795 third year of the four-year cycle shall be made for the remainder
796 of the membership positions irrespective of the time of their
797 prior appointment. Any question regarding the order of
798 appointments shall be determined by the Secretary of State in
799 accordance with the specific statute. All appointment procedures,
800 vacancy provisions, interim appointment provisions and removal
801 provisions specifically provided for in Section 7-1-35,
802 Mississippi Code of 1972, shall be fully applicable to



803 appointments to the Mississippi Auctioneer Commission, and to the
804 position of executive director.

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

809 **SECTION 14.** Section 73-4-11, Mississippi Code of 1972, is
810 amended as follows:

811 73-4-11. (1) At the meeting to be held each January, the
812 commission shall elect from its membership a chairman and a vice
813 chairman. Each officer shall serve a term of one (1) year and
814 shall not vacate office until a successor is elected.

815 (2) The chairman shall preside at all meetings of the
816 commission.

817 (3) The vice chairman shall act as presiding officer in the
818 absence of the chairman and shall perform such other duties as the
819 chairman may direct.

820 (4) The commission shall appoint an executive director who
821 shall not be a member of the commission, to a term of four (4)
822 years, with the advice and consent of the Senate, consistent with
823 the provisions of Section 7-1-35, Mississippi Code of 1972.

824 (5) The executive director shall:

825 (a) Notify all members of meetings;



826 (b) Keep a record of all meetings of the commission,
827 votes taken by the commission and other proceedings, transactions,
828 communications, official acts and records of the commission; and
829 (c) Perform such other duties as the chairman directs.

830 **SECTION 15.** Section 37-169-3, Mississippi Code of 1972, is
831 amended as follows:

832 37-169-3. (1) Members of the Mississippi Autism Advisory
833 Committee shall be composed of the following:

834 (a) Five (5) persons who are the parents of children
835 with autism or ASD, with one (1) such person to be appointed by
836 the Governor, two (2) to be appointed by the Lieutenant Governor,
837 and two (2) to be appointed by the Speaker of the House;

838 (b) One (1) person who is a member of the governing
839 body of a school district, to be appointed by the State
840 Superintendent of Public Education;

841 (c) The State Superintendent of Public Education or the
842 Associate Superintendent of the Office of Special Education;

843 (d) One (1) person who is the director of special
844 education services in a school district, to be appointed by the
845 State Superintendent of Public Education;

846 (e) Two (2) members of the Mississippi Special
847 Education Advisory Committee, to be selected by the committee;

848 (f) Two (2) educators or behavioral specialists who
849 work directly with students with ASD, to be appointed by the State
850 Superintendent of Public Education;



851 (g) Two (2) Mississippi licensed psychologists who
852 perform evaluation or consultation with Mississippi schools, to be
853 appointed by the Mississippi Association of Psychology in the
854 Schools;

855 (h) The project director of the Mississippi Parent
856 Training and Information Center;

857 (i) Two (2) persons who are representatives of autism
858 advocacy groups or professionals who work with the advocacy groups
859 and provide services to individuals with autism or ASD, to be
860 appointed by the Executive Director of the Department of Mental
861 Health;

862 (j) One (1) person who is a representative of the State
863 Department of Mental Health, to be appointed by the executive
864 director of the department;

865 (k) One (1) person who is a representative of a private
866 mental health facility who provides services to youth with ASD, to
867 be appointed by the Executive Director of the State Department of
868 Mental Health;

869 (l) One (1) person who is a representative of the
870 University of Mississippi Medical Center and who provides medical
871 or other services to individuals with autism or ASD, to be
872 appointed by the Vice Chancellor of the University of Mississippi
873 Medical Center;



874 (m) Two (2) persons who are working in private industry
875 whose business has the potential to employ individuals with
876 autism, to be appointed by the Governor;

877 (n) One (1) person who is a Transition Specialist, to
878 be appointed by the State Superintendent of Public Education;

879 (o) One (1) representative of the T.K. Martin Center,
880 to be appointed by the Director of the T.K. Martin Center;

881 (p) One (1) representative of the Mississippi
882 Department of Rehabilitation Services;

883 (q) Two (2) persons who are licensed therapists, to be
884 appointed by the President of the Mississippi Speech Language and
885 Hearing Association;

886 (r) One (1) person who is a representative of the
887 Mississippi Department of Insurance, to be appointed by the
888 commissioner; and

889 (s) One (1) person who is a representative of the
890 Mississippi Department of Human Services, to be appointed by the
891 director of the department.

892 (2) The Mississippi Autism Advisory Committee, created by
893 former Section 37-169-3, is continued and reconstituted as
894 follows: Effective January 1, 2028, each member appointed by the
895 Governor or an official in the executive branch of government or a
896 private sector association shall be appointed, with the advice and
897 consent of the Senate, for a term of office of four (4) years,
898 provided that a majority of the membership of the committee as



899 designated by the Secretary of State shall be appointed in 2028 to
900 a term ending December 31, 2031, and the remainder of the
901 committee as designated by the Secretary of State shall be
902 appointed in 2030 to a term ending December 31, 2033.
903 Appointments made at the beginning of the four-year cycle shall be
904 made to fill any member's term which actually expires that year
905 and any member's term which expires next until the majority of the
906 membership of the board or commission is reached. Appointments
907 made at the beginning of the third year of the four-year cycle
908 shall be made for the remainder of the membership positions
909 irrespective of the time of their prior appointment. Any question
910 regarding the order of appointments shall be determined by the
911 Secretary of State in accordance with the specific statute. All
912 appointment procedures, vacancy provisions, interim appointment
913 provisions and removal provisions specifically provided for in
914 Section 7-1-35, Mississippi Code of 1972, shall be fully
915 applicable to appointments to the Mississippi Autism Advisory
916 Committee.

917 **SECTION 16.** Section 73-75-7, Mississippi Code of 1972, is
918 amended as follows:

919 73-75-7. (1) The Mississippi Autism Board shall consist of
920 five (5) members, three (3) to be appointed by the Governor, with
921 the advice and consent of the Senate, one (1) from each of the
922 three (3) Mississippi Supreme Court Districts and two (2) to be
923 appointed by the Lieutenant Governor, with the advice and consent



924 of the Senate, from the state at large. The Governor shall
925 appoint one (1) licensed psychologist practicing in the area of
926 applied behavior analysis, one (1) licensed behavior analyst, and
927 one (1) public member who is not licensed in behavior analysis and
928 who is the family member of a recipient of applied behavior
929 analysis services. The Lieutenant Governor shall appoint two (2)
930 licensed behavior analysts.

931 (2) * * * The Mississippi Autism Board, created by former
932 Section 73-75-7, is continued and reconstituted as follows:
933 Effective January 1, 2028, each board member shall be appointed,
934 with the advice and consent of the Senate, for a term of office of
935 four (4) years, provided that two (2) of the Governor's
936 appointments, as designated by the Secretary of State, shall be
937 appointed in 2028 to a term ending December 31, 2031, and one (1)
938 of the Governor's appointments, as designated by the Secretary of
939 State, shall be appointed in 2030 to a term ending December 31,
940 2033. Appointments made at the beginning of the four-year cycle
941 shall be made to fill any member's term which actually expires
942 that year and any member's term which expires next until the
943 majority of the membership of the board or commission is reached.
944 Appointments made at the beginning of the third year of the
945 four-year cycle shall be made for the remainder of the membership
946 positions irrespective of the time of their prior appointment.
947 Any question regarding the order of appointments shall be
948 determined by the Secretary of State in accordance with the



949 specific statute. All appointment procedures, vacancy provisions,
950 interim appointment provisions and removal provisions specifically
951 provided for in Section 7-1-35, Mississippi Code of 1972, shall be
952 fully applicable to appointment to the Mississippi Autism Board.

953 * * *

954 (* * *3) Each board member shall serve without
955 compensation, but shall receive actual traveling and incidental
956 expenses necessarily incurred while engaged in the discharge of
957 official duties.

958 **SECTION 17.** Section 81-1-61, Mississippi Code of 1972, is
959 amended as follows:

960 81-1-61. The management, control and direction of the
961 department shall be vested in the Commissioner of Banking and
962 Consumer Finance, who shall be directly responsible for the proper
963 functioning of the department. The commissioner shall be a banker
964 who possesses not less than ten (10) consecutive years of active
965 banking experience of which five (5) years' experience were
966 performed in a major policy-making function as an executive
967 officer, or shall be a person who possesses fifteen (15) years of
968 active experience as a state or federal financial institutions
969 examiner. The commissioner shall have been active in such major
970 policy-making function or actively employed by the state or
971 federal financial institutions regulatory authority within the
972 previous five (5) years of his appointment. Effective July 1,
973 2028, the commissioner shall be appointed by the Governor, with



974 the advice and consent of the Senate, for a term of office of four
975 (4) years, commencing on the day of appointment or on July 1 of
976 the year in which the Governor is inaugurated, whichever comes
977 first. The commissioner shall serve until his successor is
978 appointed and qualified, but in no event shall he serve past the
979 July 1 occurring after the end of the term of the Governor who
980 appointed him, unless he shall be reappointed by the new Governor.
981 If, for any cause, a vacancy occurs in the office of the
982 commissioner, the Governor shall make the appointment for the
983 unexpired term.

984 The commissioner shall be of good moral character, thoroughly
985 understanding the theory and practice of banking, and must be a
986 qualified elector of the State of Mississippi. The commissioner
987 shall not be an officer, director or employee of any banking
988 corporation during his entire term as commissioner, effective from
989 the time of his appointment.

990 The commissioner may be removed by the Governor for good
991 cause, but only after notice and a hearing.

992 All appointment procedures, vacancy provisions, interim
993 appointment provisions and removal provisions specifically
994 provided for in Section 7-1-35, Mississippi Code of 1972, shall be
995 fully applicable to appointments to the position of commissioner.

996 **SECTION 18.** Section 81-3-12, Mississippi Code of 1972, is
997 amended as follows:



998 81-3-12. (1) There is created the State Board of Banking
999 Review, which shall be composed of five (5) members appointed by
1000 the Governor as provided in this section, one (1) of whom shall be
1001 from the First Supreme Court District, one (1) of whom shall be
1002 from the Second Supreme Court District, one (1) of whom shall be
1003 from the Third Supreme Court District, and two (2) of whom shall
1004 be from the state at large. The members appointed from the state
1005 at large shall be designated as representatives of the banks and
1006 shall be active executive officers or directors of state chartered
1007 banks with actual practical experience of at least five (5) years
1008 therein. The members appointed from each Supreme Court District
1009 shall be persons knowledgeable in economic affairs and of
1010 recognized ability in a trade or business, with at least three (3)
1011 years' actual experience therein, but shall not presently be
1012 officers or directors in any banking corporation, shall not have
1013 been officers or directors in any banking corporation for the past
1014 five (5) years immediately prior to their appointment to the
1015 board, shall not become officers or directors of any banking
1016 corporation while serving on the board, and shall not be the
1017 beneficial owner, directly or indirectly, of five percent (5%) or
1018 more of the capital stock in any banking corporation; such persons
1019 shall be designated representatives of borrowers and depositors.
1020 Each member shall be eligible for reappointment at the discretion
1021 of the Governor. The board shall elect from its number a chairman
1022 and a vice chairman. Each member of the board shall be a citizen



1023 of the United States, a resident of the State of Mississippi and a
1024 qualified elector therein, of integrity and sound and nonpartisan
1025 judgment. Each member shall qualify by taking the oath of office
1026 and shall hold office until his successor is appointed and
1027 qualified.

1028 (2) * * * The State Board of Banking Review, created by
1029 former Section 81-3-12, is continued and reconstituted as follows:
1030 Effective January 1, 2028, the members of the board shall be
1031 appointed by the Governor, with the advice and consent of the
1032 Senate, for a term of office of four (4) years, provided that
1033 three (3) such members shall be appointed in 2028 to a term ending
1034 December 31, 2031, and two (2) such members shall be appointed in
1035 2030 to a term ending December 31, 2033. Appointments made at the
1036 beginning of the four-year cycle shall be made to fill any
1037 member's term which actually expires that year and any member's
1038 term which expires next until the majority of the membership of
1039 the board or commission is reached. Appointments made at the
1040 beginning of the third year of the four-year cycle shall be made
1041 for the remainder of the membership positions irrespective of the
1042 time of their prior appointment. Any question regarding the order
1043 of appointments shall be determined by the Secretary of State in
1044 accordance with the specific statute. All appointment procedures,
1045 vacancy provisions, interim appointment provisions and removal
1046 provisions specifically provided for in Section 7-1-35,



1047 Mississippi Code of 1972, shall be fully applicable to
1048 appointments to the State Board of Banking Review.

1049 (3) The members of the board shall serve without
1050 compensation except that members shall be paid their actual and
1051 necessary expenses in connection with the performance of their
1052 duties as members of the board, including mileage, as authorized
1053 in Section 25-3-41, plus a per diem as is authorized by law while
1054 engaged in the performance of such duties. Such expenses, mileage
1055 and per diem allowance shall be paid out of the maintenance fund
1056 of the Department of Banking and Consumer Finance.

1057 (4) If an application for authority to establish a bank,
1058 branch bank or branch office be filed with the commissioner for
1059 consideration from any municipality or county of which the member
1060 of the board who is a representative of the banks is a resident,
1061 or if such application is filed from any county in which the
1062 member's bank has a branch bank or branch office, such member
1063 shall be ineligible to serve in consideration and determination of
1064 such application, and the commissioner shall certify such fact to
1065 the Governor who shall thereupon appoint another banker from the
1066 same geographical location as the member who is ineligible to
1067 serve on the board in the place and stead of such member during
1068 consideration of such application.

1069 (5) In addition to its other duties and powers, the board
1070 may adopt reasonable rules or regulations, consistent with
1071 applicable provisions of law, concerning the conduct of board



1072 meetings and hearings and all formal and informal board procedures
1073 relating to such meetings and hearings. The board shall have
1074 authority, with respect to its hearings or meetings, to determine
1075 the order and form in which evidence may be presented and to
1076 impose reasonable time limitations on presentation of evidence.

1077 **SECTION 19.** Section 73-5-1, Mississippi Code of 1972, is
1078 amended as follows:

1079 73-5-1. The State Board of Barber Examiners is continued and
1080 reconstituted as follows: The Board of Barber Examiners shall
1081 consist of five (5) members, to be appointed by the Governor, with
1082 the advice and consent of the Senate, one (1) member to be
1083 appointed from each of the Mississippi Supreme Court
1084 Districts * * * and two (2) from the state at large. Each member
1085 shall be a practical barber and a qualified elector of this state.
1086 He shall have been engaged in the practice of barbering in the
1087 State of Mississippi for at least five (5) years immediately
1088 before the time of his appointment and shall be a person of good
1089 moral character. * * * From and after July 1, 2002, no member of
1090 the board who is connected in any way with any barbering school
1091 shall participate in the administration of examinations of barber
1092 applicants. From and after July 1, 2004, no member of the board
1093 shall be connected in any way with any school in which barbering
1094 is taught.

1095 * * *



1096 Effective January 1, 2028, the members of the Board of Barber
1097 Examiners shall be appointed by the Governor, with the advice and
1098 consent of the Senate, for a term of office of four (4) years,
1099 provided that three (3) such members shall be appointed in 2028 to
1100 a term ending December 31, 2031, and two (2) such members shall be
1101 appointed in 2030 to a term ending December 31, 2033.
1102 Appointments made at the beginning of the four-year cycle shall be
1103 made to fill any member's term which actually expires that year
1104 and any member's term which expires next until the majority of the
1105 membership of the board or commission is reached. Appointments
1106 made at the beginning of the third year of the four-year cycle
1107 shall be made for the remainder of the membership positions
1108 irrespective of the time of their prior appointment. Any question
1109 regarding the order of appointments shall be determined by the
1110 Secretary of State in accordance with the specific statute. All
1111 appointment procedures, vacancy provisions, interim appointment
1112 provisions and removal provisions specifically provided for in
1113 Section 7-1-35, Mississippi Code of 1972, shall be fully
1114 applicable to appointments to the Mississippi Board of Barber
1115 Examiners, and to the position of executive director.

1116 **SECTION 20.** Section 73-5-3, Mississippi Code of 1972, is
1117 amended as follows:

1118 73-5-3. The board shall elect a president and secretary and
1119 shall adopt and use a common seal for the authentication of its
1120 records and orders. The secretary shall keep a record of all



1121 proceedings and acts of the board and an accurate account of all
1122 funds received and disbursed, which shall be considered as public
1123 records.

1124 The secretary shall execute and file with the Secretary of
1125 State a bond in the sum of Ten Thousand Dollars (\$10,000.00)
1126 conditioned according to law, the bond to be made in a surety
1127 company authorized to do business in this state and approved by
1128 the Governor. The premium for the bond shall be paid out of the
1129 funds in the board's special fund in the State Treasury.

1130 A majority of the board shall constitute a quorum, and it is
1131 authorized to perform the requirements of this chapter at any
1132 regular or special meeting called for that purpose.

1133 Each member of the board shall receive per diem in accordance
1134 with Section 25-3-69 when actually attending to the work of the
1135 board or any of its committees, and shall be reimbursed for
1136 traveling expenses in accordance with Section 25-3-41 in carrying
1137 out the provisions of this chapter. The board shall employ an
1138 executive director with compensation to be established by the
1139 State Personnel Board, and the executive director shall devote his
1140 or her full time to oversee all day-to-day operations of the
1141 board. The executive director shall be appointed to a term of
1142 four (4) years, with the advice and consent of the Senate,
1143 consistent with the provisions of Section 7-1-35., The board may
1144 employ four (4) inspectors, one (1) to be appointed from each of
1145 the four (4) congressional districts, to make periodic inspections



1146 of all barbershops throughout the state and one (1) chief
1147 inspector to be appointed from the state at large to supervise
1148 inspections and investigations statewide. The board shall employ
1149 the necessary personnel to carry out the provisions of this
1150 chapter, and maintain and pay the expenses of an office to be
1151 located in the City of Jackson. All per diem, salaries and
1152 expenses shall be paid exclusively from the funds in the board's
1153 special fund, and salaries and expenses of personnel may be
1154 disbursed monthly.

1155 The board shall require such of its employees as it may
1156 consider necessary to make bond and file same with the Secretary
1157 of State in such sums as it may consider necessary to protect the
1158 interests of the barbers of the State of Mississippi and require
1159 the faithful performance of their duties.

1160 **SECTION 21.** Section 43-3-103, Mississippi Code of 1972, is
1161 amended as follows:

1162 43-3-103. (1) From and after July 1, 1997, the MIB shall be
1163 governed by a board of directors hereby created, to consist of
1164 four (4) persons appointed by the Governor, and three (3) by the
1165 Lieutenant Governor, with the advice and consent of the Senate,
1166 each of whom shall be a qualified elector of the State of
1167 Mississippi. The members of the board of directors appointed by
1168 the Governor shall include the following:

1169 (a) One (1) legally blind individual;



1170 (b) One (1) educator with expertise in rehabilitation
1171 or the field of blindness;

1172 (c) One (1) individual with at least five (5) years'
1173 actual experience in finance or a related field;

1174 (d) One (1) individual with at least five (5) years'
1175 actual experience in manufacturing or a related field.

1176 The members of the board of directors appointed by the
1177 Lieutenant Governor shall include the following:

1178 (a) One (1) legally blind individual;

1179 (b) One (1) individual with at least five (5) years'
1180 actual experience in marketing or a related field; and

1181 (c) One (1) individual who is a licensed practicing
1182 attorney.

1183 * * *

1184 The MIB Board of Directors, created by former Section
1185 43-3-103, is continued and reconstituted as follows: Effective
1186 January 1, 2028, the board of directors shall be appointed by the
1187 Governor and Lieutenant Governor, with the advice and consent of
1188 the Senate, for a term of office of four (4) years, provided that
1189 two (2) appointments by the Governor and two (2) appointments by
1190 the Lieutenant Governor as designated by the Secretary of State
1191 shall be appointed in 2028 to terms ending December 31, 2031, and
1192 the remainder of the board of directors as designated by the
1193 Secretary of State shall be appointed in 2030 to terms ending
1194 December 31, 2033. Appointments made at the beginning of the



1195 four-year cycle shall be made to fill any member's term which
1196 actually expires that year and any member's term which expires
1197 next until the majority of the membership of the board or
1198 commission is reached. Appointments made at the beginning of the
1199 third year of the four-year cycle shall be made for the remainder
1200 of the membership positions irrespective of the time of their
1201 prior appointment. Any question regarding the order of
1202 appointments shall be determined by the Secretary of State in
1203 accordance with the specific statute. All appointment procedures,
1204 vacancy provisions, interim appointment provisions and removal
1205 provisions specifically provided for in Section 7-1-35,
1206 Mississippi Code of 1972, shall be fully applicable to
1207 appointments to the MIB Board of Directors, and to the position of
1208 executive director.

1209 (2) The board of directors shall organize by selecting
1210 annually from its members a chairman and a vice chairman, and may
1211 do all things necessary and convenient for carrying into effect
1212 the provisions of this chapter. Each member of the board shall
1213 receive a per diem as provided in Section 25-3-69, Mississippi
1214 Code of 1972, plus travel and reasonable and necessary expenses
1215 incidental to the attendance at each meeting as provided in
1216 Section 25-3-41, including mileage.

1217 (3) The Lieutenant Governor may designate the Chairman of
1218 the Senate Committee on Public Health and Welfare and another
1219 member of the Senate and the Speaker of the House of



1220 Representatives may designate the Chairman of the House Committee
1221 on Public Health and Human Services and another member of the
1222 House to attend any meeting of the Board of Directors of the MIB.
1223 The appointing authorities may designate alternate members from
1224 their respective houses to serve when the regular designees are
1225 unable to attend such meetings of the board. Such legislative
1226 designees shall have no jurisdiction or vote on any matter within
1227 the jurisdiction of the board. For attending meetings of the
1228 board, such legislators shall receive per diem and expenses which
1229 shall be paid from the contingent expense funds of their
1230 respective houses in the same amounts as provided for committee
1231 meetings when the Legislature is not in session; however, no per
1232 diem and expenses for attending meetings of the board will be paid
1233 while the Legislature is in session. No per diem and expenses
1234 will be paid except for attending meetings of the board without
1235 prior approval of the proper committee in their respective houses.

1236 (4) It shall be the duty of the Board of Directors of MIB
1237 to:

1238 (a) Appoint and employ an executive director to a term
1239 of office of four (4) years, with the advice and consent of the
1240 Senate, consistent with the provisions of Section 7-1-35,
1241 Mississippi Code of 1972, who shall be the executive and
1242 administrative head of MIB and who shall serve at the pleasure of
1243 the board of directors. The Board of Directors of MIB shall set
1244 the compensation of the executive director.



1245 (b) Make and publish policies, rules and regulations,
1246 not inconsistent with the terms of this chapter, as may be
1247 necessary for the efficient administration and operation of MIB.

1248 (c) Adopt and publish rules and regulations, in its
1249 discretion, to establish a policy of sick leave with pay and
1250 personal leave with pay for MIB employees and to require that MIB
1251 offices be opened and staffed on legal holidays as determined
1252 necessary by the board of directors.

1253 (5) There is created a revolving fund in the State Treasury,
1254 which shall be used by the Mississippi Industries for the Blind
1255 for the purpose of taking advantage of contractual opportunities
1256 that would not be available to MIB without those funds and for the
1257 purpose of meeting the obligations of those types of contracts.
1258 The fund shall consist of monies that are specifically made
1259 available by the Legislature for the purpose of the fund. MIB
1260 shall not be authorized to expend any monies in the fund until it
1261 has received the prior written approval of the Executive Director
1262 of the Department of Finance and Administration and the State
1263 Treasurer. MIB shall repay to the fund all monies that it expends
1264 from the fund, which monies then may be used by MIB for future
1265 contractual opportunities and obligations. Monies in the fund at
1266 the end of a fiscal year shall not lapse into the State General
1267 Fund, and all interest earned on monies in the fund shall be
1268 credited to the fund.



1269 **SECTION 22.** Section 39-27-1, Mississippi Code of 1972, is
1270 amended as follows:

1271 39-27-1. (1) There is created the Mississippi Blues
1272 Commission, hereinafter referred to as the "commission." The
1273 commission may accept and expend grants and private donations from
1274 any source, including federal, state, public and private entities,
1275 to assist it to carry out its functions.

1276 (2) For purposes of this chapter, the term "blues" shall
1277 mean African-American roots music and the culture that created it.

1278 (3) The powers, functions and duties of the commission shall
1279 include, but shall not be limited to, the following:

1280 (a) To study, deliberate and report to the Governor and
1281 the Legislature on the best method or plan to market and foster an
1282 appreciation of the blues, to include tourism, academic study and
1283 blues archives, blues historical preservation, blues cultural
1284 education and the support of performing artists. The marketing
1285 plan shall be designed to attract tourists, conferences, music
1286 performances, filmmakers and others for the purpose of economic
1287 development of all geographic areas of the state, through the
1288 promotion of the blues and the heritage and culture that produced
1289 the blues, and to analyze the tourism potential of the blues for
1290 Mississippi.

1291 (b) To make an inventory of blues "assets" that make up
1292 the blues and blues culture that could be developed into a program



1293 for domestic and international tourism, and opportunities for
1294 investment.

1295 (c) To establish a statewide Mississippi "Blues Trail"
1296 infrastructure to offer to tourists and targeted groups a
1297 structured tour of Mississippi blues historical sites and
1298 performance venues.

1299 (d) To coordinate with the Division of Tourism of the
1300 Mississippi Development Authority, the Department of Archives and
1301 History, the Mississippi Department of Transportation, the
1302 Mississippi Educational Television Authority, the State
1303 Institutions of Higher Learning, the Center for the Study of
1304 Southern Culture at the University of Mississippi, the University
1305 Center for Economic Development at Mississippi Valley State
1306 University, the Delta Center for Culture and Learning at Delta
1307 State University, the Delta Blues Museum, the Delta Music
1308 Institute, the Mississippi Arts Commission and similar
1309 organizations in the sharing of resources and information in order
1310 to ensure a comprehensive approach to marketing the blues and
1311 blues culture in Mississippi.

1312 (e) To make recommendations regarding the establishment
1313 of, and budgeting for, a permanent Mississippi Office of the Blues
1314 as an agency of state government with an executive director and
1315 appropriate staff to carry out the marketing plan developed by the
1316 commission. To the extent practical, any office shall be located
1317 at an existing public or private location which is appropriate to



1318 the blues or blues culture in Mississippi, with minimal cost to
1319 the state.

1320 (f) To coordinate the blues marketing plan with any
1321 existing state historic preservation programs, in order to:

1322 (i) Identify and preserve blues historic
1323 properties or sites;

1324 (ii) Determine the eligibility of those properties
1325 or sites for listing on the National Register;

1326 (iii) Prepare nominations of those properties or
1327 sites for inclusion on the National Register;

1328 (iv) Maintain blues historical and archaeological
1329 data bases; and

1330 (v) Evaluate those properties and sites for
1331 eligibility for state and federal preservation incentives.

1332 (g) To raise and expend grant funds to provide
1333 assistance to any blues musicians in need.

1334 (h) To appoint and employ an executive director to a
1335 term of four (4) years, with the advice and consent of the Senate,
1336 consistent with the provisions of Section 7-1-35, Mississippi Code
1337 of 1972.

1338 (4) The commission shall be composed of the following
1339 members:

1340 (a) The Director of the Division of Tourism of the
1341 Mississippi Development Authority;



1342 (b) The Executive Director of the Mississippi
1343 Department of Archives and History, or his designee;
1344 (c) The Executive Director of the Mississippi Arts
1345 Commission, or his designee;
1346 (d) The Executive Director of the Mississippi
1347 Educational Television Authority, or his designee;
1348 (e) The Director of the Center for the Study of
1349 Southern Culture at the University of Mississippi;
1350 (f) Until April 10, 2008, the Director of the
1351 University Center for Economic Development at Mississippi Valley
1352 State University, and after April 10, 2008, a person designated by
1353 the President of Mississippi Valley State University;
1354 (g) The Director of the Delta Center for Culture and
1355 Learning at Delta State University;
1356 (h) The President of the B.B. King Museum and Delta
1357 Interpretive Center;
1358 (i) The State Director of the USDA Rural Development
1359 Agency;
1360 (j) Two (2) members of the Mississippi Senate
1361 designated by the Lieutenant Governor, who shall serve on a
1362 nonvoting basis;
1363 (k) Two (2) members of the Mississippi House of
1364 Representatives designated by the Speaker of the House, who shall
1365 serve on a nonvoting basis;



1366 (1) Two (2) members appointed by the Governor, who
1367 shall have experience in cultural affairs or tourism development
1368 in the Mississippi Delta; and

1369 (m) Four (4) members appointed by the Governor from the
1370 state at large, who shall have demonstrated a commitment to the
1371 understanding and promotion of the blues.

1372 (5) The Mississippi Blues Commission, created by former
1373 Section 39-27-1, is continued and reconstituted as follows:
1374 Effective January 1, 2028, the commission members appointed by the
1375 Governor shall be appointed, with the advice and consent of the
1376 Senate, for a term of office of four (4) years, provided that four
1377 (4) such members shall be appointed in 2028 to a term ending
1378 December 31, 2031, and two (2) such members shall be appointed in
1379 2030 to a term ending December 31, 2033. Appointments made at the
1380 beginning of the four-year cycle shall be made to fill any
1381 member's term which actually expires that year and any member's
1382 term which expires next until the majority of the membership of
1383 the board or commission is reached. Appointments made at the
1384 beginning of the third year of the four-year cycle shall be made
1385 for the remainder of the membership positions irrespective of the
1386 time of their prior appointment. Any question regarding the order
1387 of appointments shall be determined by the Secretary of State in
1388 accordance with the specific statute. All appointment procedures,
1389 vacancy provisions, interim appointment provisions and removal
1390 provisions specifically provided for in Section 7-1-35,



1391 Mississippi Code of 1972, shall be fully applicable to
1392 gubernatorial appointments to the Mississippi Blues Commission.

1393 (* * *6) The Governor shall designate one (1) commission
1394 member to serve as chairman for a term concurrent with that of the
1395 Governor. The commission shall meet upon the call of the chairman
1396 not later than August 1, 2004, and shall organize for business by
1397 adopting internal organizational procedures necessary for
1398 efficient operation of the commission, including officers, quorum
1399 requirements and policies for any commission staff. Each member
1400 of the commission shall designate necessary staff of his or her
1401 respective agency, department, university or business entity, as
1402 the case may be, to provide administrative support to assist the
1403 commission in performing its duties and responsibilities. The
1404 commission shall meet and conduct business at least quarterly each
1405 year. Meetings of the commission shall be open to the public and
1406 opportunity for public comment shall be made available.

1407 (* * *7) Members of the commission shall receive no
1408 compensation for their services.

1409 (* * *8) The commission shall submit a report, including
1410 any proposed legislation, to the Governor and to the Legislature
1411 before the convening of the 2009 Regular Session. The report
1412 shall include a comprehensive state plan for marketing the blues
1413 as specifically provided above.

1414 (* * *9) All departments, boards, agencies, officers and
1415 institutions of the state, and all subdivisions thereof, shall



1416 cooperate with the commission in carrying out its purposes under
1417 this chapter.

1418 (* * *10) Any funds or donations received by the commission
1419 shall be deposited into a special fund which is created in the
1420 State Treasury. The fund shall be maintained by the State
1421 Treasurer as a special fund, separate and apart from the General
1422 Fund of the state. Unexpended amounts remaining in the special
1423 fund at the end of a fiscal year shall not lapse into the State
1424 General Fund, and any interest earned or investment earnings on
1425 amounts in the fund shall be deposited to the credit of the
1426 special fund.

1427 Monies in the fund shall be expended by the Department of
1428 Finance and Administration after receipt of requisitions submitted
1429 by the appropriate person designated by the commission. Monies in
1430 the special fund may be used by the commission in carrying out its
1431 responsibilities under this chapter.

1432 **SECTION 23.** Section 31-13-1, Mississippi Code of 1972, is
1433 amended as follows:

1434 31-13-1. The Governor, with the advice and consent of the
1435 Senate, shall appoint a qualified and practicing attorney at law,
1436 to be known as the State Bond Attorney, who shall possess the same
1437 qualifications for office as the Attorney General, * * * and whose
1438 duties shall be those hereinafter specified. Effective July 1,
1439 2028, the State Bond Attorney shall be appointed by the Governor,
1440 with the advice and consent of the Senate, for a term of office of



1441 four (4) years, commencing on the day of appointment or on July 1
1442 of the year in which the Governor is inaugurated, whichever comes
1443 first. All appointment procedures, vacancy provisions, interim
1444 appointment provisions and removal provisions specifically
1445 provided for in Section 7-1-35, Mississippi Code of 1972, shall be
1446 fully applicable to appointments to the position of State Bond
1447 Attorney.

1448 **SECTION 24.** Section 57-10-167, Mississippi Code of 1972, is
1449 amended as follows:

1450 57-10-167. There is hereby established the Certified
1451 Development Company of Mississippi, a public corporation, which
1452 shall be an incorporated certified development company pursuant to
1453 Section 503 of the Small Business Investment Act of 1958, as
1454 amended.

1455 The Certified Development Company of Mississippi, Inc.,
1456 hereinafter referred to as the "committee" unless the context
1457 clearly indicates otherwise, shall be composed of twenty-five (25)
1458 members as follows:

1459 (a) The State Treasurer; the Executive Director of the
1460 University Research Center or his designee; the Executive Director
1461 of the Mississippi Development Authority; the Executive Director
1462 of the Small Business Development Center; six (6) persons
1463 associated with small business to be appointed by the
1464 Governor * * *; three (3) persons associated with small business
1465 to be appointed by the Lieutenant Governor * * *; five (5) persons



1466 involved in banking or small business to be appointed by the
1467 Governor * * *; and two (2) persons involved in banking or small
1468 business to be appointed by the Lieutenant Governor * * *.

1469 (b) * * * The Central Development Company of
1470 Mississippi, created by former Section 57-10-167, is continued and
1471 reconstituted as follows: Effective January 1, 2028, the members
1472 shall be appointed by the Governor and Lieutenant Governor, with
1473 the advice and consent of the Senate, for a term of office of four
1474 (4) years, provided that of the appointees of the Governor, six
1475 (6) shall be appointed in 2028 to a term ending December 31, 2031,
1476 and five (5) shall be appointed in 2030 to a term ending December
1477 31, 2033, and of the appointees of the Lieutenant Governor, three
1478 (3) shall be appointed in 2028 to a term ending December 31, 2031,
1479 and two (2) shall be appointed in 2030 to a term ending December
1480 31, 2033. Appointments made at the beginning of the four-year
1481 cycle shall be made to fill any member's term which actually
1482 expires that year and any member's term which expires next until
1483 the majority of the membership of the board or commission is
1484 reached. Appointments made at the beginning of the third year of
1485 the four-year cycle shall be made for the remainder of the
1486 membership positions irrespective of the time of their prior
1487 appointment. Any question regarding the order of appointments
1488 shall be determined by the Secretary of State in accordance with
1489 the specific statute. All appointment procedures, vacancy
1490 provisions, interim appointment provisions and removal provisions



1491 specifically provided for in Section 7-1-35, Mississippi Code of
1492 1972, shall be fully applicable to appointments by the Governor
1493 and Lieutenant Governor to the Central Development Company of
1494 Mississippi committee. Members serving by reason of their ex
1495 officio designation shall continue to serve as long as they occupy
1496 the position which entitles them to membership.

1497 Members who are officers or employees of the state shall
1498 receive no compensation for their services, and other committee
1499 members shall receive a per diem as provided in Section 25-3-69,
1500 Mississippi Code of 1972. All members shall receive reimbursement
1501 for actual traveling and subsistence expenses incurred in the
1502 performance of their duties under this article, such reimbursement
1503 to be as provided in Section 25-3-41, Mississippi Code of 1972.

1504 The Certified Development Company of Mississippi, Inc., shall
1505 have an executive director who shall be appointed by the board of
1506 directors.

1507 The Certified Development Company of Mississippi, Inc., shall
1508 elect from among its membership a nine-member board of directors,
1509 a majority of whom shall be a quorum, a president and vice
1510 president and may appoint a secretary and a treasurer.

1511 From and after July 1, 1989, the Certified Development
1512 Company of Mississippi, Inc., shall be known as the Mississippi
1513 Business Finance Corporation, and wherever the term "Certified
1514 Development Company of Mississippi, Inc.," appears in the laws of



1515 this state it shall mean the Mississippi Business Finance
1516 Corporation.

1517 **SECTION 25.** Section 29-5-213, Mississippi Code of 1972, is
1518 amended as follows:

1519 29-5-213. (1) Effective January 1, 2028, the Capitol
1520 Complex Improvement District Project Advisory Committee shall be
1521 continued and reconstituted as follows: There is created the
1522 Capitol Complex Improvement District Project Advisory Committee
1523 composed of the following nine (9) members:

1524 (a) The Mayor of the City of Jackson or his or her
1525 designee;

1526 (b) One (1) member appointed by the City Council of the
1527 City of Jackson with an initial term of one (1) year and
1528 subsequent regular terms of four (4) years;

1529 (c) Two (2) members appointed by the Governor, with the
1530 advice and consent of the Senate, one (1) for an initial term of
1531 two (2) years and one (1) for an initial term of four (4) years,
1532 both with subsequent regular terms of four (4) years;

1533 (d) One (1) member appointed by the Lieutenant
1534 Governor, with the advice and consent of the Senate, for an
1535 initial term of four (4) years and subsequent regular terms of
1536 four (4) years;

1537 (e) One (1) member appointed by the Speaker of the
1538 House of Representatives, with the advice and consent of the



1539 Senate, for an initial term of two (2) years and subsequent
1540 regular terms of four (4) years;

1541 (f) One (1) member appointed by the President of
1542 Jackson State University, with the advice and consent of the
1543 Senate;

1544 (g) One (1) member appointed by the Vice Chancellor for
1545 Health Affairs of University of Mississippi Medical Center, with
1546 the advice and consent of the Senate; and

1547 (h) The Director of the City of Jackson Department of
1548 Public Works or his or her designee.

1549 All appointment procedures, vacancy provisions, interim
1550 appointment provisions and removal provisions specifically
1551 provided for in Section 7-1-35, Mississippi Code of 1972, shall be
1552 fully applicable to appointments to the Capitol Complex
1553 Improvement District Project Advisory Committee.

1554 The member appointed under paragraph (b) of this subsection
1555 (1) shall be a resident of the City of Jackson in Hinds County.

1556 (2) Members appointed to the committee shall not also serve
1557 as members of the commission established by the City of Jackson
1558 pursuant to Section 27-65-241. Appointed members shall serve
1559 without compensation at the will and pleasure of the appointing
1560 authority.

1561 (3) The committee shall elect a chairman and such other
1562 officers as it considers necessary from among its members.



1563 (4) A majority of the members of the committee shall
1564 constitute a quorum for the conduct of meetings and all actions of
1565 the committee shall be by a majority vote.

1566 (5) The committee shall consult with the Department of
1567 Finance and Administration and advise the department in the
1568 development of comprehensive plans for improvement projects in the
1569 city and any changes to such plans.

1570 (6) The committee shall meet, subject to call by the
1571 Executive Director of the Department of Finance and
1572 Administration, at least quarterly to conduct business.

1573 **SECTION 26.** Section 37-28-7, Mississippi Code of 1972, is
1574 amended as follows:

1575 37-28-7. (1) There is created the Mississippi Charter
1576 School Authorizer Board as a state agency with exclusive
1577 chartering jurisdiction in the State of Mississippi. Unless
1578 otherwise authorized by law, no other governmental agency or
1579 entity may assume any charter authorizing function or duty in any
1580 form.

1581 (2) (a) The mission of the Mississippi Charter School
1582 Authorizer Board is to authorize high-quality charter schools,
1583 particularly schools designed to expand opportunities for
1584 underserved students, consistent with the purposes of this
1585 chapter. Subject to the restrictions and conditions prescribed in
1586 this subsection, the Mississippi Charter School Authorizer Board



1587 may authorize charter schools within the geographical boundaries
1588 of any school district.

1589 (b) The Mississippi Charter School Authorizer Board may
1590 approve a maximum of fifteen (15) qualified charter applications
1591 during a fiscal year.

1592 (c) In any school district designated as an "A," "B" or
1593 "C" school district by the State Board of Education under the
1594 accreditation rating system at the time of application, the
1595 Mississippi Charter School Authorizer Board may authorize charter
1596 schools only if a majority of the members of the local school
1597 board votes at a public meeting to endorse the application or to
1598 initiate the application on its own initiative.

1599 (3) The Mississippi Charter School Authorizer Board shall
1600 consist of seven (7) members, to be appointed as follows:

1601 (a) Three (3) members appointed by the Governor, with
1602 one (1) member being from each of the Mississippi Supreme Court
1603 Districts.

1604 (b) Three (3) members appointed by the Lieutenant
1605 Governor, with one (1) member being from each of the Mississippi
1606 Supreme Court Districts.

1607 (c) One (1) member appointed by the State
1608 Superintendent of Public Education.

1609 All appointments must be made with the advice and consent of
1610 the Senate. In making the appointments, the appointing authority



1611 shall ensure diversity among members of the Mississippi Charter
1612 School Authorizer Board.

1613 (4) Members appointed to the Mississippi Charter School
1614 Authorizer Board collectively must possess strong experience and
1615 expertise in public and nonprofit governance, management and
1616 finance, public school leadership, assessment, curriculum and
1617 instruction, and public education law. Each member of the
1618 Mississippi Charter School Authorizer Board must have demonstrated
1619 an understanding of and commitment to charter schooling as a
1620 strategy for strengthening public education.

1621 (5) * * * The Mississippi Charter School Authorizer Board,
1622 created by former Section 37-28-7, is continued and reconstituted
1623 as follows: Effective January 1, 2028, the Mississippi Charter
1624 School Authorizer Board members shall be appointed by the
1625 prescribed appointing authority, with the advice and consent of
1626 the Senate, for a term of office of four (4) years, provided that
1627 four (4) such members shall be appointed in 2028 to a term ending
1628 December 31, 2031, and three (3) such members shall be appointed
1629 in 2030 to a term ending December 31, 2033. Appointments made at
1630 the beginning of the four-year cycle shall be made to fill any
1631 member's term which actually expires that year and any member's
1632 term which expires next until the majority of the membership of
1633 the board or commission is reached. Appointments made at the
1634 beginning of the third year of the four-year cycle shall be made
1635 for the remainder of the membership positions irrespective of the



1636 time of their prior appointment. Any question regarding the order
1637 of appointments shall be determined by the Secretary of State in
1638 accordance with the specific statute. All appointment procedures,
1639 vacancy provisions, interim appointment provisions and removal
1640 provisions specifically provided for in Section 7-1-35,
1641 Mississippi Code of 1972, shall be fully applicable to
1642 appointments to the Mississippi Charter School Authorizer Board,
1643 and to the position of executive director.

1644 (6) The Mississippi Charter School Authorizer Board shall
1645 meet as soon as practical after September 1, 2013, upon the call
1646 of the Governor, and shall organize for business by selecting a
1647 chairman and adopting bylaws. Subsequent meetings shall be called
1648 by the chairman.

1649 * * *

1650 (* * *7) No member of the Mississippi Charter School
1651 Authorizer Board or employee, agent or representative of the board
1652 may serve simultaneously as an employee, trustee, agent,
1653 representative, vendor or contractor of a charter school
1654 authorized by the board.

1655 (* * *8) The Mississippi Charter School Authorizer Board
1656 shall appoint an individual to serve as the Executive Director of
1657 the Mississippi Charter School Authorizer Board, with the advice
1658 and consent of the Senate, for a term of four (4) years consistent
1659 with the provisions of Section 7-1-35, Mississippi Code of 1972.

1660 The executive director shall possess the qualifications



1661 established by the board which are based on national best
1662 practices, and shall possess an understanding of state and federal
1663 education law. The executive director, who shall serve at the
1664 will and pleasure of the board, shall devote his full time to the
1665 proper administration of the board and the duties assigned to him
1666 by the board and shall be paid a salary established by the board,
1667 subject to the approval of the State Personnel Board. Subject to
1668 the availability of funding, the executive director may employ
1669 such administrative staff as may be necessary to assist the
1670 director and board in carrying out the duties and directives of
1671 the Mississippi Charter School Authorizer Board.

1672 (* * *9) The Mississippi Charter School Authorizer Board is
1673 authorized to obtain suitable office space for administrative
1674 purposes. In acquiring a facility or office space, the authorizer
1675 board shall adhere to all policies and procedures required by the
1676 Department of Finance and Administration and the Public
1677 Procurement Review Board.

1678 **SECTION 27.** Section 73-6-3, Mississippi Code of 1972, is
1679 amended as follows:

1680 73-6-3. There is hereby created a State Board of
1681 Chiropractic Examiners. This board shall consist of six (6)
1682 members; one (1) of whom shall be the executive officer of the
1683 State Board of Health, or his designee, and one (1) from
1684 each * * * Mississippi Supreme Court District as presently
1685 constituted and two (2) from the state at large, to be appointed



1686 by the Governor with the advice and consent of the Senate. Each
1687 member except the executive officer of the State Board of Health
1688 shall be a qualified elector of the State of Mississippi having
1689 been continuously engaged in the practice of chiropractic in
1690 Mississippi for at least five (5) years prior to appointment. No
1691 member shall be a stockholder in or member of the faculty or board
1692 of trustees of any school of chiropractic. * * * The State Board
1693 of Chiropractic Examiners, created by former Section 73-6-3, is
1694 continued and reconstituted as follows: Effective January 1,
1695 2028, the State Board of Chiropractic Examiners shall be appointed
1696 by the Governor, with the advice and consent of the Senate, for a
1697 term of office of four (4) years, provided that three (3) members
1698 shall be appointed in 2028 to a term ending December 31, 2031, and
1699 two (2) such members shall be appointed in 2030 to a term ending
1700 December 31, 2033. Appointments made at the beginning of the
1701 four-year cycle shall be made to fill any member's term which
1702 actually expires that year and any member's term which expires
1703 next until the majority of the membership of the board or
1704 commission is reached. Appointments made at the beginning of the
1705 third year of the four-year cycle shall be made for the remainder
1706 of the membership positions irrespective of the time of their
1707 prior appointment. Any question regarding the order of
1708 appointments shall be determined by the Secretary of State in
1709 accordance with the specific statute. All appointment procedures,
1710 vacancy provisions, interim appointment provisions, and removal



1711 provisions specifically provided for in Section 7-1-35,
1712 Mississippi Code of 1972, shall be fully applicable to
1713 appointments to the State Board of Chiropractic Examiners, and to
1714 the position of executive secretary.

1715 **SECTION 28.** Section 73-6-5, Mississippi Code of 1972, is
1716 amended as follows:

1717 73-6-5. (1) The State Board of Chiropractic Examiners shall
1718 select by election from its membership a chairman and vice
1719 chairman who shall hold their respective offices for a period of
1720 one (1) year. A majority of the members of the board may select
1721 an executive secretary for a term of four (4) years, with the
1722 advice and consent of the Senate, and consistent with the
1723 provisions of Section 7-1-35, Mississippi Code of 1972; and may
1724 hire such other employees, including an attorney, needed to
1725 implement the provisions of this chapter. The board shall hold
1726 regular meetings for examination beginning on the second week of
1727 January and July of each year; and may hold additional meetings at
1728 such times and places as it deems necessary, but not to exceed
1729 twelve (12) times during its initial calendar year and at least
1730 four (4) times during any subsequent calendar year but may hold
1731 meetings at such times and places as it deems necessary. The July
1732 meeting shall be held in the Jackson Metropolitan area. A
1733 majority of the board shall constitute a quorum, and the
1734 concurrence of a majority of the members of the board shall be
1735 required to grant or revoke a license. The board shall make such



1736 rules and regulations as is necessary to carry out the provisions
1737 of this chapter; however, the board shall not adopt any rule or
1738 regulation or impose any requirement regarding the licensing of
1739 chiropractors that conflicts with the prohibitions in Section
1740 73-49-3. A copy of these rules and regulations as well as all
1741 changes thereto shall, upon passage, be sent to all practitioners
1742 licensed under this chapter.

1743 (2) The State Board of Chiropractic Examiners shall be
1744 authorized to certify to the State Department of Health those
1745 chiropractic assistants who are exempt from registration under
1746 Section 41-58-3(7)(d) as having completed continuing education
1747 requirements and charge a fee of not more than Fifty Dollars
1748 (\$50.00) annually to each individual whom the board certifies, as
1749 required under Section 41-58-5(4) and (6). The board shall be
1750 authorized to establish educational qualifications and continuing
1751 education requirements for chiropractic assistants that
1752 participate in direct patient care. This section does not
1753 prohibit a chiropractic assistant from rendering ancillary
1754 services or procedures used in chiropractic practice, other than
1755 the adjustments or manipulative techniques, if those services are
1756 rendered under the supervision and control of a licensed
1757 chiropractor as long as the chiropractic assistant has
1758 successfully completed a training program recognized by the board.
1759 "Supervision and control" may not be construed as requiring the
1760 personal presence of the supervising and controlling chiropractor



1761 at the place where those services are rendered, unless physical
1762 presence is necessary to provide patient care of the same quality
1763 as provided by the chiropractor. This section does not prohibit a
1764 chiropractor from delegating to a chiropractic assistant certain
1765 activities relating to patient care and treatment when those
1766 activities are under supervision or direct order of the
1767 chiropractor. The chiropractor delegating those activities to an
1768 employee, to a program graduate, or to a participant in an
1769 approved training program is legally liable for those activities
1770 performed by such a chiropractic assistant and that chiropractic
1771 assistant is considered to be the chiropractor's agent. The board
1772 shall charge a fee not to exceed Fifty Dollars (\$50.00) annually
1773 for this certification and annual renewal. Likewise, a late fee
1774 of One Hundred Dollars (\$100.00) shall be charged on all
1775 chiropractic assistants and chiropractic radiological
1776 technologists not renewing on or before July 1 of each year.
1777 Chiropractic radiological technologists are not exempt from these
1778 continuing education requirements.

1779 **SECTION 29.** Section 39-5-91, Mississippi Code of 1972, is
1780 amended as follows:

1781 39-5-91. (1) There is hereby created a Mississippi Civil
1782 War Battlefield Commission consisting of the following fifteen
1783 (15) members:

1784 (a) Nine (9) members appointed by the Governor with
1785 three (3) serving for an initial term concluding on March 1, 1998,



1786 three (3) serving for an initial term concluding on March 1, 2000,
1787 and three (3) serving for an initial term concluding on March 1,
1788 2002;

1789 (b) One (1) member appointed by the Lieutenant Governor
1790 for an initial term concluding on March 1, 2002;

1791 (c) One (1) member appointed by the Speaker of the
1792 Mississippi House of Representatives for an initial term
1793 concluding on March 1, 2002;

1794 (d) One (1) member appointed by the Jackson Civil War
1795 Roundtable for an initial term concluding on March 1, 2002; and

1796 (e) Three (3) members appointed by the Board of
1797 Trustees of the Department of Archives and History for an initial
1798 term concluding on March 1, 2002.

1799 * * *

1800 The Mississippi Civil War Battlefield Commission, created by
1801 former Section 39-5-91, is continued and reconstituted as follows:
1802 Effective January 1, 2028, the members of the Civil War
1803 Battlefield Commission shall be appointed by the prescribed
1804 appointing authority, with the advice and consent of the Senate,
1805 for a term of office of four (4) years, provided that eight (8) of
1806 such members designated by the Secretary of State shall be
1807 appointed in 2028 to a term ending December 31, 2031, and seven
1808 (7) of such members designated by the Secretary of State shall be
1809 appointed in 2030 to a term ending December 31, 2033.
1810 Appointments made at the beginning of the four-year cycle shall be



1811 made to fill any member's term which actually expires that year
1812 and any member's term which expires next until the majority of the
1813 membership of the board or commission is reached. Appointments
1814 made at the beginning of the third year of the four-year cycle
1815 shall be made for the remainder of the membership positions
1816 irrespective of the time of their prior appointment. Any question
1817 regarding the order of appointments shall be determined by the
1818 Secretary of State in accordance with the specific statute. All
1819 appointment procedures, vacancy provisions, interim appointment
1820 provisions and removal provisions specifically provided for in
1821 Section 7-1-35, Mississippi Code of 1972, shall be fully
1822 applicable to appointments to the Mississippi Civil War
1823 Battlefield Commission.

1824 (2) The commission shall elect from its membership a
1825 chairman who shall preside over meetings and a vice chairman who
1826 shall preside in the absence of the chairman or when the chairman
1827 shall be excused.

1828 (3) The commission shall adopt rules and regulations
1829 governing times and places for meetings. A majority of members of
1830 the commission shall constitute a quorum for the transaction of
1831 any business. The commission shall meet at least quarterly. The
1832 commission may form subcommittees to address specific issues
1833 concerning preservation and enhancement of Civil War sites and
1834 structures. The commission may adopt other procedures necessary
1835 to ensure the orderly transaction of business.



1836 (4) The members of the commission shall receive no
1837 compensation for their services.

1838 (5) Principal staff support for the commission shall be
1839 provided by the Department of Archives and History. Other
1840 agencies shall assist when requested by the commission.

1841 (6) The commission shall have the following duties:

1842 (a) Identify and prioritize for protecting
1843 Mississippi's Civil War sites and structures;

1844 (b) Identify, analyze and enhance preservation
1845 opportunities for Mississippi's Civil War sites and structures;

1846 (c) Review existing local, state and federal plans,
1847 programs and policies related to Mississippi's Civil War sites and
1848 structures;

1849 (d) Develop relationships with federal and local
1850 officials and private conservation organizations which facilitate
1851 protection and enhancement of Civil War sites and structures;

1852 (e) Coordinate Mississippi's participation with the
1853 federal government and private foundations to secure support and
1854 financial resources for the protection and enhancement of Civil
1855 War sites and structures;

1856 (f) Advise state agencies on matters relating to Civil
1857 War sites and structures; and

1858 (g) Perform any other such duties or actions in an
1859 effort to advance Civil War history in Mississippi.



1860 (7) The commission shall submit to the Governor an annual
1861 report by December 1 of each year which shall include
1862 recommendations for any legislative, administrative or other
1863 changes the commission deems necessary to further Civil War
1864 history in Mississippi.

1865 (8) State agencies shall consider the impact of their
1866 actions on Civil War sites and structures as identified by the
1867 commission whenever permitting, planning, funding or undertaking
1868 any construction projects.

1869 **SECTION 30.** Section 37-155-7, Mississippi Code of 1972, is
1870 amended as follows:

1871 37-155-7. (1) The board of directors shall consist of
1872 thirteen (13) members as follows:

1873 (a) Nine (9) voting members as follows: the State
1874 Treasurer; the Commissioner of Higher Education, or his designee;
1875 the Executive Director of the Community and Junior College Board,
1876 or his designee; the Department of Finance and Administration
1877 Executive Director, or his designee; and one (1) member from
1878 each * * * Mississippi Supreme Court District and two (2) from the
1879 state at large to be appointed by the Governor with the advice and
1880 consent of the Senate. * * * The MPACT Board of Directors,
1881 created by former Section 37-155-7, is continued and reconstituted
1882 as follows: Effective January 1, 2028, the appointed MPACT Board
1883 members shall be appointed by the Governor, with the advice and
1884 consent of the Senate, for a term of office of four (4) years,



1885 provided that three (3) such members shall be appointed in 2028 to
1886 a term ending December 31, 2031, and two (2) such members shall be
1887 appointed in 2030 to a term ending December 31, 2033.

1888 Appointments made at the beginning of the four-year cycle shall be
1889 made to fill any member's term which actually expires that year
1890 and any member's term which expires next until the majority of the
1891 membership of the board or commission is reached. Appointments
1892 made at the beginning of the third year of the four-year cycle
1893 shall be made for the remainder of the membership positions
1894 irrespective of the time of their prior appointment. Any question
1895 regarding the order of appointments shall be determined by the
1896 Secretary of State in accordance with the specific statute. All
1897 appointment procedures, vacancy provisions, interim appointment
1898 provisions and removal provisions specifically provided for in
1899 Section 7-1-35, Mississippi Code of 1972, shall be fully
1900 applicable to appointments to the MPACT Board of Directors. Ex
1901 officio members of the board may be represented at official
1902 meetings by their deputy, or other designee, and such designees
1903 shall have full voting privileges and shall be included in the
1904 determination of a quorum for conducting board business.

1905 (b) Two (2) nonvoting, advisory members of the board
1906 shall be appointed by each of the following officers: the
1907 Lieutenant Governor and the Speaker of the House of
1908 Representatives.

1909 * * *



1910 (* * *2) Each member appointed shall possess knowledge,
1911 skill and experience in business or financial matters commensurate
1912 with the duties and responsibilities of the trust fund.

1913 (* * *3) Members of the board of directors shall serve
1914 without compensation, but shall be reimbursed for each day's
1915 official duties of the board at the same per diem as established
1916 by Section 25-3-69 and actual travel and lodging expenses as
1917 established by Section 25-3-41.

1918 (* * *4) The board of directors shall annually elect one
1919 (1) member to serve as chairman of the board and one (1) member to
1920 serve as vice chairman. The vice chairman shall act as chairman
1921 in the absence of or upon the disability of the chairman or in the
1922 event of a vacancy of the office of chairman.

1923 (* * *5) A majority of the currently serving members of the
1924 board shall constitute a quorum for the purposes of conducting
1925 business and exercising its official powers and duties. Any
1926 action taken by the board shall be upon the vote of a majority of
1927 the members present.

1928 **SECTION 31.** Section 65-1-46, Mississippi Code of 1972, is
1929 amended as follows:

1930 65-1-46. (1) There is created an Appeals Board of the
1931 Mississippi Transportation Commission. If any person feels
1932 aggrieved by a penalty for excess weight assessed against him by
1933 an agent or employee of the Mississippi Department of
1934 Transportation pursuant to Section 27-19-89, he may apply to the



1935 appeals board. Beginning July 1, 2021, the Appeals Board shall be
1936 administratively located within the Commercial Transportation
1937 Enforcement Division of the Mississippi Department of Public
1938 Safety and shall receive appeals with respect to penalties for
1939 excess weight assessed by agents or employees of the Commercial
1940 Transportation Enforcement Division.

1941 (2) The members serving on the appeals board on April 7,
1942 1995, shall continue to serve until July 1, 1995. On July 1,
1943 1995, the appeals board shall be reconstituted to be composed of
1944 five (5) qualified people. The initial appointments to the
1945 reconstituted board shall be made no later than June 30, 1995, for
1946 terms to begin July 1, 1995, as follows: One (1) member shall be
1947 appointed by the Governor for a term ending on June 30, 1996, one
1948 (1) member shall be appointed by the Lieutenant Governor for a
1949 term ending on June 30, 1997, one (1) member shall be appointed by
1950 the Attorney General for a term ending on June 30, 1998, one (1)
1951 member shall be appointed by the * * * Commissioner of Revenue for
1952 a term ending on June 30, 1999, and one (1) member shall be
1953 appointed by the Executive Director of the Mississippi Department
1954 of Transportation for a term ending on June 30, 2000. After the
1955 expiration of the initial terms of the members of the
1956 reconstituted board, all subsequent appointments shall be made for
1957 terms of four (4) years from the expiration date of the previous
1958 term. Any member serving on the appeals board before July 1,
1959 1995, may be reappointed to the reconstituted appeals board.



1960 Appointments to the board shall be with the advice and consent of
1961 the Senate; however, the advice and consent of the Senate shall
1962 not be required for the appointment of a person to the
1963 reconstituted appeals board for a term beginning on July 1, 1995,
1964 if such person was serving as a member of the appeals board on
1965 June 30, 1995, and such person received the advice and consent of
1966 the Senate for that appointment. The term of the member appointed
1967 by the Executive Director of the Mississippi Department of
1968 Transportation shall end on June 30, 2021, and the vacancy shall
1969 be filled by a member appointed by the Commissioner of Public
1970 Safety for a term ending on June 30, 2024, after which the
1971 position shall be for a four-year term.

1972 (3) The Appeals Board of the Mississippi Transportation
1973 Commission, created by former Section 65-1-46, is continued and
1974 reconstituted as follows: Effective January 1, 2028, the Appeals
1975 Board of the Mississippi Transportation Commission shall consist
1976 of five (5) members, one (1) appointed by each of the following:
1977 the Governor from the Central Supreme Court District, the
1978 Lieutenant Governor from the state at large, the Attorney General
1979 from the state at large, the Executive Director of the Department
1980 of Revenue from the Southern Supreme Court District, and the
1981 Commissioner of Public Safety from the Northern Supreme Court
1982 District. Said members shall be appointed by the appointing
1983 authority, with the advice and consent of the Senate, for a term
1984 of office of four (4) years, provided that three (3) members



1985 designated by the Secretary of State shall be appointed in 2028 to
1986 a term ending December 31, 2031, and two (2) such members
1987 designated by the Secretary of State shall be appointed in 2030 to
1988 a term ending December 31, 2033. Appointments made at the
1989 beginning of the four-year cycle shall be made to fill any
1990 member's term which actually expires that year and any member's
1991 term which expires next until the majority of the membership of
1992 the board or commission is reached. Appointments made at the
1993 beginning of the third year of the four-year cycle shall be made
1994 for the remainder of the membership positions irrespective of the
1995 time of their prior appointment. Any question regarding the order
1996 of appointments shall be determined by the Secretary of State in
1997 accordance with the specific statute. All appointment procedures,
1998 vacancy provisions, interim appointment provisions and removal
1999 provisions specifically provided for in Section 7-1-35,
2000 Mississippi Code of 1972, shall be fully applicable to
2001 appointments to the Appeals Board of the Mississippi
2002 Transportation Commission.

2003 (* * *4) There shall be a chairman and vice chairman of the
2004 board who shall be elected by and from the membership of the
2005 board. Any member who fails to attend three (3) consecutive
2006 regular meetings of the board shall be subject to removal by a
2007 majority vote of the board. A majority of the members of the
2008 board shall constitute a quorum. The chairman, or a majority of
2009 the members of the board, may call meetings as may be required for



2010 the proper discharge of the board's duties. Members of the board,
2011 except a member who is an officer or employee of the Mississippi
2012 Department of Transportation or, beginning July 1, 2021, is an
2013 officer or employee of the Department of Public Safety, shall
2014 receive per diem in the amount authorized by Section 25-3-69, for
2015 each day spent in the actual discharge of their duties and shall
2016 be reimbursed for mileage and actual expenses incurred in the
2017 performance of their duties in accordance with the provisions of
2018 Section 25-3-41.

2019 Application shall be made by petition in writing, within
2020 thirty (30) days after assessment of the penalty, for a hearing
2021 and a review of the amount of the assessment. At the hearing the
2022 appeals board shall try the issues presented according to the law
2023 and the facts and within guidelines set by the Transportation
2024 Commission or, beginning July 1, 2021, by the Department of Public
2025 Safety. Upon due consideration of all the facts relating to the
2026 assessment of the penalty, the appeals board, except as otherwise
2027 provided under this section or under Section 27-19-89, may require
2028 payment of the full amount of the assessment, may reduce the
2029 amount of the assessment or may dismiss imposition of the penalty
2030 entirely. The appeals board shall dismiss in its entirety the
2031 imposition of any penalty imposed against the holder of a harvest
2032 permit if the permittee proves to the appeals board, by clear and
2033 convincing evidence, that the average load transported by the
2034 permittee during the permittee's last five (5) haul days



2035 immediately preceding the day upon which the penalty appealed from
2036 was assessed did not exceed eighty thousand (80,000) pounds. The
2037 appeals board shall reduce the penalty assessed against the holder
2038 of a harvest permit to a maximum of Two Cents (2¢) per pound of
2039 overweight if the permittee proves to the appeals board, by clear
2040 and convincing evidence, that the average load transported by the
2041 permittee during the permittee's last five (5) haul days
2042 immediately preceding the day upon which the penalty appealed from
2043 was assessed exceeded seventy-nine thousand nine hundred
2044 ninety-nine (79,999) pounds but did not exceed a gross vehicle
2045 weight tolerance of ten percent (10%), not to exceed eighty-eight
2046 thousand (88,000) pounds. The board shall make such orders in the
2047 matter as appear to it just and lawful and shall furnish copies
2048 thereof to the petitioner. If the appeals board orders the
2049 payment of the penalty, the petitioner shall pay the penalty,
2050 damages and interest, if any, within ten (10) days after the order
2051 is issued unless there is an application for appeal from the
2052 decision of the board as provided in the succeeding paragraph.
2053 Interest shall accrue on the penalty at the rate of one percent
2054 (1%) per month, or part of a month, beginning immediately after
2055 the expiration of the ten-day period.

2056 If any person feels aggrieved by the decision of the appeals
2057 board, he may appeal the decision to the Chancery Court of the
2058 First Judicial District of Hinds County.



2059 **SECTION 32.** Section 19-5-333, Mississippi Code of 1972, is
2060 amended as follows:

2061 19-5-333. (1) There is created a Commercial Mobile Radio
2062 Service (CMRS) Board, consisting of eight (8) members to be
2063 appointed by the Governor with the advice and consent of the
2064 Senate. The members of the board shall be appointed as follows:

2065 (a) One (1) member from the Northern Public Service
2066 Commission District selected from two (2) nominees submitted to
2067 the Governor by the Mississippi 911 Coordinators Association;

2068 (b) One (1) member from the Central Public Service
2069 Commission District selected from two (2) nominees submitted to
2070 the Governor by the Mississippi Chapter of the Association of
2071 Public Safety Communication Officers;

2072 (c) One (1) member from the Southern Public Service
2073 Commission District selected from two (2) nominees submitted to
2074 the Governor by the National Emergency Numbering Association;

2075 (d) Two (2) members who are wireless provider
2076 representatives;

2077 (e) One (1) member who is a consumer representing the
2078 state at large with no affiliation to the three (3) trade
2079 associations or the wireless providers;

2080 (f) One (1) member who is a member of the Mississippi
2081 Law Enforcement Officers Association selected from two (2)
2082 nominees submitted to the Governor by the association; and



2083 (g) One (1) member who is a member of the Mississippi
2084 Association of Supervisors selected from two (2) nominees
2085 submitted to the Governor by the association.

2086 * * *

2087 The CMRS Board, created by former Section 19-5-333, is
2088 continued and reconstituted as follows: Effective January 1,
2089 2028, the Governor shall make the prescribed appointments, with
2090 the advice and consent of the Senate, for a term of office of four
2091 (4) years, provided that five (5) such members shall be appointed
2092 in 2028 to a term ending December 31, 2031, and three (3) such
2093 members shall be appointed in 2030 to a term ending December 31,
2094 2033. Appointments made at the beginning of the four-year cycle
2095 shall be made to fill any member's term which actually expires
2096 that year and any member's term which expires next until the
2097 majority of the membership of the board or commission is reached.
2098 Appointments made at the beginning of the third year of the
2099 four-year cycle shall be made for the remainder of the membership
2100 positions irrespective of the time of their prior appointment.
2101 Any question regarding the order of appointments shall be
2102 determined by the Secretary of State in accordance with the
2103 specific statute. All appointment procedures, vacancy provisions,
2104 interim appointment provisions and removal provisions specifically
2105 provided for in Section 7-1-35, Mississippi Code of 1972, shall be
2106 fully applicable to appointments to the CMRS Board.

2107 (2) The board shall have the following powers and duties:



2108 (a) To collect and distribute a CMRS emergency
2109 telephone service charge on each CMRS customer whose place of
2110 primary use is within the state. The rate of such CMRS service
2111 charge shall be One Dollar (\$1.00) per month per CMRS connection.
2112 In the case of prepaid wireless service, the rate and methodology
2113 for collecting and remitting the 911 charge is governed by Section
2114 19-5-343. The CMRS service charge shall have uniform application
2115 and shall be imposed throughout the state. The board is
2116 authorized to receive all revenues derived from the CMRS service
2117 charge levied on CMRS connections in the state and collected
2118 pursuant to Section 19-5-335.

2119 (b) To establish and maintain the CMRS Fund as an
2120 insured, interest-bearing account into which the board shall
2121 deposit all revenues derived from the CMRS service charge levied
2122 on CMRS connections in the state and collected pursuant to Section
2123 19-5-335. The revenues which are deposited into the CMRS Fund
2124 shall not be monies or property of the state and shall not be
2125 subject to appropriation by the Legislature. Interest derived
2126 from the CMRS Fund shall be divided equally to pay reasonable
2127 costs incurred by providers in compliance with the requirements of
2128 Sections 19-5-331 through 19-5-341 and to compensate those
2129 persons, parties or firms employed by the CMRS Board as
2130 contemplated in paragraph (d) of this subsection. The interest
2131 income is not subject to the two percent (2%) cap on
2132 administrative spending established in Section 19-5-335(3).



2133 (c) To establish a distribution formula by which the
2134 board will make disbursements of the CMRS service charge in the
2135 following amounts and in the following manner:

2136 (i) Out of the funds collected by the board,
2137 thirty percent (30%) shall be deposited into the CMRS Fund, and
2138 shall be used to defray the administrative expenses of the board
2139 in accordance with Section 19-5-335(3) and to pay the actual costs
2140 incurred by such CMRS providers in complying with the wireless
2141 E911 service requirements established by the FCC Order and any
2142 rules and regulations which are or may be adopted by the FCC
2143 pursuant to the FCC Order, including, but not limited to, costs
2144 and expenses incurred for designing, upgrading, purchasing,
2145 leasing, programming, installing, testing or maintaining all
2146 necessary data, hardware and software required in order to provide
2147 such service as well as the incremental costs of operating such
2148 service. Sworn invoices must be presented to the board in
2149 connection with any request for payment and approved by a majority
2150 vote of the board prior to any such disbursement, which approval
2151 shall not be withheld or delayed unreasonably. In no event shall
2152 any invoice for payment be approved for the payment of costs that
2153 are not related to compliance with the wireless E911 service
2154 requirements established by the FCC Order and any rules and
2155 regulations which are or may be adopted by the FCC pursuant to the
2156 FCC Order, and any rules and regulations which may be adopted by
2157 the FCC with respect to implementation of wireless E911 services.



2158 (ii) The remainder of all funds collected by the
2159 board, which shall not be less than seventy percent (70%) of the
2160 total funds collected by the board, shall be distributed by the
2161 board monthly based on the number of CMRS connections in each ECD
2162 for use in providing wireless E911 service, including capital
2163 improvements, and in their normal operations. For purposes of
2164 distributing the funds to each ECD, every CMRS provider shall
2165 identify to the CMRS Board the ECD to which funds should be
2166 remitted based on zip code plus four (4) designation, as required
2167 by the federal Uniform Sourcing Act.

2168 An ECD board that has within its jurisdiction zip code
2169 designations that do not adhere to county lines shall assist CMRS
2170 providers in determining the appropriate county to which funds
2171 should be distributed.

2172 (d) To contract for the services of accountants,
2173 attorneys, consultants, engineers and any other persons, firms or
2174 parties the board deems necessary to effectuate the purposes of
2175 Sections 19-5-331 through 19-5-341.

2176 (e) To obtain from an independent, third-party auditor
2177 retained by the board annual reports to the board no later than
2178 sixty (60) days after the close of each fiscal year, which shall
2179 provide an accounting for all CMRS service charges deposited into
2180 the CMRS Fund during the preceding fiscal year and all
2181 disbursements to ECDs during the preceding fiscal year. The board
2182 shall provide a copy of the annual reports to the Chairmen of the



2183 Public Utilities Committees of the House of Representatives and
2184 Senate.

2185 (f) To retain an independent, third-party accountant
2186 who shall audit CMRS providers at the discretion of the CMRS Board
2187 to verify the accuracy of each CMRS providers' service charge
2188 collection. The information obtained by the audits shall be used
2189 solely for the purpose of verifying that CMRS providers accurately
2190 are collecting and remitting the CMRS service charge and may be
2191 used for any legal action initiated by the board against CMRS
2192 providers.

2193 (g) To levy interest charges at the legal rate of
2194 interest established in Section 75-17-1 on any amount due and
2195 outstanding from any CMRS provider who fails to remit service
2196 charges in accordance with Section 19-5-335(1).

2197 (h) To promulgate such rules and regulations as may be
2198 necessary to effect the provisions of Sections 19-5-331 through
2199 19-5-341.

2200 (i) To make the determinations and disbursements as
2201 provided by Section 19-5-333(2) (c).

2202 (j) To maintain a registration database of all CMRS
2203 providers and to impose an administrative fine on any provider
2204 that fails to comply with the registration requirements in Section
2205 19-5-335.

2206 (3) The CMRS service charge provided in subsection (2) (a) of
2207 this section and the service charge provided in Section 19-5-357



2208 to fund the training of public safety telecommunicators shall be
2209 the only charges assessed to CMRS customers relating to emergency
2210 telephone services.

2211 (4) The board shall serve without compensation; however,
2212 members of the board shall be entitled to be reimbursed for actual
2213 expenses and travel costs associated with their service in an
2214 amount not to exceed the reimbursement authorized for state
2215 officers and employees in Section 25-3-41, Mississippi Code of
2216 1972.

2217 (5) It is the Legislature's intent to ensure that the State
2218 of Mississippi shall be Phase I compliant by July 1, 2005. For
2219 purposes of this subsection, Phase I compliant means the mandate
2220 by the FCC that requires any carrier when responding to a PSAP to
2221 define and deliver data related to the cell site location and the
2222 caller's call-back number.

2223 **SECTION 33.** Section 37-4-3, Mississippi Code of 1972, is
2224 amended as follows:

2225 37-4-3. (1) From and after July 1, 1986, there shall be a
2226 Mississippi Community College Board which shall receive and
2227 distribute funds appropriated by the Legislature for the use of
2228 the public community and junior colleges and funds from federal
2229 and other sources that are transmitted through the state
2230 governmental organization for use by said colleges. This board
2231 shall provide general coordination of the public community and



2232 junior colleges, assemble reports and such other duties as may be
2233 prescribed by law.

2234 (2) The board shall consist of ten (10) members of which
2235 none shall be an elected official. Until January 1, 2028, the
2236 Governor shall appoint two (2) members from the First Mississippi
2237 Congressional District, one (1) who shall serve an initial term of
2238 two (2) years and one (1) who shall serve an initial term of five
2239 (5) years; two (2) members from the Second Mississippi
2240 Congressional District, one (1) who shall serve an initial term of
2241 five (5) years and one (1) who shall serve an initial term of
2242 three (3) years; and two (2) members from the Third Mississippi
2243 Congressional District, one (1) who shall serve an initial term of
2244 four (4) years and one (1) who shall serve an initial term of two
2245 (2) years; two (2) members from the Fourth Mississippi
2246 Congressional District, one (1) who shall serve an initial term of
2247 three (3) years and one (1) who shall serve an initial term of
2248 four (4) years; and two (2) members from the Fifth Mississippi
2249 Congressional District, one (1) who shall serve an initial term of
2250 five (5) years and one (1) who shall serve an initial term of two
2251 (2) years. All subsequent appointments shall be for a term of six
2252 (6) years and continue until their successors are appointed and
2253 qualify. An appointment to fill a vacancy which arises for
2254 reasons other than by expiration of a term of office shall be for
2255 the unexpired term only. All members shall be appointed with the
2256 advice and consent of the Senate.



2257 The Mississippi Community College Board, created by former
2258 Section 37-4-3, is continued and reconstituted as follows:
2259 Effective January 1, 2028, the Governor shall appoint three (3)
2260 members from each Mississippi Supreme Court District and one (1)
2261 from the state at large. The members shall be appointed by the
2262 Governor, with the advice and consent of the Senate, for a term of
2263 office of four (4) years, provided that six (6) members shall be
2264 appointed in 2028 to a term ending December 31, 2031, and four (4)
2265 members shall be appointed in 2030 to a term ending December 31,
2266 2033. Appointments made at the beginning of the four-year cycle
2267 shall be made to fill any member's term which actually expires
2268 that year and any member's term which expires next until the
2269 majority of the membership of the board or commission is reached.
2270 Appointments made at the beginning of the third year of the
2271 four-year cycle shall be made for the remainder of the membership
2272 positions irrespective of the time of their prior appointment.
2273 Any question regarding the order of appointments shall be
2274 determined by the Secretary of State in accordance with the
2275 specific statute. All appointment procedures, vacancy provisions,
2276 interim appointment provisions and removal provisions specifically
2277 provided for in Section 7-1-35, Mississippi Code of 1972, shall be
2278 fully applicable to appointments to the Mississippi Community
2279 College Board, and to the position of executive director.

2280 (3) There shall be a chairman and vice chairman of the
2281 board, elected by and from the membership of the board; and the



2282 chairman shall be the presiding officer of the board. The board
2283 shall adopt rules and regulations governing times and places for
2284 meetings and governing the manner of conducting its business.

2285 (4) The members of the board shall receive no annual salary,
2286 but shall receive per diem compensation as authorized by Section
2287 25-3-69, Mississippi Code of 1972, for each day devoted to the
2288 discharge of official board duties and shall be entitled to
2289 reimbursement for all actual and necessary expenses incurred in
2290 the discharge of their duties, including mileage as authorized by
2291 Section 25-3-41, Mississippi Code of 1972.

2292 (5) Effective July 1, 2028, the board shall name a director
2293 for the state system of public junior and community colleges, with
2294 the advice and consent of the Senate, who shall serve * * * for a
2295 term of four (4) years consistent with the provisions of Section
2296 7-1-35. Such director shall be the chief executive officer of the
2297 board, give direction to the board staff, carry out the policies
2298 set forth by the board, and work with the presidents of the
2299 several community and junior colleges to assist them in carrying
2300 out the mandates of the several boards of trustees and in
2301 functioning within the state system and policies established by
2302 the Mississippi Community College Board. The Mississippi
2303 Community College Board shall set the salary of the director of
2304 the board. The Legislature shall provide adequate funds for the
2305 Mississippi Community College Board, its activities and its staff.



2306 (6) The powers and duties of the Mississippi Community
2307 College Board shall be:

2308 (a) To authorize disbursements of state-appropriated
2309 funds to community and junior colleges through orders in the
2310 minutes of the board.

2311 (b) To make studies of the needs of the state as they
2312 relate to the mission of the community and junior colleges.

2313 (c) To approve new, changes to and deletions of
2314 vocational and technical programs to the various colleges.

2315 (d) To require community and junior colleges to supply
2316 such information as the board may request and compile, publish and
2317 make available such reports based thereon as the board may deem
2318 advisable.

2319 (e) To approve proposed new attendance centers (campus
2320 locations) as the local boards of trustees should determine to be
2321 in the best interest of the district. Provided, however, that no
2322 new community/junior college branch campus shall be approved
2323 without an authorizing act of the Legislature.

2324 (f) To serve as the state approving agency for federal
2325 funds for proposed contracts to borrow money for the purpose of
2326 acquiring land, erecting, repairing, etc., dormitories, dwellings
2327 or apartments for students and/or faculty, such loans to be paid
2328 from revenue produced by such facilities as requested by local
2329 boards of trustees.



2330 (g) To approve applications from community and junior
2331 colleges for state funds for vocational-technical education
2332 facilities.

2333 (h) To approve any university branch campus offering
2334 lower undergraduate level courses for credit.

2335 (i) To appoint members to the Post-Secondary
2336 Educational Assistance Board.

2337 (j) To appoint members to the Authority for Educational
2338 Television.

2339 (k) To contract with other boards, commissions,
2340 governmental entities, foundations, corporations or individuals
2341 for programs, services, grants and awards when such are needed for
2342 the operation and development of the state public community and
2343 junior college system.

2344 (l) To fix standards for community and junior colleges
2345 to qualify for appropriations, and qualifications for community
2346 and junior college teachers.

2347 (m) To have sign-off approval on the State Plan for
2348 Vocational Education which is developed in cooperation with
2349 appropriate units of the State Department of Education.

2350 (n) To approve or disapprove of any proposed inclusion
2351 within municipal corporate limits of state-owned buildings and
2352 grounds of any community college or junior college and to approve
2353 or disapprove of land use development, zoning requirements,
2354 building codes and delivery of governmental services applicable to



2355 state-owned buildings and grounds of any community college or
2356 junior college. Any agreement by a local board of trustees of a
2357 community college or junior college to annexation of state-owned
2358 property or other conditions described in this paragraph shall be
2359 void unless approved by the board and by the board of supervisors
2360 of the county in which the state-owned property is located.

2361 **SECTION 34.** Section 31-3-3, Mississippi Code of 1972, is
2362 amended as follows:

2363 31-3-3. There is hereby created the State Board of
2364 Contractors of the State of Mississippi, which shall consist of
2365 ten (10) members who shall be appointed by the Governor. All
2366 appointments to the board shall be made with the advice and
2367 consent of the Senate. Two (2) road contractors; two (2) building
2368 contractors; two (2) residential builders as defined in Section
2369 73-59-1; one (1) plumbing or heating and air-conditioning
2370 contractor; one (1) electrical contractor; and one (1) water and
2371 sewer contractor shall compose the board. The Governor shall
2372 appoint one (1) additional member who shall be a roofing
2373 contractor and whose term of office shall be five (5) years. Each
2374 member shall be an actual resident of the State of Mississippi and
2375 must have been actually engaged in the contracting business for a
2376 period of not less than ten (10) years before appointment. The
2377 initial terms of the two (2) residential builders shall be for two
2378 (2) and four (4) years, respectively.



2379 * * * The State Board of Contractors, created by former
2380 Section 31-3-3, is continued and reconstituted as follows:
2381 Effective January 1, 2028, the Governor shall appoint ten (10)
2382 members, three (3) from each Mississippi Supreme Court District
2383 and one (1) from the state at large, so as to maintain on the
2384 board two (2) building contractors; two (2) road contractors; two
2385 (2) residential builders; one (1) plumbing or heating and
2386 air-conditioning contractor; one (1) electrical contractor; and
2387 one (1) water and sewer contractor; and one (1) roofing
2388 contractor. * * * Each board member shall be appointed by the
2389 Governor, with the advice and consent of the Senate, for a term of
2390 office of four (4) years, provided that six (6) members shall be
2391 appointed in 2028 to a term ending December 31, 2031, and four (4)
2392 members shall be appointed in 2030 to a term ending December 31,
2393 2033. Appointments made at the beginning of the four-year cycle
2394 shall be made to fill any member's term which actually expires
2395 that year and any member's term which expires next until the
2396 majority of the membership of the board or commission is reached.
2397 Appointments made at the beginning of the third year of the
2398 four-year cycle shall be made for the remainder of the membership
2399 positions irrespective of the time of their prior appointment.
2400 Any question regarding the order of appointments shall be
2401 determined by the Secretary of State in accordance with the
2402 specific statute. All appointment procedures, vacancy provisions,
2403 interim appointment provisions and removal provisions specifically



2404 provided for in Section 7-1-35, Mississippi Code of 1972, shall be
2405 fully applicable to appointments to the State Board of
2406 Contractors, and to the position of executive director.

2407 **SECTION 35.** Section 31-3-11, Mississippi Code of 1972, is
2408 amended as follows:

2409 31-3-11. The board shall elect and fix the salary of an
2410 executive director * * * for a term of four (4) years, with the
2411 advice and consent of the Senate, and consistent with the
2412 provisions of Section 7-1-35, Mississippi Code of 1972. The board
2413 shall require the executive director to file bond in such amount
2414 as the board may deem necessary, and shall specify the duties of
2415 such employee. The premium on any such bond shall be paid from
2416 the funds provided by this chapter.

2417 **SECTION 36.** Section 69-44-3, Mississippi Code of 1972, is
2418 amended as follows:

2419 69-44-3. (1) The Mississippi Corn Promotion Board is
2420 hereby * * * continued and reconstituted, to be composed of twelve
2421 (12) members to be appointed by the Governor * * *, four (4) to be
2422 appointed from each Mississippi Supreme Court District. All of
2423 the twelve (12) members of the board shall be producers of corn in
2424 the State of Mississippi. * * * The Mississippi Farm Bureau
2425 Federation, Inc., the Mississippi Feed and Grains Association, the
2426 Mississippi Corn Growers Association and the Delta Council shall
2427 each submit the names of six (6) corn producers to the Governor,
2428 and he shall appoint three (3) members from the nominees of each



2429 organization to serve on the board * * *. * * * Effective January
2430 1, 2028, each board member shall be appointed by the Governor,
2431 with the advice and consent of the Senate, for a term of office of
2432 four (4) years, provided that seven (7) members shall be appointed
2433 in 2028 to a term ending December 31, 2031, and five (5) members
2434 shall be appointed in 2030 to a term ending December 31, 2033.
2435 Appointments made at the beginning of the four-year cycle shall be
2436 made to fill any member's term which actually expires that year
2437 and any member's term which expires next until the majority of the
2438 membership of the board or commission is reached. Appointments
2439 made at the beginning of the third year of the four-year cycle
2440 shall be made for the remainder of the membership positions
2441 irrespective of the time of their prior appointment. Any question
2442 regarding the order of appointments shall be determined by the
2443 Secretary of State in accordance with the specific statute. All
2444 appointment procedures, vacancy provisions, interim appointment
2445 provisions and removal provisions specifically provided for in
2446 Section 7-1-35, Mississippi Code of 1972, shall be fully
2447 applicable to appointments to the Mississippi Corn Promotion
2448 Board.

2449 (2) The members of the board shall meet and organize
2450 immediately after their appointment, and shall elect a chairman,
2451 vice chairman and secretary-treasurer from the membership of the
2452 board, whose duties shall be those customarily exercised by such
2453 officers or specifically designated by the board. The chairman,



2454 vice chairman and secretary-treasurer shall be bonded in an amount
2455 not less than Twenty Thousand Dollars (\$20,000.00). The cost of
2456 the bonds shall be paid from the funds received under this
2457 chapter. The bond shall be a security for any illegal act of such
2458 member of the board and recovery thereon may be had by the state
2459 for any injury by the illegal act of the member. The board may
2460 establish rules and regulations for its own government and the
2461 administration of the affairs of the board.

2462 **SECTION 37.** Section 47-5-8, Mississippi Code of 1972, is
2463 amended as follows:

2464 47-5-8. (1) There is created the Mississippi Department of
2465 Corrections, which shall be under the policy direction of the
2466 Governor. The chief administrative officer of the department
2467 shall be the Commissioner of Corrections. Effective July 1, 2028,
2468 the commissioner shall be appointed by the Governor, with the
2469 advice and consent of the Senate, for a four-year term of office
2470 in the manner provided in Section 47-5-24. All appointment
2471 procedures specifically provided for in Section 7-1-35,
2472 Mississippi Code of 1972, shall be fully applicable to
2473 appointments to the position of Commissioner of Corrections.

2474 (2) (a) There shall be an Executive Deputy Commissioner who
2475 shall be directly responsible to the Commissioner of Corrections
2476 within the department who shall serve as the Commissioner of
2477 Corrections in the absence of the commissioner and shall assume
2478 any and all duties that the Commissioner of Corrections assigns,



2479 including, but not limited to, supervising all other deputy
2480 commissioners. The salary of the Executive Deputy Commissioner
2481 shall not exceed the salary of the Commissioner of Corrections.

2482 (b) There shall be a Division of Administration and
2483 Finance within the department, which shall have as its chief
2484 administrative officer a Deputy Commissioner for Administration
2485 and Finance who shall be appointed by the commissioner, and shall
2486 be directly responsible to the commissioner.

2487 (c) There shall be a Division of Community Corrections
2488 within the department, which shall have as its chief
2489 administrative officer a Deputy Commissioner for Community
2490 Corrections, who shall be appointed by the commissioner, and shall
2491 be directly responsible to the commissioner. The Probation and
2492 Parole Board shall continue to exercise the authority as provided
2493 by law, but after July 1, 1976, the Division of Community
2494 Corrections shall serve as the administrative agency for the
2495 Probation and Parole Board.

2496 (d) There shall be a Division of Workforce Development
2497 within the department, which shall have as its chief
2498 administrative officer a Deputy Commissioner for Workforce
2499 Development, who shall be appointed by the commissioner, and shall
2500 be directly responsible to the commissioner.

2501 (3) The department shall succeed to the exclusive control of
2502 all records, books, papers, equipment and supplies, and all lands,
2503 buildings and other real and personal property now or hereafter



2504 belonging to or assigned to the use and benefit or under the
2505 control of the Mississippi State Penitentiary and the Mississippi
2506 Probation and Parole Board, except the records of parole process
2507 and revocation and legal matters related thereto, and shall have
2508 the exercise and control of the use, distribution and disbursement
2509 of all funds, appropriations and taxes now or hereafter in
2510 possession, levied, collected or received or appropriated for the
2511 use, benefit, support and maintenance of these two (2) agencies
2512 except as otherwise provided by law, and the department shall have
2513 general supervision of all the affairs of the two (2) agencies
2514 herein named except as otherwise provided by law, and the care and
2515 conduct of all buildings and grounds, business methods and
2516 arrangements of accounts and records, the organization of the
2517 administrative plans of each institution, and all other matters
2518 incident to the proper functioning of the two (2) agencies.

2519 (4) The commissioner may lease the lands for oil, gas,
2520 mineral exploration and other purposes, and contract with other
2521 state agencies for the proper management of lands under such
2522 leases or for the provision of other services, and the proceeds
2523 thereof shall be paid into the General Fund of the state.

2524 **SECTION 38.** Section 73-7-1, Mississippi Code of 1972, is
2525 amended as follows:

2526 73-7-1. Effective January 1, 2028, there is hereby continued
2527 and reconstituted a State Board of Cosmetology, composed of five
2528 (5) members to be appointed by the Governor, with the advice and



2529 consent of the Senate, and whose term of office shall be four (4)
2530 years from the date of appointment except as otherwise provided
2531 herein. However, no more than two (2) members shall be appointed
2532 from each Supreme Court District. Provided, however, that three
2533 (3) members shall be appointed in 2028 to a term ending December
2534 31, 2031, and two (2) members shall be appointed in 2030 to a term
2535 ending December 31, 2033. Appointments made at the beginning of
2536 the four-year cycle shall be made to fill any member's term which
2537 actually expires that year and any member's term which expires
2538 next until the majority of the membership of the board or
2539 commission is reached. Appointments made at the beginning of the
2540 third year of the four-year cycle shall be made for the remainder
2541 of the membership positions irrespective of the time of their
2542 prior appointment. Any question regarding the order of
2543 appointments shall be determined by the Secretary of State in
2544 accordance with the specific statute. All appointment procedures,
2545 vacancy provisions, interim appointment provisions and removal
2546 provisions specifically provided for in Section 7-1-35,
2547 Mississippi Code of 1972, shall be fully applicable to
2548 appointments to the State Board of Cosmetology, and to the
2549 position of executive director.

2550 There shall be a president of the board and such other
2551 officers as deemed necessary by the board elected by and from its
2552 membership, provided that the member elected as president shall
2553 have at least one (1) year of experience on the board. Any member



2554 appointed by the Governor and confirmed by the Senate for a term
2555 to begin on or after July 1, 1997, who was designated by the
2556 Governor to serve as president of the board, shall be fully
2557 qualified to serve on the board for a full term of office, but
2558 shall not serve as president of the board unless elected by the
2559 membership of the board as provided under this paragraph.

2560 To be eligible for appointment as a member of the State Board
2561 of Cosmetology, the person applying shall have been a citizen of
2562 this state for a minimum of five (5) years immediately prior to
2563 appointment. Such person shall be at least thirty (30) years of
2564 age, possess a high school education or its equivalent, and shall
2565 have been a licensed cosmetologist with not less than ten (10)
2566 years' active practice in cosmetology. No member of the board
2567 shall be connected in any way with any school wherein cosmetology
2568 is taught, nor shall any two (2) members of the board be graduates
2569 of the same school of cosmetology.

2570 However, in the event of vacancy by death or resignation of
2571 any member of the board, the Governor shall, within thirty (30)
2572 days, appoint a person possessing all qualifications required to
2573 serve the remainder of the term. Any member who shall not attend
2574 two (2) consecutive meetings of the board for reasons other than
2575 illness of such member shall be subject to removal by the
2576 Governor. The president of the board shall notify the Governor in
2577 writing when any such member has failed to attend two (2)
2578 consecutive regular meetings.



2579 The salaries of all paid employees of the board shall be paid
2580 out of funds in the board's special fund in the State Treasury.
2581 Each member of the board, excepting the inspectors provided for
2582 herein, shall receive per diem as authorized by Section 25-3-69,
2583 and shall be reimbursed for such other expenses at the same rate
2584 and under the same conditions as other state employees as provided
2585 for in Section 25-3-41.

2586 The board shall give reasonable public notice of all board
2587 meetings not less than ten (10) days prior to such meetings.

2588 **SECTION 39.** Section 73-7-3, Mississippi Code of 1972, is
2589 amended as follows:

2590 73-7-3. The board shall be authorized to employ such
2591 clerical and stenographic assistance, bookkeepers, investigators
2592 and other agents as they may deem necessary to carry out the
2593 provisions of this chapter, and to fix their tenure of employment
2594 and compensation therefor. The board shall appoint and employ an
2595 executive director for a term of four (4) years, with the advice
2596 and consent of the Senate, and consistent with the provisions of
2597 Section 7-1-35, Mississippi Code of 1972. The members of the
2598 board shall file a bond with the Secretary of State in the sum of
2599 not less than Five Thousand Dollars (\$5,000.00) payable to the
2600 State of Mississippi for the faithful performance of their duties.
2601 The bond shall be made by a surety company authorized to do
2602 business in this state, the premium of the bond to be paid out of
2603 any money in the board's special fund in the State Treasury.



2604 The office of the board shall be located in the greater
2605 metropolitan area of the City of Jackson, Mississippi, and in the
2606 event office space cannot be obtained in any state-owned building,
2607 the board is authorized to rent suitable office space and to pay
2608 therefor out of funds in the board's special fund. The board
2609 shall employ inspectors as needed, not to exceed seven (7), who
2610 shall be full-time employees and whose salaries and duties shall
2611 be fixed by the board.

2612 The salaries of all paid employees of the board shall be paid
2613 out of the funds in the board's special fund. The inspectors
2614 shall, in addition to their salaries, be reimbursed for such
2615 expenses as are allowed other state employees under the provisions
2616 of Section 25-3-41. In addition to the paying of office rent, the
2617 board is authorized to purchase necessary office furniture and
2618 equipment, stationery, books, certificates and any other equipment
2619 necessary for the proper administration of this chapter.

2620 **SECTION 40.** Section 73-30-5, Mississippi Code of 1972, is
2621 amended as follows:

2622 73-30-5. (1) There is hereby established the Mississippi
2623 State Board of Examiners for Licensed Professional Counselors
2624 which shall consist of five (5) members. * * * From and after
2625 January 1, * * * 2028, the board shall be continued and
2626 reconstituted to consist of five (5) members, one (1) member from
2627 each of the * * * three (3) Mississippi Supreme Court
2628 Districts, * * * and * * * two (2) members to be selected from the



2629 state at large, who shall be appointed by the Governor for a term
2630 of office of four (4) years, with the advice and consent of the
2631 Senate, provided that three (3) members shall be appointed in 2028
2632 to a term ending December 31, 2031, and two (2) members shall be
2633 appointed in 2030 to a term ending December 31, 2033.

2634 Appointments made at the beginning of the four-year cycle shall be
2635 made to fill any member's term which actually expires that year
2636 and any member's term which expires next until the majority of the
2637 membership of the board or commission is reached. Appointments
2638 made at the beginning of the third year of the four-year cycle
2639 shall be made for the remainder of the membership positions
2640 irrespective of the time of their prior appointment. Any question
2641 regarding the order of appointments shall be determined by the
2642 Secretary of State in accordance with the specific statute. All
2643 appointment procedures, vacancy provisions, interim appointment
2644 provisions and removal provisions specifically provided for in
2645 Section 7-1-35, Mississippi Code of 1972, shall be fully
2646 applicable to appointments to the Mississippi State Board of
2647 Examiners for Licensed Professional Counselors, and to the
2648 position of executive director. A list shall be provided to the
2649 Governor by the Mississippi Counseling Association from which the
2650 Governor may choose board members. * * *

2651 (2) * * * Of the five (5) licensed counselors, three (3) of
2652 whom * * * shall be primarily engaged as licensed counselors in
2653 private or institutional practice and two (2) who are primarily



2654 engaged in teaching, training or research in counseling at the
2655 corporate or university level. All members shall be qualified
2656 electors of the State of Mississippi.

2657 * * *

2658 (* * *3) There shall be appointed to the board no more than
2659 one (1) person who is employed by, or receives compensation from,
2660 any one (1) institution, organization or partnership at the time
2661 of appointment.

2662 (* * *4) Board members shall be reimbursed for necessary
2663 and ordinary expenses and mileage incurred while performing their
2664 duties as members of the board, at the rate authorized for public
2665 employees, from fees collected for license and privilege to
2666 practice applications and renewals.

2667 **SECTION 41.** Section 73-30-7, Mississippi Code of 1972, is
2668 amended as follows:

2669 73-30-7. (1) The members of the board shall take an oath to
2670 perform faithfully the duties of their office. The oath shall be
2671 administered by a person qualified by law to administer oaths.
2672 Upon taking the oath as board members, the initial members shall
2673 be deemed licensed counselors for all purposes under this article.
2674 Within thirty (30) days after taking the oath of office, the first
2675 board appointed under this article shall meet for an
2676 organizational meeting on call by the Governor. At such meeting
2677 and at an organizational meeting in January every odd-numbered
2678 year thereafter, the board shall elect from its members a chair,



2679 vice chair and secretary-treasurer to serve for terms of two (2)
2680 years.

2681 (2) The board shall adopt rules and regulations in
2682 compliance with the Mississippi Administrative Procedures Law,
2683 using the standards of the American Counseling Association as a
2684 guide, not inconsistent with this article, for the conduct of its
2685 business and the carrying out of its duties. The board shall
2686 appoint and employ an executive director who shall serve for a
2687 term of four (4) years, with the advice and consent of the Senate,
2688 and consistent with the provisions of Section 7-1-35, Mississippi
2689 Code of 1972.

2690 (3) After a person has applied for licensure, no member of
2691 the board may supervise such applicant for a fee, nor shall any
2692 member vote on any applicant previously supervised by that member.

2693 (4) The board shall hold at least two (2) regular meetings
2694 each year, and additional meetings may be held upon the call of
2695 the chair of the board or at the written request of any four (4)
2696 members of the board.

2697 (5) The board-approved examination for licensure shall be
2698 administered at least once a year. Examinations may be written,
2699 oral, situational, or any combination thereof, and shall deal with
2700 theoretical and applied fields in counseling. In written
2701 examinations, the examinee's name shall not be disclosed to any
2702 person grading the examination until that grading is complete.



2703 (6) The board shall be empowered to make reasonable rules
2704 and regulations regarding its operation and to receive and
2705 disburse revenues derived from application, licensing, privilege
2706 to practice, examination and renewal fees. All monies received by
2707 the board shall be deposited in a special account in the State
2708 Treasury to be designated "Board of Examiners for Licensed
2709 Professional Counselors Account." This account shall fund all
2710 activities of the board.

2711 (7) Upon the filing of a complaint by any citizen of this
2712 state with the board against a licensed professional counselor,
2713 provisional licensed professional counselor or person who holds
2714 the privilege to practice or upon the board's own motion, the
2715 board may:

2716 (a) Compel the attendance of witnesses;

2717 (b) Request the production of books, documents and
2718 other papers;

2719 (c) Administer oaths to witnesses; and

2720 (d) Hear testimony and receive evidence concerning all
2721 matters within its jurisdiction.

2722 (8) The members of the board are hereby individually exempt
2723 from any civil liability as a result of any action taken by the
2724 board.

2725 **SECTION 42.** Section 45-39-3, Mississippi Code of 1972, is
2726 amended as follows:



2727 45-39-3. There is hereby created within the Department of
2728 Public Safety the Crime Stoppers Advisory Council. The council
2729 shall be composed of five (5) persons appointed by the Governor,
2730 with the advice and consent of the Senate, one (1) from each
2731 Mississippi Supreme Court District and two (2) from the state at
2732 large. At least three (3) of the foregoing appointees shall be
2733 persons who have participated in a local crime stoppers
2734 program. * * * The Crime Stoppers Advisory Council, created by
2735 former Section 45-39-3, is continued and reconstituted as follows:
2736 Effective January 1, 2028, each member shall be appointed by the
2737 Governor, with the advice and consent of the Senate, for a term of
2738 office of four (4) years, provided that three (3) members shall
2739 be appointed in 2028 to a term ending December 31, 2031, and two
2740 members shall be appointed in 2030 to a term ending December 31,
2741 2033. Appointments made at the beginning of the four-year cycle
2742 shall be made to fill any member's term which actually expires
2743 that year and any member's term which expires next until the
2744 majority of the membership of the board or commission is reached.
2745 Appointments made at the beginning of the third year of the
2746 four-year cycle shall be made for the remainder of the membership
2747 positions irrespective of the time of their prior appointment.
2748 Any question regarding the order of appointments shall be
2749 determined by the Secretary of State in accordance with the
2750 specific statute. All appointment procedures, vacancy provisions,
2751 interim appointment provisions and removal provisions specifically



2752 provided for in Section 7-1-35, Mississippi Code of 1972, shall be
2753 fully applicable to appointments to the Crime Stoppers Advisory
2754 Council. At the first meeting of the council, which shall be
2755 called by the Governor, and at the first meeting after the
2756 beginning of each new state fiscal year, the council shall elect
2757 from among its members a chairman and such other officers as the
2758 council deems necessary. Each member of the council shall receive
2759 per diem in the amount established in Section 25-3-69, Mississippi
2760 Code of 1972, for each day or portion thereof spent discharging
2761 his duties under this chapter and shall receive mileage and
2762 expenses as provided in Section 25-3-41, Mississippi Code of 1972.

2763 Expenses of the council shall be paid by the Department of
2764 Public Safety out of the State Crime Stoppers Fund, created in
2765 Section 45-39-5(4).

2766 **SECTION 43.** Section 73-9-7, Mississippi Code of 1972, is
2767 amended as follows:

2768 73-9-7. (1) The duties of the Mississippi State Board of
2769 Dental Examiners, or "the board," shall be to carry out the
2770 purposes and provisions of the laws pertaining to the practice of
2771 dentistry and dental hygiene. Effective January 1, 2028, the
2772 Mississippi State Board of Dental Examiners is continued and * * *
2773 reconstituted as follows: The board shall consist of seven (7)
2774 licensed and actively practicing dentists and one (1) licensed and
2775 actively practicing dental hygienist, each a graduate of an
2776 accredited college of dentistry or dental hygiene, as appropriate,



2777 and practicing within the State of Mississippi for a period of
2778 five (5) or more years next preceding his or her appointment. No
2779 dentist or dental hygienist shall be eligible for appointment who
2780 can be construed to be in violation of current state ethics laws
2781 and regulations.

2782 (2) The State Board of Dental Examiners, created under
2783 former Section 73-9-7, is continued and reconstituted as follows:
2784 The members of the board appointed and serving * * * on January 1,
2785 2028, shall * * * stand for reappointment by the Governor, with
2786 the advice and consent of the Senate, for a term of four (4)
2787 years.

2788 (3) The Governor shall appoint one (1) dentist member of the
2789 board from the state at large for a term of four (4) years. * * *
2790 The Governor shall appoint * * * six (6) members from a list of
2791 names to be submitted from districts as set out in this
2792 subsection. All appointments to the board shall be made with the
2793 advice and consent of the Senate.

2794 The board shall poll all licensed dentists in the state by
2795 dental district as follows:

2796 Dental District One: Alcorn, Benton, Calhoun, Chickasaw,
2797 Choctaw, Clay, Itawamba, Lafayette, Lee, Lowndes, Marshall,
2798 Monroe, Oktibbeha, Pontotoc, Prentiss, Tippah, Tishomingo, Union,
2799 Webster;

2800 Dental District Two: Bolivar, Carroll, Coahoma, DeSoto,
2801 Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery,



2802 Panola, Quitman, Sharkey, Sunflower, Tallahatchie, Tate, Tunica,
2803 Washington, Yalobusha, Yazoo;

2804 Dental District Three: Attala, Clarke, Covington, Forrest,
2805 Jasper, Jones, Kemper, Lamar, Lauderdale, Leake, Neshoba, Newton,
2806 Noxubee, Perry, Scott, Smith, Wayne, Winston;

2807 Dental District Four: Hinds, Madison, Rankin, Warren;

2808 Dental District Five: George, Greene, Hancock, Harrison,
2809 Jackson, Pearl River, Stone;

2810 Dental District Six: Adams, Amite, Claiborne, Copiah,
2811 Franklin, Jefferson Davis, Jefferson, Lawrence, Lincoln, Marion,
2812 Pike, Simpson, Walthall, Wilkinson;

2813 and request the submission from each such dental district of three
2814 (3) nominations for appointment as members of the board from the
2815 six (6) districts. * * * On January 1, 2028, and every four (4)
2816 years thereafter, the board shall list all nominations by district
2817 according to the number of votes each received. The top three (3)
2818 names from each district shall then be considered as a list of
2819 names to be submitted to the Governor * * * for the six (6)
2820 positions appointed from districts * * *. * * * On January 1,
2821 2028, and every four (4) years thereafter, the board shall take
2822 like polls of all licensed dentists practicing in each dental
2823 district, and shall prepare new lists therefrom to be submitted to
2824 the Governor, which shall be used in the appointment of the six
2825 (6) members appointed from districts.



2826 It is the purpose of this section that no more than one (1)
2827 appointee of the six (6) members appointed from districts shall
2828 serve from any district at any one time. The names on the lists
2829 shall be given priority in accordance with the votes for each
2830 nominee. In case of a tie, the persons receiving tie votes shall
2831 have their names placed on the list even though it results in more
2832 than three (3) names on the list from that district.

2833 (4) The one (1) dental hygienist member shall be appointed
2834 by the Governor from the state at large from a list of six (6)
2835 dental hygienists, each of whom being the dental hygienist
2836 receiving the highest number of votes in his or her individual
2837 district from a poll conducted and compiled by the board. The
2838 poll shall consist of a blank ballot with three (3) spaces for
2839 nomination provided to all licensed dental hygienists in the
2840 state. * * * On January 1, 2028, and every four (4) years
2841 thereafter, the board shall take like polls of all licensed dental
2842 hygienists practicing in the state, and shall prepare a new list
2843 of six (6) dental hygienists, the list to consist of the dental
2844 hygienists receiving the highest number of votes in each district,
2845 to be submitted to the Governor, which shall be used in the
2846 appointment of the dental hygienist member from the state at
2847 large. In case of a tie, the persons receiving tie votes shall
2848 have their names placed on the list even though it results in more
2849 than six (6) names on the list. The board shall poll all licensed



2850 dental hygienists in the state by dental district as that
2851 enumerated in subsection (3) of this section.

2852 (5) * * * The members of the State Board of Dental Examiners
2853 shall be selected in the manner prescribed in this section for a
2854 term of office of four (4) years, provided that four (4) of such
2855 members shall be selected in 2028 to a term ending December 31,
2856 2031, and two (2) such members shall be selected in 2030 to a term
2857 ending December 31, 2033. Appointments made at the beginning of
2858 the four-year cycle shall be made to fill any member's term which
2859 actually expires that year and any member's term which expires
2860 next until the majority of the membership of the board or
2861 commission is reached. Appointments made at the beginning of the
2862 third year of the four-year cycle shall be made for the remainder
2863 of the membership positions irrespective of the time of their
2864 prior appointment. Any question regarding the order of
2865 appointments shall be determined by the Secretary of State in
2866 accordance with the specific statute. All vacancy provisions, and
2867 removal provisions specifically provided for in Section 7-1-35,
2868 Mississippi Code of 1972, shall be applicable to selections for
2869 the State Board of Dental Examiners, and to the position of
2870 executive director.

2871 (6) A vote for an individual dentist or dental hygienist in
2872 all polls may be counted only once for each ballot no matter how
2873 many times the name is listed on the ballot.



2874 (7) The Secretary of State shall, at his discretion, at any
2875 time there is sufficient cause, investigate the method and
2876 procedure of taking those polls and establishing those lists, and
2877 the board shall make available to him all records involved
2878 therein; and if the Secretary of State should find cause therefor
2879 he may, upon specifying the cause, declare the list invalid,
2880 whereupon the board shall follow the procedure set out above to
2881 establish a new list. If a vacancy exists and no list is
2882 available, the * * * Governor is to follow the above-described
2883 procedure in establishing a new list for the appropriate * * *
2884 appointment.

2885 **SECTION 44.** Section 73-9-13, Mississippi Code of 1972, is
2886 amended as follows:

2887 73-9-13. The State Board of Dental Examiners shall each year
2888 elect from their number a president, vice president and
2889 secretary-treasurer to serve for the coming year and until their
2890 successors are qualified. Only dentist members of the board may
2891 hold the offices of president and vice president. The board shall
2892 have a seal with appropriate wording to be kept at the offices of
2893 the board. The secretary and the executive director of the board
2894 shall be required to make bond in such sum and with such surety as
2895 the board may determine. The board shall appoint and employ an
2896 executive director who shall serve for a term of four (4) years,
2897 with the advice and consent of the Senate, and consistent with the
2898 provisions of Section 7-1-35, Mississippi Code of 1972. It shall



2899 be the duty of the executive director to keep a complete record of
2900 the acts and proceedings of the board and to preserve all papers,
2901 documents and correspondence received by the board relating to its
2902 duties and office.

2903 The board shall have the following powers and duties:

2904 (a) To carry out the purposes and provisions of the
2905 state laws pertaining to dentistry and dental hygiene, and the
2906 practice thereof and matters related thereto, particularly
2907 Sections 73-9-1 through 73-9-117, together with all amendments and
2908 additions thereto.

2909 (b) To regulate the practice of dentistry and dental
2910 hygiene and to promulgate reasonable regulations as are necessary
2911 or convenient for the protection of the public; however, the board
2912 shall not adopt any rule or regulation or impose any requirement
2913 regarding the licensing of dentists that conflicts with the
2914 prohibitions in Section 73-49-3.

2915 (c) To make rules and regulations by which clinical
2916 facilities within institutions, schools, colleges, universities
2917 and other agencies may be recognized and approved for the practice
2918 of dentistry or of dental hygiene by unlicensed persons therein,
2919 as a precondition to their being excepted from the dental practice
2920 act and authorized in accordance with Section 73-9-3(g) and (h).

2921 (d) To provide for the enforcement of and to enforce
2922 the laws of the State of Mississippi and the rules and regulations
2923 of the State Board of Dental Examiners.



2924 (e) To compile at least once each calendar year and to
2925 maintain an adequate list of prospective dentist and dental
2926 hygienist appointees for approval by the Governor as provided for
2927 elsewhere by law.

2928 (f) To issue licenses and permits to applicants when
2929 found to be qualified.

2930 (g) To provide for reregistration of all licenses and
2931 permits duly issued by the board.

2932 (h) To maintain an up-to-date list of all licensees and
2933 permit holders in the state, together with their addresses.

2934 (i) To examine applicants for the practice of dentistry
2935 or dental hygiene at least annually.

2936 (j) To issue licenses or duplicates and
2937 reregistration/renewal certificates, and to collect and account
2938 for fees for same.

2939 (k) To maintain an office adequately staffed insofar as
2940 funds are available for the purposes of carrying out the powers
2941 and duties of the board.

2942 (l) To provide by appropriate rules and regulations,
2943 within the provisions of the state laws, for revoking or
2944 suspending licenses and permits and a system of fines for lesser
2945 penalties.

2946 (m) To prosecute, investigate or initiate prosecution
2947 for violations of the laws of the state pertaining to practice of



2948 dentistry or dental hygiene, or matters affecting the rights and
2949 duties, or related thereto.

2950 (n) To provide by rules for the conduct of as much
2951 board business as practicable by mail, which, when so done, shall
2952 be and have the same force and effect as if done in a regular
2953 meeting duly organized.

2954 (o) To adopt rules and regulations providing for the
2955 reasonable regulation of advertising by dentists and dental
2956 hygienists.

2957 (p) To employ, in its discretion, a duly licensed
2958 attorney to represent the board in individual cases.

2959 (q) To employ, in its discretion, technical and
2960 professional personnel to conduct dental office sedation site
2961 visits, administer and monitor state board examinations and carry
2962 out the powers and duties of the board.

2963 **SECTION 45.** Section 43-26-1, Mississippi Code of 1972, is
2964 amended as follows:

2965 43-26-1. (1) There is created a Mississippi Department of
2966 Child Protection Services.

2967 (2) Effective July 1, 2028, the Chief Administrative Officer
2968 of the Department of Child Protection Services shall be the
2969 Commissioner of Child Protection Services who shall be appointed
2970 by the Governor for a term of four (4) years, with the advice and
2971 consent of the Senate. The commissioner shall possess the
2972 following qualifications:



2973 (a) A bachelor's degree from an accredited institution
2974 of higher learning and ten (10) years' experience in management,
2975 public administration, finance or accounting; or

2976 (b) A master's or doctoral degree from an accredited
2977 institution of higher learning and five (5) years' experience in
2978 management, public administration, finance, law or accounting.

2979 All appointment procedures, vacancy provisions, interim
2980 appointment provisions and removal provisions specifically
2981 provided for in Section 7-1-35, Mississippi Code of 1972, shall be
2982 fully applicable to appointments to the position of commissioner.

2983 (3) The Department of Child Protection Services shall
2984 provide the services authorized by law to every individual
2985 determined to be eligible therefor, and in carrying out the
2986 purposes of the department, the commissioner is authorized:

2987 (a) To formulate the policy of the department regarding
2988 child welfare services within the jurisdiction of the department;

2989 (b) To adopt, modify, repeal and promulgate, after due
2990 notice and hearing, and where not otherwise prohibited by federal
2991 or state law, to make exceptions to and grant exemptions and
2992 variances from, and to enforce rules and regulations implementing
2993 or effectuating the powers and duties of the department under any
2994 and all statutes within the department's jurisdiction;

2995 (c) To apply for, receive and expend any federal or
2996 state funds or contributions, gifts, devises, bequests or funds
2997 from any other source;



2998 (d) To enter into and execute contracts, grants and
2999 cooperative agreements with any federal or state agency or
3000 subdivision thereof, or any public or private institution located
3001 inside or outside the State of Mississippi, or any person,
3002 corporation or association in connection with carrying out the
3003 programs of the department; and

3004 (e) To discharge such other duties, responsibilities,
3005 and powers as are necessary to implement the programs of the
3006 department.

3007 (4) The commissioner shall establish the organizational
3008 structure of the Department of Child Protection Services, which
3009 shall include the creation of any units necessary to implement the
3010 duties assigned to the department and consistent with specific
3011 requirements of law.

3012 (5) The commissioner shall appoint heads of offices,
3013 bureaus, and divisions, as defined in Section 7-17-11, who shall
3014 serve at the pleasure of the commissioner. The salary and
3015 compensation of such office, bureau and division heads shall be
3016 subject to the rules and regulations adopted and promulgated by
3017 the State Personnel Board. The commissioner shall have the
3018 authority to organize offices as deemed appropriate to carry out
3019 the responsibilities of the department.

3020 (6) The Department of Child Protection Services shall be
3021 responsible for the development, execution, and provision of
3022 services in the following areas:



3023 (a) Protective services for children;
3024 (b) Foster care;
3025 (c) Adoption services;
3026 (d) Special services;
3027 (e) Interstate compact;
3028 (f) Licensure;
3029 (g) Prevention services; and
3030 (h) Such other services as may be designated. Services
3031 enumerated under Section 43-15-13 et seq., for the foster care
3032 program shall be provided by qualified staff with appropriate case
3033 loads.

3034 (7) The Department of Child Protection Services shall have
3035 the following powers and duties:

3036 (a) To provide basic services and assistance statewide
3037 to needy and disadvantaged individuals and families;

3038 (b) To promote integration of the many services and
3039 programs within its jurisdiction at the client level thus
3040 improving the efficiency and effectiveness of service delivery and
3041 providing easier access to clients;

3042 (c) To employ personnel and expend funds appropriated
3043 to the department to carry out the duties and responsibilities
3044 assigned to the department by law;

3045 (d) To fingerprint and conduct a background
3046 investigation on every employee, contractor, subcontractor and
3047 volunteer:



3048 (i) Who has direct access to clients of the
3049 department who are children or vulnerable adults;
3050 (ii) Who is in a position of fiduciary
3051 responsibility;
3052 (iii) Who is in a position with access to Federal
3053 Tax Information (FTI); or
3054 (iv) Who is otherwise required by federal law or
3055 regulations to undergo a background investigation.

3056 Every such employee, contractor, subcontractor and volunteer
3057 shall provide a valid current social security number and/or
3058 driver's license number, which shall be furnished to conduct the
3059 background investigation for determination as to good moral
3060 character and to ensure that no person placed in any position
3061 referenced in this paragraph (d) has a felony conviction that
3062 would prevent employment or access to Federal Tax Information
3063 according to department policy. If no disqualifying record is
3064 identified at the state level, the fingerprints shall be forwarded
3065 to the Federal Bureau of Investigation for a fingerprint-based
3066 national criminal history record check. The department shall be
3067 the recipient of the results of any background investigation
3068 and/or criminal history record check performed in accordance with
3069 this paragraph;

3070 (e) To establish and maintain programs not inconsistent
3071 with the terms of this chapter and the rules, regulations and
3072 policies of the Department of Child Protection Services, and



3073 publish the rules and regulations of the department pertaining to
3074 such programs;

3075 (f) To provide all other child welfare programs and
3076 services previously provided by the Department of Human Services
3077 or a division thereof; and

3078 (g) Make such reports in such form and containing such
3079 information as the federal government may, from time to time,
3080 require, and comply with such provisions as the federal government
3081 may, from time to time, find necessary to assure the correctness
3082 and verification of such reports.

3083 (8) The Mississippi Department of Child Protection Services
3084 shall submit a copy of the federal Annual Progress and Services
3085 Report (APSR) to the Chair of the Senate Public Health and Welfare
3086 Committee, the Chair of the Senate Appropriations Committee, the
3087 Chair of the House Public Health and Human Services Committee, the
3088 Chair of the House Appropriations Committee, the Lieutenant
3089 Governor, the Speaker of the House of Representatives, and the
3090 Governor by December 1 of each year.

3091 (9) (a) The Commissioner of Child Protection Services shall
3092 hire a Coordinator of Services for Victims of Human Trafficking
3093 and Commercial Sexual Exploitation within the Department of Child
3094 Protection Services whose duties shall include, but not be limited
3095 to, the following:

3096 (i) To form specialized human trafficking and
3097 commercial sexual exploitation assessment teams to respond on an



3098 as-needed basis to act as an emergency, separate and specialized
3099 response and assessment team to rapidly respond to the needs of
3100 children who are victims of human trafficking and commercial
3101 sexual exploitation;

3102 (ii) To identify victims of human trafficking and
3103 commercial sexual exploitation;

3104 (iii) To monitor, record and distribute federal
3105 human trafficking funds received by the Department of Child
3106 Protection Services;

3107 (iv) To employ staff to investigate allegations of
3108 human trafficking and commercial sexual exploitation; and

3109 (v) To develop and coordinate services within the
3110 Department of Child Protection Services and with outside service
3111 providers for victims of human trafficking and commercial sexual
3112 exploitation.

3113 (b) The Commissioner of Child Protection Services shall
3114 develop standard operating procedures for the investigation,
3115 custody and services provided to alleged victims of human
3116 trafficking and commercial sexual exploitation.

3117 (c) The Commissioner shall require two (2) hours of
3118 training regarding the subject of identifying, assessing, and
3119 providing comprehensive services to a child who has experienced or
3120 is alleged to have experienced commercial sexual exploitation or
3121 human trafficking. The training must be incorporated into the
3122 pre-service training requirements of all Mississippi Department of



3123 Child Protection Services family specialists, adoption
3124 specialists, licensure specialists, direct supervisors of family
3125 protection specialists, direct supervisors of adoption
3126 specialists, and direct supervisors of licensure specialists.

3127 (10) This section shall stand repealed on July 1, 2028.

3128 **SECTION 46.** Section 57-1-5, Mississippi Code of 1972, is
3129 amended as follows:

3130 57-1-5. (1) Effective July 1, 2028, the Governor shall,
3131 with the advice and consent of the Senate, appoint an executive
3132 director who shall serve for a term of four (4) years, and who:

3133 (a) Shall have at least a bachelor's degree, and

3134 (b) Shall be an experienced administrator and have at
3135 least five (5) years' experience in at least one (1) of the
3136 following areas:

3137 (i) Industrial development, or

3138 (ii) Economic development.

3139 All appointment procedures, vacancy provisions, interim
3140 appointment provisions and removal provisions specifically
3141 provided for in Section 7-1-35, Mississippi Code of 1972, shall be
3142 fully applicable to appointments to the position of executive
3143 director.

3144 (2) The executive director shall be the executive officer of
3145 the department in the execution of any and all provisions of this
3146 chapter, and his salary shall be fixed by the Governor.



3147 (3) The executive director shall have the following powers
3148 and duties:

3149 (a) To formulate the policy of the department regarding
3150 the economic and tourist development of the state.

3151 (b) To use and expend any funds from state, federal or
3152 private sources coming into the department for the purposes herein
3153 provided. State funds appropriated for the department shall be
3154 expended in accordance with the regulations governing the
3155 expenditures of other state funds.

3156 (c) To implement the duties assigned to the department
3157 and consistent with specific requirements of law, including, but
3158 not limited to:

3159 (i) Support services to include legal, finance,
3160 data processing, personnel, communications and advertising,
3161 purchasing and accounting;

3162 (ii) Research and planning;

3163 (iii) Outreach, agency liaison and community
3164 development;

3165 (iv) Tourism, business travel, and film;

3166 (v) Programs and assistance for existing state
3167 business and industry;

3168 (vi) Recruiting new business and industry into the
3169 state;

3170 (vii) Fostering and promoting of entrepreneurship
3171 and the creation of new business in the state;



3172 (viii) Programs aimed at competing effectively in
3173 the international economy by increasing exports of state products
3174 and services and by promoting, developing and creating the
3175 conditions and programs that will bring about significant
3176 increases in investment in the state from other countries;

3177 (ix) Programs relating to the development of
3178 ports;

3179 (x) Such other areas as are within the
3180 jurisdiction and authority of the department and will foster and
3181 promote the economic development of this state;

3182 (xi) The positions of associate directors, deputy
3183 directors and bureau directors shall not be state service
3184 positions.

3185 **SECTION 47.** Section 43-13-107, Mississippi Code of 1972, is
3186 amended as follows:

3187 43-13-107. (1) The Division of Medicaid is created in the
3188 Office of the Governor and established to administer this article
3189 and perform such other duties as are prescribed by law.

3190 (2) (a) The Governor shall appoint a full-time executive
3191 director, with the advice and consent of the Senate, who shall be
3192 either (i) a physician with administrative experience in a medical
3193 care or health program, or (ii) a person holding a graduate degree
3194 in medical care administration, public health, hospital
3195 administration, or the equivalent, or (iii) a person holding a
3196 bachelor's degree with at least three (3) years' experience in



3197 management-level administration of, or policy development for,
3198 Medicaid programs. Provided, however, no one who has been a
3199 member of the Mississippi Legislature during the previous three
3200 (3) years may be executive director. The executive director shall
3201 be the official secretary and legal custodian of the records of
3202 the division; shall be the agent of the division for the purpose
3203 of receiving all service of process, summons and notices directed
3204 to the division; shall perform such other duties as the Governor
3205 may prescribe from time to time; and shall perform all other
3206 duties that are now or may be imposed upon him or her by law.

3207 (b) The executive director shall serve * * * for a term
3208 of four (4) years. All appointment procedures, vacancy
3209 provisions, interim appointment provisions and removal provisions
3210 specifically provided for in Section 7-1-35, Mississippi Code of
3211 1972, shall be fully applicable to appointments to the position of
3212 executive director.

3213 (c) The executive director shall, before entering upon
3214 the discharge of the duties of the office, take and subscribe to
3215 the oath of office prescribed by the Mississippi Constitution and
3216 shall file the same in the Office of the Secretary of State, and
3217 shall execute a bond in some surety company authorized to do
3218 business in the state in the penal sum of One Hundred Thousand
3219 Dollars (\$100,000.00), conditioned for the faithful and impartial
3220 discharge of the duties of the office. The premium on the bond



3221 shall be paid as provided by law out of funds appropriated to the
3222 Division of Medicaid for contractual services.

3223 (d) The executive director, with the approval of the
3224 Governor and subject to the rules and regulations of the State
3225 Personnel Board, shall employ such professional, administrative,
3226 stenographic, secretarial, clerical and technical assistance as
3227 may be necessary to perform the duties required in administering
3228 this article and fix the compensation for those persons, all in
3229 accordance with a state merit system meeting federal requirements.
3230 When the salary of the executive director is not set by law, that
3231 salary shall be set by the State Personnel Board. No employees of
3232 the Division of Medicaid shall be considered to be staff members
3233 of the immediate Office of the Governor; however, Section
3234 25-9-107(c) (xv) shall apply to the executive director and other
3235 administrative heads of the division.

3236 (3) (a) There is established a Medical Care Advisory
3237 Committee, which shall be the committee that is required by
3238 federal regulation to advise the Division of Medicaid about health
3239 and medical care services.

3240 (b) The advisory committee shall consist of not less
3241 than eleven (11) members, as follows:

3242 (i) The Governor shall appoint five (5) members,
3243 one (1) from each * * * Mississippi Supreme Court District
3244 and * * * two (2) from the state at large;



3245 (ii) The Lieutenant Governor shall appoint three
3246 (3) members, one (1) from each Supreme Court district;

3247 (iii) The Speaker of the House of Representatives
3248 shall appoint three (3) members, one (1) from each Supreme Court
3249 district.

3250 All members appointed under this paragraph shall either be
3251 health care providers or consumers of health care services. One
3252 (1) member appointed by each of the appointing authorities shall
3253 be a board-certified physician.

3254 Effective July 1, 2028, all members appointed under this
3255 paragraph shall be appointed, with the advice and consent of the
3256 Senate, to a four-year term of office. All appointment
3257 procedures, vacancy provisions, interim appointment provisions and
3258 removal provisions specifically provided for in Section 7-1-35,
3259 Mississippi Code of 1972, shall be fully applicable to
3260 appointments to the Medical Care Advisory Committee.

3261 (c) The respective Chairmen of the House Medicaid
3262 Committee, the House Public Health and Human Services Committee,
3263 the House Appropriations Committee, the Senate Medicaid Committee,
3264 the Senate Public Health and Welfare Committee and the Senate
3265 Appropriations Committee, or their designees, one (1) member of
3266 the State Senate appointed by the Lieutenant Governor and one (1)
3267 member of the House of Representatives appointed by the Speaker of
3268 the House, shall serve as ex officio nonvoting members of the
3269 advisory committee.



3270 (d) In addition to the committee members required by
3271 paragraph (b), the advisory committee shall consist of such other
3272 members as are necessary to meet the requirements of the federal
3273 regulation applicable to the advisory committee, who shall be
3274 appointed as provided in the federal regulation.

3275 (e) The chairmanship of the advisory committee shall be
3276 elected by the voting members of the committee annually and shall
3277 not serve more than two (2) consecutive years as chairman.

3278 (f) The members of the advisory committee specified in
3279 paragraph (b) shall serve for terms that are concurrent with the
3280 terms of members of the Legislature, and any member appointed
3281 under paragraph (b) may be reappointed to the advisory committee.
3282 The members of the advisory committee specified in paragraph (b)
3283 shall serve without compensation, but shall receive reimbursement
3284 to defray actual expenses incurred in the performance of committee
3285 business as authorized by law. Legislators shall receive per diem
3286 and expenses, which may be paid from the contingent expense funds
3287 of their respective houses in the same amounts as provided for
3288 committee meetings when the Legislature is not in session.

3289 (g) The advisory committee shall meet not less than
3290 quarterly, and advisory committee members shall be furnished
3291 written notice of the meetings at least ten (10) days before the
3292 date of the meeting.

3293 (h) The executive director shall submit to the advisory
3294 committee all amendments, modifications and changes to the state



3295 plan for the operation of the Medicaid program, for review by the
3296 advisory committee before the amendments, modifications or changes
3297 may be implemented by the division.

3298 (i) The advisory committee, among its duties and
3299 responsibilities, shall:

3300 (i) Advise the division with respect to
3301 amendments, modifications and changes to the state plan for the
3302 operation of the Medicaid program;

3303 (ii) Advise the division with respect to issues
3304 concerning receipt and disbursement of funds and eligibility for
3305 Medicaid;

3306 (iii) Advise the division with respect to
3307 determining the quantity, quality and extent of medical care
3308 provided under this article;

3309 (iv) Communicate the views of the medical care
3310 professions to the division and communicate the views of the
3311 division to the medical care professions;

3312 (v) Gather information on reasons that medical
3313 care providers do not participate in the Medicaid program and
3314 changes that could be made in the program to encourage more
3315 providers to participate in the Medicaid program, and advise the
3316 division with respect to encouraging physicians and other medical
3317 care providers to participate in the Medicaid program;



3318 (vi) Provide a written report on or before
3319 November 30 of each year to the Governor, Lieutenant Governor and
3320 Speaker of the House of Representatives.

3321 (4) (a) There is established a Drug Use Review Board, which
3322 shall be the board that is required by federal law to:

3323 (i) Review and initiate retrospective drug use,
3324 review including ongoing periodic examination of claims data and
3325 other records in order to identify patterns of fraud, abuse, gross
3326 overuse, or inappropriate or medically unnecessary care, among
3327 physicians, pharmacists and individuals receiving Medicaid
3328 benefits or associated with specific drugs or groups of drugs.

3329 (ii) Review and initiate ongoing interventions for
3330 physicians and pharmacists, targeted toward therapy problems or
3331 individuals identified in the course of retrospective drug use
3332 reviews.

3333 (iii) On an ongoing basis, assess data on drug use
3334 against explicit predetermined standards using the compendia and
3335 literature set forth in federal law and regulations.

3336 (b) Effective July 1, 2028, the board shall consist of
3337 not less than twelve (12) members appointed by the Governor, or
3338 his designee, to a four-year term of office, subject to the advice
3339 and consent of the Senate. All appointment procedures, vacancy
3340 provisions, interim appointment provisions and removal provisions
3341 specifically provided for in Section 7-1-35, Mississippi Code of



3342 1972, shall be fully applicable to appointments to the Dry Use
3343 Review Board.

3344 (c) The board shall meet at least quarterly, and board
3345 members shall be furnished written notice of the meetings at least
3346 ten (10) days before the date of the meeting.

3347 (d) The board meetings shall be open to the public,
3348 members of the press, legislators and consumers. Additionally,
3349 all documents provided to board members shall be available to
3350 members of the Legislature in the same manner, and shall be made
3351 available to others for a reasonable fee for copying. However,
3352 patient confidentiality and provider confidentiality shall be
3353 protected by blinding patient names and provider names with
3354 numerical or other anonymous identifiers. The board meetings
3355 shall be subject to the Open Meetings Act (Sections 25-41-1
3356 through 25-41-17). Board meetings conducted in violation of this
3357 section shall be deemed unlawful.

3358 (5) (a) Effective July 1, 2028, there is established a
3359 Pharmacy and Therapeutics Committee, which shall be appointed by
3360 the Governor, or his designee, to a four-year term of office,
3361 subject to the advice and consent of the Senate. All appointment
3362 procedures, vacancy provisions, interim appointment provisions and
3363 removal provisions specifically provided for in Section 7-1-35,
3364 Mississippi Code of 1972, shall be fully applicable to
3365 appointments to the Pharmacy and Therapeutics Committee.



3366 (b) The committee shall meet as often as needed to
3367 fulfill its responsibilities and obligations as set forth in this
3368 section, and committee members shall be furnished written notice
3369 of the meetings at least ten (10) days before the date of the
3370 meeting.

3371 (c) The committee meetings shall be open to the public,
3372 members of the press, legislators and consumers. Additionally,
3373 all documents provided to committee members shall be available to
3374 members of the Legislature in the same manner, and shall be made
3375 available to others for a reasonable fee for copying. However,
3376 patient confidentiality and provider confidentiality shall be
3377 protected by blinding patient names and provider names with
3378 numerical or other anonymous identifiers. The committee meetings
3379 shall be subject to the Open Meetings Act (Sections 25-41-1
3380 through 25-41-17). Committee meetings conducted in violation of
3381 this section shall be deemed unlawful.

3382 (d) After a thirty-day public notice, the executive
3383 director, or his or her designee, shall present the division's
3384 recommendation regarding prior approval for a therapeutic class of
3385 drugs to the committee. However, in circumstances where the
3386 division deems it necessary for the health and safety of Medicaid
3387 beneficiaries, the division may present to the committee its
3388 recommendations regarding a particular drug without a thirty-day
3389 public notice. In making that presentation, the division shall
3390 state to the committee the circumstances that precipitate the need



3391 for the committee to review the status of a particular drug
3392 without a thirty-day public notice. The committee may determine
3393 whether or not to review the particular drug under the
3394 circumstances stated by the division without a thirty-day public
3395 notice. If the committee determines to review the status of the
3396 particular drug, it shall make its recommendations to the
3397 division, after which the division shall file those
3398 recommendations for a thirty-day public comment under Section
3399 25-43-7(1).

3400 (e) Upon reviewing the information and recommendations,
3401 the committee shall forward a written recommendation approved by a
3402 majority of the committee to the executive director, or his or her
3403 designee. The decisions of the committee regarding any
3404 limitations to be imposed on any drug or its use for a specified
3405 indication shall be based on sound clinical evidence found in
3406 labeling, drug compendia, and peer-reviewed clinical literature
3407 pertaining to use of the drug in the relevant population.

3408 (f) Upon reviewing and considering all recommendations
3409 including recommendations of the committee, comments, and data,
3410 the executive director shall make a final determination whether to
3411 require prior approval of a therapeutic class of drugs, or modify
3412 existing prior approval requirements for a therapeutic class of
3413 drugs.

3414 (g) At least thirty (30) days before the executive
3415 director implements new or amended prior authorization decisions,



3416 written notice of the executive director's decision shall be
3417 provided to all prescribing Medicaid providers, all Medicaid
3418 enrolled pharmacies, and any other party who has requested the
3419 notification. However, notice given under Section 25-43-7(1) will
3420 substitute for and meet the requirement for notice under this
3421 subsection.

3422 (h) Members of the committee shall dispose of matters
3423 before the committee in an unbiased and professional manner. If a
3424 matter being considered by the committee presents a real or
3425 apparent conflict of interest for any member of the committee,
3426 that member shall disclose the conflict in writing to the
3427 committee chair and recuse himself or herself from any discussions
3428 and/or actions on the matter.

3429 **SECTION 48.** Section 37-1-1, Mississippi Code of 1972, is
3430 amended as follows:

3431 37-1-1. From and after July 1, 1984, there shall be a state
3432 board of education which shall manage and invest school funds
3433 according to law, formulate policies according to law for
3434 implementation by the State Department of Education and perform
3435 such other duties as may be prescribed by law. The board shall
3436 consist of nine (9) members of whom none shall be an elected
3437 official. The Governor shall appoint one (1) member who shall be
3438 a resident of the Third Supreme Court District and who shall serve
3439 an initial term of one (1) year, one (1) member who shall be a
3440 resident of the First Supreme Court District and who shall serve



3441 an initial term of five (5) years, one (1) member who shall be a
3442 resident of the Second Supreme Court District and who shall serve
3443 an initial term of nine (9) years, one (1) member who shall be
3444 employed on an active and full-time basis as a school
3445 administrator and who shall serve an initial term of three (3)
3446 years, and one (1) member who shall be employed on an active and
3447 full-time basis as a schoolteacher and who shall serve an initial
3448 term of seven (7) years. The Lieutenant Governor shall appoint
3449 two (2) members from the state at large, one (1) of whom shall
3450 serve an initial term of four (4) years and one (1) of whom shall
3451 serve an initial term of eight (8) years. The Speaker of the
3452 House of Representatives shall appoint two (2) members from the
3453 state at large, one (1) of whom shall serve an initial term of two
3454 (2) years and one (1) of whom shall serve an initial term of six
3455 (6) years. The initial terms of appointees shall begin on July 1,
3456 1984, and all subsequent appointments shall begin on the first day
3457 of July for a term of nine (9) years and continue until their
3458 successors are appointed and qualify; however, to ensure an
3459 orderly process of transition, the initial appointments shall be
3460 made not later than March 1, 1984. An appointment to fill a
3461 vacancy which arises for reasons other than by expiration of a
3462 term of office shall be for the unexpired term only. All members
3463 shall be appointed with the advice and consent of the Senate, and
3464 no member shall be actively engaged in the educational profession
3465 except as stated above.



3466 All appointments shall be forwarded to the Secretary of State
3467 who will keep a repository of all current appointments to the
3468 State Board of Education, pending appointments and those positions
3469 lacking appointments, in the commission registry.

3470 The first official meeting of the original board members
3471 shall be called by the Governor as soon after July 1, 1984, as
3472 practical. The board shall elect a chairman from its membership
3473 at the first meeting of the original board members and every year
3474 thereafter. A majority of the membership of the board shall
3475 constitute a quorum for the transaction of any business. The
3476 board shall meet regularly once a month at such time as shall be
3477 designated by an order entered upon the minutes thereof. Special
3478 meetings of the board shall be held upon call of the chairman or
3479 upon the call of a majority of the members thereof. The State
3480 Superintendent of Public Education shall be the secretary of the
3481 board. The board shall hold its sessions at the seat of
3482 government, or at such location in the State of Mississippi as
3483 shall be designated by an order entered upon the minutes thereof.

3484 Members of the board shall be reimbursed for expenses in the
3485 manner and amount specified in Section 25-3-41 and shall be
3486 entitled to receive per diem compensation as authorized in Section
3487 25-3-69.

3488 **SECTION 49.** Section 37-63-3, Mississippi Code of 1972, is
3489 amended as follows:



3490 37-63-3. The Authority for Educational Television shall
3491 consist of the State Superintendent of Public Education, or his
3492 designee, and six (6) members appointed, with the advice and
3493 consent of the Senate. The Governor shall appoint four (4)
3494 members, one (1) of whom shall be actively engaged as a teacher or
3495 principal in a secondary school system in the State of Mississippi
3496 and one (1) of whom shall be actively engaged as a teacher or
3497 principal in an elementary school system in the State of
3498 Mississippi. Beginning July 1, 1994, the appointee actively
3499 engaged as a teacher or principal in a secondary school shall be
3500 appointed for an initial term of three (3) years. The member
3501 actively engaged as a teacher or principal in an elementary school
3502 shall be appointed for an initial term of four (4) years. The
3503 remaining two (2) gubernatorial appointees shall serve until July
3504 1, 1996. Beginning July 1, 1996, the Governor shall appoint two
3505 (2) members for initial terms of three (3) and four (4) years,
3506 with the Governor specifically designating which member shall be
3507 appointed for three (3) years and which shall be appointed for
3508 four (4) years. The Mississippi Community College Board shall
3509 appoint one (1) member, and the Board of Trustees of State
3510 Institutions of Higher Learning shall appoint one (1) member.
3511 After the expiration of the initial terms, all members shall serve
3512 for terms of four (4) years. An appointment to fill a vacancy
3513 among the gubernatorial appointees, other than by expiration of a



3514 term of office, shall be made by the Governor for the balance of
3515 the unexpired term.

3516 The Mississippi Authority for Educational Television, created
3517 by former Section 37-63-3, is continued and reconstituted as
3518 follows: Effective January 1, 2028, each member shall be
3519 appointed by the prescribed appointing authority, with the advice
3520 and consent of the Senate, for a term of office of four (4) years,
3521 provided that four (4) members shall be appointed in 2028 to a
3522 term ending December 31, 2031, and two (2) members shall be
3523 appointed in 2030 to a term ending December 31, 2033.

3524 Appointments made at the beginning of the four-year cycle shall be
3525 made to fill any member's term which actually expires that year
3526 and any member's term which expires next until the majority of the
3527 membership of the board or commission is reached. Appointments
3528 made at the beginning of the third year of the four-year cycle
3529 shall be made for the remainder of the membership positions
3530 irrespective of the time of their prior appointment. Any question
3531 regarding the order of appointments shall be determined by the
3532 Secretary of State in accordance with the specific statute. All
3533 appointment procedures, vacancy provisions, interim appointment
3534 provisions and removal provisions specifically provided for in
3535 Section 7-1-35, Mississippi Code of 1972, shall be fully
3536 applicable to appointments to the Mississippi Authority for
3537 Educational Television, and to the position of executive director.



3538 **SECTION 50.** Section 37-63-7, Mississippi Code of 1972, is
3539 amended as follows:

3540 37-63-7. The authority for educational television shall
3541 employ an executive director who shall be the administrative
3542 officer of the authority and shall perform such duties as are
3543 required of him by law and such other duties as may be assigned
3544 him by the authority and who shall receive such compensation as
3545 may be fixed by the authority. The executive director shall serve
3546 for a term of four (4) years, with the advice and consent of the
3547 Senate, and consistent with the provisions of Section 7-1-35,
3548 Mississippi Code of 1972. In addition, the executive director
3549 shall be entitled to remuneration for his necessary traveling
3550 expenses consistent with general law.

3551 The authority shall have the power and authority to employ
3552 such technical, professional and clerical personnel as may be
3553 necessary for the administration of this chapter and for the
3554 performance of such other duties as may be imposed upon the
3555 authority by law, and to define the duties and fix the
3556 compensation of such employees.

3557 **SECTION 51.** Section 69-7-253, Mississippi Code of 1972, is
3558 amended as follows:

3559 69-7-253. There is hereby continued the Mississippi Egg
3560 Marketing Board with domicile at the capital city of the state.
3561 The board shall be composed of five (5) members: one (1) member
3562 shall be the Commissioner of Agriculture and Commerce as ex



3563 officio member. One (1) member shall be an egg producer as
3564 defined in this article. Three (3) members shall be employed by
3565 or associated with egg industry related businesses, or disciplines
3566 which include poultry support, marketing, promotion, home
3567 economist, extension poultry science agencies and the Mississippi
3568 Department of Agriculture and Commerce. No more than one (1)
3569 industry-related business or discipline member shall be employed
3570 by, associated with or have a financial interest in the same
3571 company or subsidiary.

3572 The Governor shall appoint the members from a list provided
3573 by the board based upon a poll of its members. * * *

3574 * * *

3575 The Mississippi Egg Marketing Board, created by former
3576 Section 69-7-253, is continued and reconstituted as follows:
3577 Effective January 1, 2028, the members shall be appointed by the
3578 Governor, with the advice and consent of the Senate, for a term of
3579 office of four (4) years, provided that two (2) members shall be
3580 appointed in 2028 to a term ending December 31, 2031, and two (2)
3581 members shall be appointed in 2030 to a term ending December 31,
3582 2033. Appointments made at the beginning of the four-year cycle
3583 shall be made to fill any member's term which actually expires
3584 that year and any member's term which expires next until the
3585 majority of the membership of the board or commission is reached.
3586 Appointments made at the beginning of the third year of the
3587 four-year cycle shall be made for the remainder of the membership



3588 positions irrespective of the time of their prior appointment.
3589 Any question regarding the order of appointments shall be
3590 determined by the Secretary of State in accordance with the
3591 specific statute. All appointment procedures, vacancy provisions,
3592 interim appointment provisions and removal provisions specifically
3593 provided for in Section 7-1-35, Mississippi Code of 1972, shall be
3594 fully applicable to appointments to the Mississippi Egg Marketing
3595 Board.

3596 **SECTION 52.** Section 73-69-21, Mississippi Code of 1972, is
3597 amended as follows:

3598 73-69-21. (1) The Electronic Protection Licensing Advisory
3599 Board is hereby created within the Department of Insurance. The
3600 board shall be composed of seven (7) members, as follows:

3601 (a) Three (3) members shall be appointed by the
3602 Governor, one (1) member from each State Supreme Court District.
3603 Each member shall possess a valid Class A or Class B license and
3604 may be appointed from a list submitted by the Mississippi Alarm
3605 Association. Each of these appointments initially will have
3606 staggered terms. One (1) appointment will serve for two (2)
3607 years, one (1) appointment will serve for three (3) years, and the
3608 last appointment will serve for four (4) years. After the initial
3609 appointment terms, each appointee will serve for four (4) years.

3610 (b) One (1) member shall be appointed by the State Fire
3611 Marshal from a list of nominees submitted to the State Fire
3612 Marshal by the Mississippi Alarm Association as a representative



3613 from the Alarm Manufacturing Industry. This appointment will
3614 serve for four (4) years.

3615 (c) Two (2) members shall be appointed by the Governor
3616 at his discretion, one (1) of which shall be a law enforcement
3617 officer and one (1) shall be from the private sector. Each of
3618 these appointments will serve for four (4) years, concurrent with
3619 the term of the Governor.

3620 (d) One (1) member shall be an employee of the Office
3621 of the State Fire Marshal designated by the State Fire Marshal.
3622 Such member shall serve as the chairman of the advisory board.

3623 (2) (a) * * * The Electronic Protection Licensing Advisory
3624 Board, created by former Section 73-69-21, is continued and
3625 reconstituted as follows: Effective January 1, 2028, the members
3626 of the board appointed by the Governor or other appointing
3627 authority shall be appointed, with the advice and consent of the
3628 Senate, for a term of office of four (4) years, provided that four
3629 (4) such members shall be appointed in 2028 to a term ending
3630 December 31, 2031, and three (3) members shall be appointed in
3631 2030 to a term ending December 31, 2033. Appointments made at the
3632 beginning of the four-year cycle shall be made to fill any
3633 member's term which actually expires that year and any member's
3634 term which expires next until the majority of the membership of
3635 the board or commission is reached. Appointments made at the
3636 beginning of the third year of the four-year cycle shall be made
3637 for the remainder of the membership positions irrespective of the



3638 time of their prior appointment. Any question regarding the order
3639 of appointments shall be determined by the Secretary of State in
3640 accordance with the specific statute. All appointment procedures,
3641 vacancy provisions, interim appointment provisions and removal
3642 provisions specifically provided for in Section 7-1-35,
3643 Mississippi Code of 1972, shall be fully applicable to
3644 appointments to the Electronic Protection Licensing Advisory
3645 Board.

3646 (b) The member designated by the State Fire Marshal
3647 shall serve a term concurrent with the term of the State Fire
3648 Marshal making such designation.

3649 * * *

3650 (3) The board shall meet at every quarter, or upon the call
3651 of the chairman or upon the written request of any three (3)
3652 members of the board. Notice of any such meeting shall be given
3653 to board members and the public at least fourteen (14) days in
3654 advance.

3655 (4) Four (4) members of the board shall constitute a quorum
3656 for the transaction of business. The board may take action by
3657 majority vote of its members present and voting.

3658 (5) Each appointed member of the board shall be reimbursed
3659 for travel and related expenses incurred, not to exceed those
3660 expenses authorized for reimbursement by the Department of
3661 Insurance, for each day that the member engages in board business.



3662 (6) No member of the board shall be liable to civil action
3663 for any act performed in good faith in the execution of his duties
3664 as a board member.

3665 **SECTION 53.** Section 33-15-7, Mississippi Code of 1972, is
3666 amended as follows:

3667 33-15-7. (a) Effective July 1, 2028, there is hereby
3668 created within the executive branch of the state government a
3669 department called the Mississippi Emergency Management Agency with
3670 a director of emergency management who shall be appointed by the
3671 Governor, with the advice and consent of the Senate; he shall hold
3672 office * * * for a four-year term of office and shall be
3673 compensated as determined by any appropriation that may be made by
3674 the Legislature for such purposes. All appointment procedures,
3675 vacancy provisions, interim appointment provisions and removal
3676 provisions specifically provided for in Section 7-1-35,
3677 Mississippi Code of 1972, shall be fully applicable to
3678 appointments to the position of director.

3679 (b) The director, with the approval of the Governor, may
3680 employ such technical, clerical, stenographic and other personnel,
3681 to be compensated as provided in any appropriation that may be
3682 made for such purpose, and may make such expenditures within the
3683 appropriation therefor, or from other funds made available to him
3684 for purposes of emergency management, as may be necessary to carry
3685 out the purposes of this article.



3686 (c) The director and other personnel of the emergency
3687 management agency shall be provided with appropriate office space,
3688 furniture, equipment, supplies, stationery and printing in the
3689 same manner as provided for other state agencies.

3690 (d) The director, subject to the direction and control of
3691 the Governor, shall be the executive head of the emergency
3692 management agency and shall be responsible to the Governor for
3693 carrying out the program for emergency management of this state.
3694 He shall coordinate the activities of all organizations for
3695 emergency management within the state, and shall maintain liaison
3696 with and cooperate with emergency management agencies and
3697 organizations of other states and of the federal government, and
3698 shall have such additional authority, duties, and responsibilities
3699 authorized by this article as may be prescribed by the Governor.

3700 **SECTION 54.** Section 41-59-7, Mississippi Code of 1972, is
3701 amended as follows:

3702 41-59-7. (1) There is created an Emergency Medical Services
3703 Advisory Council to consist of the following members who shall be
3704 appointed by the Governor:

3705 (a) One (1) licensed physician to be appointed from a
3706 list of nominees presented by the Mississippi Trauma Committee,
3707 American College of Surgeons;

3708 (b) One (1) licensed physician to be appointed from a
3709 list of nominees who are actively engaged in rendering emergency



3710 medical services presented by the Mississippi State Medical
3711 Association;

3712 (c) One (1) registered nurse whose employer renders
3713 emergency medical services, to be appointed from a list of
3714 nominees presented by the Mississippi Nurses Association;

3715 (d) Two (2) hospital administrators who are employees
3716 of hospitals which provide emergency medical services, to be
3717 appointed from a list of nominees presented by the Mississippi
3718 Hospital Association;

3719 (e) Two (2) operators of ambulance services;

3720 (f) Three (3) officials of county or municipal
3721 government;

3722 (g) One (1) licensed physician to be appointed from a
3723 list of nominees presented by the Mississippi Chapter of the
3724 American College of Emergency Physicians;

3725 (h) One (1) representative from each designated trauma
3726 care region, to be appointed from a list of nominees submitted by
3727 each region;

3728 (i) One (1) registered nurse to be appointed from a
3729 list of nominees submitted by the Mississippi Emergency Nurses
3730 Association;

3731 (j) One (1) EMT-Paramedic whose employer renders
3732 emergency medical services in a designated trauma care region;

3733 (k) One (1) representative from the Mississippi
3734 Department of Rehabilitation Services;



3735 (l) One (1) member who shall be a person who has been a
3736 recipient of trauma care in Mississippi or who has an immediate
3737 family member who has been a recipient of trauma care in
3738 Mississippi;

3739 (m) One (1) licensed neurosurgeon to be appointed from
3740 a list of nominees presented by the Mississippi State Medical
3741 Association;

3742 (n) One (1) licensed physician with certification or
3743 experience in trauma care to be appointed from a list of nominees
3744 presented by the Mississippi Medical and Surgical Association;

3745 (o) One (1) representative from the Mississippi
3746 Firefighters Memorial Burn Association, to be appointed by the
3747 association's governing body; and

3748 (p) One (1) representative from the Mississippians for
3749 Emergency Medical Services, to be appointed by the association's
3750 governing body.

3751 * * * The EMT Advisory Council, created by former Section
3752 41-59-7, is continued and reconstituted as follows: Effective
3753 January 1, 2028, the members shall be appointed by the Governor,
3754 with the advice and consent of the Senate, for a term of office of
3755 four (4) years, provided that eleven (11) of the members shall be
3756 appointed in 2028 for a term ending December 31, 2031, nine (9)
3757 members shall be appointed in 2030 to a term ending December 31,
3758 2033. Appointments made at the beginning of the four-year cycle
3759 shall be made to fill any member's term which actually expires



3760 that year and any member's term which expires next until the
3761 majority of the membership of the board or commission is reached.
3762 Appointments made at the beginning of the third year of the
3763 four-year cycle shall be made for the remainder of the membership
3764 positions irrespective of the time of their prior appointment.
3765 Any question regarding the order of appointments shall be
3766 determined by the Secretary of State in accordance with the
3767 specific statute. All appointment procedures, vacancy provisions,
3768 interim appointment provisions and removal provisions specifically
3769 provided for in Section 7-1-35, Mississippi Code of 1972, shall be
3770 fully applicable to appointments to the EMT Advisory Council. The
3771 executive officer or his designated representative shall serve as
3772 ex officio chairman of the advisory council. * * *

3773 The advisory council shall meet at the call of the chairman
3774 at least annually. For attendance at such meetings, the members
3775 of the advisory council shall be reimbursed for their actual and
3776 necessary expenses including food, lodging and mileage as
3777 authorized by law, and they shall be paid per diem compensation
3778 authorized under Section 25-3-69.

3779 The advisory council shall advise and make recommendations to
3780 the board regarding rules and regulations promulgated pursuant to
3781 this chapter.

3782 (2) There is created a committee of the Emergency Medical
3783 Services Advisory Council to be named the Mississippi Trauma
3784 Advisory Committee (hereinafter "MTAC"). This committee shall act



3785 as the advisory body for trauma care system development and
3786 provide technical support to the department in all areas of trauma
3787 care system design, trauma standards, data collection and
3788 evaluation, continuous quality improvement, trauma care system
3789 funding, and evaluation of the trauma care system and trauma care
3790 programs. The membership of the Mississippi Trauma Advisory
3791 Committee shall be comprised of Emergency Medical Services
3792 Advisory Council members appointed by the chairman.

3793 **SECTION 55.** Section 71-5-107, Mississippi Code of 1972, is
3794 amended as follows:

3795 71-5-107. The department shall administer this chapter
3796 through a full-time salaried executive director, to be appointed
3797 by the Governor, with the advice and consent of the Senate, to a
3798 four-year term of office. * * * All appointment procedures,
3799 vacancy provisions, interim appointment provisions and removal
3800 provisions specifically provided for in Section 7-1-35,
3801 Mississippi Code of 1972, shall be fully applicable to
3802 appointments to the position of executive director. All
3803 appointments to the office of executive director shall be
3804 forwarded to the Secretary of State who shall keep a repository of
3805 all current and pending appointments. The executive director
3806 shall be responsible for the administration of this chapter under
3807 authority delegated to him by the Governor.

3808 **SECTION 56.** Section 73-13-5, Mississippi Code of 1972, is
3809 amended as follows:



3810 73-13-5. A Board of Licensure for Professional Engineers and
3811 Surveyors is hereby created whose duty it shall be to administer
3812 the provisions of Sections 73-13-1 through 73-13-105. The board
3813 shall consist of six (6) licensed professional engineers, who
3814 shall be appointed by the Governor from eighteen (18) nominees
3815 recommended by the Mississippi Engineering Society, and shall have
3816 the qualifications required by Section 73-13-7, and three (3)
3817 licensed professional surveyors who are not licensed professional
3818 engineers, who shall be appointed by the Governor from nine (9)
3819 nominees recommended by the Mississippi Association of
3820 Professional Surveyors and who shall have the qualifications
3821 required by Section 73-13-77. The members of the board shall be
3822 appointed from the above nominees. The board so appointed shall
3823 have two (2) engineer members from each of the three (3) state
3824 Supreme Court districts, designated by district, Post 1 and Post
3825 2, and shall serve for four (4) years, or until their successors
3826 are duly appointed and qualified.

3827 The members recommended by the Mississippi Association of
3828 Professional Surveyors shall be appointed from each of the three
3829 (3) state Supreme Court districts and serve for four (4) years, or
3830 until their successors are duly appointed and qualified. Each
3831 member of the board shall receive a certificate of appointment
3832 from the Governor, and before beginning his term of office he
3833 shall file with the Secretary of State the constitutional oath of
3834 office. On the expiration of the term of any member, the Governor



3835 shall in the manner herein provided appoint for a term of four (4)
3836 years a licensed professional engineer having the qualifications
3837 required by Section 73-13-7, or a licensed professional surveyor
3838 having the qualifications required by Section 73-13-77 to take the
3839 place of the member of the board whose term is about to expire.
3840 Each member shall hold office until the expiration of the term for
3841 which such member is appointed or until a successor shall have
3842 been duly appointed and shall have qualified.

3843 The initial members of the reconstituted board shall serve
3844 terms of office as follows:

3845 (a) The term of the engineer member presently serving
3846 at large, which term was set to expire on April 8, 2004, shall
3847 expire on July 1, 2004; and from and after July 1, 2004, this
3848 appointment shall be designated as Post 1.

3849 (b) The term of the engineer member presently serving
3850 at large, which term was set to expire on April 8, 2004, shall
3851 expire on July 1, 2005; and from and after July 1, 2004, this
3852 appointment shall be designated as Post 2.

3853 (c) An appointment of an engineer member serving at
3854 large shall be made on July 1, 2004, and shall expire on July 1,
3855 2006; and from and after July 1, 2004, this appointment shall be
3856 designated as Post 3.

3857 (d) The term of the engineer member presently serving
3858 from the First Supreme Court District, which term was set to
3859 expire on April 8, 2006, shall expire on July 1, 2007; and from



3860 and after July 1, 2004, this appointment shall be designated as
3861 Post 4.

3862 (e) The term of the engineer member presently serving
3863 from the Second Supreme Court District, which term was set to
3864 expire on April 8, 2006, shall expire on July 1, 2008; and from
3865 and after July 1, 2004, this appointment shall be designated as
3866 Post 5.

3867 (f) The term of the engineer member presently serving
3868 from the Third Supreme Court District, which term was set to
3869 expire on April 8, 2006, shall expire on July 1, 2009; and from
3870 and after July 1, 2004, this appointment shall be designated as
3871 Post 6.

3872 (g) The term of the surveyor member presently serving
3873 at large, which term was set to expire on April 8, 2007, shall
3874 expire on July 1, 2004; subsequent appointments shall be made from
3875 the First Supreme Court District; from and after July 1, 2004,
3876 this appointment shall be designated as Post 7.

3877 (h) An appointment of a surveyor member shall be made
3878 from the Second Supreme Court District; the appointment shall be
3879 made on July 1, 2004, and shall expire on July 1, 2005; from and
3880 after July 1, 2004, this appointment shall be designated as Post
3881 8.

3882 (i) The term of the surveyor member presently serving
3883 at large, which term was set to expire on April 8, 2006, shall
3884 expire on July 1, 2006; subsequent appointments shall be made from



3885 the Third Supreme Court District; from and after July 1, 2004,
3886 this appointment shall be designated as Post 9.

3887 At the expiration of a term, members of the board shall be
3888 appointed in the manner prescribed in this section for terms of
3889 four (4) years from the expiration date of the previous terms.
3890 Any vacancy on the board prior to the expiration of a term for any
3891 reason, including resignation, removal, disqualification, death or
3892 disability, shall be filled by appointment of the Governor in the
3893 manner prescribed in this section for the balance of the unexpired
3894 term. The Mississippi Engineering Society and/or the Mississippi
3895 Association of Professional Surveyors shall submit a list of
3896 nominees no more than ninety (90) days after a vacancy occurs, and
3897 the Governor shall fill such vacancies within ninety (90) days
3898 after each such vacancy occurs.

3899 The Board of Licensure for Professional Engineers and
3900 Surveyors, created by former Section 73-13-5, is continued and
3901 reconstituted as follows: Effective January 1, 2028, the members
3902 of the board shall be appointed by the Governor, with the advice
3903 and consent of the Senate, for a term of office of four (4) years,
3904 provided that four (4) members shall be appointed in 2028 to a
3905 term ending December 31, 2031, and two (2) members shall be
3906 appointed in 2030 to a term ending December 31, 2033.
3907 Appointments made at the beginning of the four-year cycle shall be
3908 made to fill any member's term which actually expires that year
3909 and any member's term which expires next until the majority of the



3910 membership of the board or commission is reached. Appointments
3911 made at the beginning of the third year of the four-year cycle
3912 shall be made for the remainder of the membership positions
3913 irrespective of the time of their prior appointment. Any question
3914 regarding the order of appointments shall be determined by the
3915 Secretary of State in accordance with the specific statute. All
3916 appointment procedures, vacancy provisions, interim appointment
3917 provisions and removal provisions specifically provided for in
3918 Section 7-1-35, Mississippi Code of 1972, shall be fully
3919 applicable to appointments to the Board of Licensure for
3920 Professional Engineers and Surveyors, and to the position of
3921 executive director.

3922 It shall not be considered the duty of the State of
3923 Mississippi to provide office space and office equipment for the
3924 board herein created.

3925 No member of the board shall, during the term of his office
3926 or thereafter, be required to defend any action for damages in any
3927 of the courts of this state where it is shown that said damage
3928 followed or resulted from any of the official acts of said board
3929 in the performance of its powers, duties or authority as set forth
3930 in this chapter. Any such action filed shall upon motion be
3931 dismissed, at the cost of the plaintiff, with prejudice.

3932 **SECTION 57.** Section 73-13-15, Mississippi Code of 1972, is
3933 amended as follows:



3934 73-13-15. The board shall have the power to adopt and amend
3935 all regulations and rules of procedure, not inconsistent with the
3936 Constitution and laws of this state, which may be reasonably
3937 necessary for the proper performance of its duties and the
3938 regulations of the proceedings before it. The board shall adopt
3939 and have an official seal. It shall not be required to post bond
3940 on appeals. The board shall have the further power and authority
3941 to:

3942 (a) Establish standards of conduct and ethics;

3943 (b) Institute proceedings in its own name;

3944 (c) Promulgate rules restricting competitive bidding;

3945 (d) Promulgate rules limiting or restricting
3946 advertising;

3947 (e) Promulgate rules requiring a demonstration of
3948 continuing education;

3949 (f) Adopt and promulgate reasonable bylaws and rules
3950 and regulations necessary or appropriate for the proper
3951 fulfillment of its duties under state laws pertaining thereto;

3952 (g) Provide for the enforcement of and to enforce the
3953 laws of the State of Mississippi and, in particular, the
3954 provisions of this chapter, and the bylaws, rules and regulations
3955 of the board;

3956 (h) Provide by appropriate rules and regulations,
3957 within the provisions of this chapter, a system for taking the



3958 disciplinary actions provided for in Section 73-13-37, including
3959 the imposition of fines as provided therein;

3960 (i) Investigate, prosecute or initiate prosecution for
3961 violation of the laws of this state pertaining to the practices of
3962 engineering and surveying, or matters affecting the rights and
3963 duties or otherwise related thereto;

3964 (j) Adopt rules setting forth qualifications and
3965 standards of practice for firms; * * *

3966 (k) Provide by appropriate rules and regulations,
3967 within the provisions of this chapter, a system for the annual
3968 and/or biennial renewal of certificates of licensure * * *;

3969 (l) Appoint and employ an executive director, with the
3970 advice and consent of the Senate, to a term of four (4) years,
3971 consistent with the provisions of Section 7-1-35, Mississippi Code
3972 of 1972.

3973 In carrying into effect the provisions of Sections 73-13-1
3974 through 73-13-105, the board, under the hand of its president or
3975 secretary and the seal of the board may subpoena witnesses and
3976 compel their attendance, and also may require the production of
3977 books, papers, documents, etc., in any case involving the
3978 disciplinary actions provided for in Section 73-13-37 or 73-13-89
3979 or practicing or offering to practice without licensure. Any
3980 member of the board may administer oaths or affirmations to
3981 witnesses appearing before the board. If any person shall refuse
3982 to obey any subpoena so issued, or shall refuse to testify or



3983 produce any books, papers or documents, the board may present its
3984 petition to such authority as may have jurisdiction, setting forth
3985 the facts, and thereupon such authority shall, in a proper case,
3986 issue its subpoena to such person, requiring his attendance before
3987 such authority and there to testify or to produce such books,
3988 papers, and documents, as may be deemed necessary and pertinent by
3989 the board. Any person failing or refusing to obey the subpoena or
3990 order of the said authority may be proceeded against in the same
3991 manner as for refusal to obey any other subpoena or order of the
3992 authority.

3993 **SECTION 58.** Section 49-2-4, Mississippi Code of 1972, is
3994 amended as follows:

3995 49-2-4. (1) There is hereby created the Mississippi
3996 Department of Environmental Quality whose offices shall be located
3997 in Jackson, Mississippi.

3998 (2) The department shall be headed by an executive director
3999 who shall be appointed by * * * the Governor to a term of four (4)
4000 years, with the advice and consent of the Senate, consistent with
4001 the provisions of Section 7-1-35, Mississippi Code of 1972. The
4002 appointment of the executive director shall be made with the
4003 advice and consent of the Senate. The executive director may
4004 assign to the appropriate bureaus such powers and duties as deemed
4005 appropriate to carry out the department's lawful functions. The
4006 executive director shall have the following minimum
4007 qualifications:



4008 (a) A master's degree in a field related to natural
4009 resources, and at least six (6) years' full-time experience in
4010 natural resources, including at least three (3) years of
4011 management experience; or

4012 (b) A bachelor's degree in a field related to natural
4013 resources or administration and at least eight (8) years of
4014 full-time work in the field of natural resources, including four
4015 (4) years of management experience.

4016 The executive director shall be the chief administrative
4017 officer of the department.

4018 **SECTION 59.** Section 49-2-5, Mississippi Code of 1972, is
4019 amended as follows:

4020 49-2-5. (1) There is hereby created the Mississippi
4021 Commission on Environmental Quality, to be composed of seven (7)
4022 persons appointed by the Governor, with the advice and consent of
4023 the Senate, for a term of * * * four (4) years. * * * Two (2)
4024 persons shall be appointed from each * * * Mississippi Supreme
4025 Court District, and * * * one (1) member shall be appointed from
4026 the state at large. * * * The Mississippi Commission on
4027 Environmental Quality, created by former Section 49-2-5, is
4028 continued and reconstituted as follows: Effective January 1,
4029 2028, each member shall be appointed by the Governor, with the
4030 advice and consent of the Senate, for a term of office of four (4)
4031 years, provided that four (4) members shall be appointed in 2028
4032 to as term ending December 31, 2031, and three (3) members shall



4033 be appointed in 2030 to a term ending December 31, 2033.
4034 Appointments made at the beginning of the four-year cycle shall be
4035 made to fill any member's term which actually expires that year
4036 and any member's term which expires next until the majority of the
4037 membership of the board or commission is reached. Appointments
4038 made at the beginning of the third year of the four-year cycle
4039 shall be made for the remainder of the membership positions
4040 irrespective of the time of their prior appointment. Any question
4041 regarding the order of appointments shall be determined by the
4042 Secretary of State in accordance with the specific statute. All
4043 appointment procedures, vacancy provisions, interim appointment
4044 provisions and removal provisions specifically provided for in
4045 Section 7-1-35, Mississippi Code of 1972, shall be fully
4046 applicable to appointments to the Mississippi Commission on
4047 Environmental Quality.

4048 (2) The commission shall elect from its membership a
4049 chairman who shall preside over meetings and a vice chairman who
4050 shall preside in the absence of the chairman or when the chairman
4051 shall be excused.

4052 (3) The commission shall adopt rules and regulations
4053 governing times and places for meetings, and governing the manner
4054 of conducting its business. Each member of the commission shall
4055 take the oath prescribed by Section 268 of the Constitution and
4056 shall enter into bond in the amount of Thirty Thousand Dollars
4057 (\$30,000.00) to be approved by the Secretary of State, conditioned



4058 according to law and payable to the State of Mississippi before
4059 assuming the duties of office. * * *

4060 (4) The members of the commission shall receive no annual
4061 salary, but shall receive per diem compensation as authorized by
4062 law for each day devoted to the discharge of official duties, and
4063 shall be entitled to reimbursement for all actual and necessary
4064 expenses incurred in the discharge of their duties, including
4065 mileage as authorized by law.

4066 The commission shall be composed of persons with extensive
4067 knowledge of or practical experience in at least one (1) of the
4068 matters of jurisdiction of the commission.

4069 (5) The commission is authorized and empowered to use and
4070 expend any funds received by it from any source for the purposes
4071 of this chapter. Such funds shall be expended in accordance with
4072 the statutes governing the expenditure of state funds.

4073 (6) At least a majority of the members of the commission
4074 shall represent the public interest and shall not derive any
4075 significant portion of their income from persons subject to
4076 permits under the federal Clean Air Act or enforcement order under
4077 the federal Clean Air Act. In the event of any potential conflict
4078 of interest by a member of the commission, such member shall
4079 disclose the potential conflict to the other members of the
4080 commission and shall recuse himself or herself from participating
4081 in or voting on any matter related to such conflict of interest.



4082 **SECTION 60.** Section 25-4-5, Mississippi Code of 1972, is
4083 amended as follows:

4084 25-4-5. (1) There is hereby created the Mississippi Ethics
4085 Commission which shall be composed of eight (8) members, each of
4086 whom shall be a qualified elector of the State of Mississippi, of
4087 good moral character and integrity.

4088 (2) Two (2) members of the commission shall be appointed by
4089 each of the following officers in strict accordance with the above
4090 standards: the Governor, the Lieutenant Governor, the Speaker of
4091 the House of Representatives and the Chief Justice of the
4092 Mississippi Supreme Court. Not more than one (1) person appointed
4093 by each appointing authority shall be an elected official.

4094 (3) * * * The Mississippi Ethics Commission, created by
4095 former Section 25-4-5, is continued and reconstituted as follows:
4096 Effective January 1, 2028, the members of the Mississippi Ethics
4097 Commission shall be appointed by the prescribed appointing
4098 authority, with the advice and consent of the Senate, for a term
4099 of office of four (4) years, provided that five (5) members shall
4100 be appointed in 2028 to a term ending December 31, 2031, and three
4101 (3) members shall be appointed in 2030 to a term ending December
4102 31, 2033. Appointments made at the beginning of the four-year
4103 cycle shall be made to fill any member's term which actually
4104 expires that year and any member's term which expires next until
4105 the majority of the membership of the board or commission is
4106 reached. Appointments made at the beginning of the third year of



4107 the four-year cycle shall be made for the remainder of the
4108 membership positions irrespective of the time of their prior
4109 appointment. Any question regarding the order of appointments
4110 shall be determined by the Secretary of State in accordance with
4111 the specific statute. All appointment procedures, vacancy
4112 provisions, interim appointment provisions and removal provisions
4113 specifically provided for in Section 7-1-35, Mississippi Code of
4114 1972, shall be fully applicable to appointments to the Mississippi
4115 Ethics Commission.

4116 * * *

4117 (* * *4) Any member of the commission who is indicted for
4118 any felony may be suspended by the commission from service on the
4119 commission. A commission member who is convicted of a misdemeanor
4120 involving moral turpitude or convicted of any felony shall be
4121 ineligible to serve and the member's position on the commission
4122 shall be vacant and subject to reappointment as for other
4123 vacancies.

4124 **SECTION 61.** Section 69-5-1, Mississippi Code of 1972, is
4125 amended as follows:

4126 69-5-1. (1) The Mississippi Fair Commission is hereby
4127 abolished, and all of the powers, duties, property, contractual
4128 rights and obligations and unexpended funds of that commission
4129 shall be transferred to the Department of Agriculture and Commerce
4130 on July 1, 2020. Wherever the term "Mississippi Fair Commission"
4131 appears in any law or regulation, the same shall mean the



4132 Department of Agriculture and Commerce. The transfer of personnel
4133 shall be commensurate with the number and classification of
4134 positions allocated to the commission.

4135 (2) In order to promote agricultural and industrial
4136 development in Mississippi and to encourage the farmers to grow
4137 better livestock and agricultural products, there is hereby
4138 created an advisory council to be hereafter known as the
4139 "Mississippi Fair Advisory Council." The department shall receive
4140 input and guidance from the advisory council, which shall be
4141 composed of the following: The Commissioner of Agriculture and
4142 Commerce, chairman, the Director of the Mississippi State
4143 University Extension Service, President of the Mississippi
4144 Livestock Association, the Director of Mississippi Vocational
4145 Education, the Director of the Mississippi Development Authority,
4146 the Mayor of the City of Jackson, Mississippi, the Dean and
4147 Director of Alcorn State University School of Agriculture and
4148 Applied Sciences, and an appointee of the Governor to a four-year
4149 term of office, with the advice and consent of the Senate, all to
4150 serve without salary compensation. All appointment procedures,
4151 vacancy provisions, interim appointment provisions and removal
4152 provisions specifically provided for in Section 7-1-35,
4153 Mississippi Code of 1972, shall be fully applicable to
4154 appointments by the Governor to the Fair Advisory Council.

4155 **SECTION 62.** Section 27-104-101, Mississippi Code of 1972, is
4156 amended as follows:



4157 27-104-101. (1) There is hereby created the Mississippi
4158 Department of Finance and Administration, whose offices shall be
4159 located in Jackson, Mississippi.

4160 (2) The department shall be headed by an executive director,
4161 who shall be appointed by * * * the Governor to a four-year term
4162 of office. The appointment of the executive director shall be
4163 made with the advice and consent of the Senate. All appointment
4164 procedures, vacancy provisions, interim appointment provisions and
4165 removal provisions specifically provided for in Section 7-1-35,
4166 Mississippi Code of 1972, shall be fully applicable to
4167 appointments to the position of executive director. All such
4168 appointments shall be forwarded to the Secretary of State who will
4169 keep a repository of all current and pending appointments in the
4170 commission register. The executive director may assign to deputy
4171 directors such powers and duties as deemed appropriate to carry
4172 out the department's lawful functions.

4173 (3) The executive director of the department shall appoint
4174 officers, who shall serve at the pleasure of the executive
4175 director. The executive director shall have the authority to
4176 organize the department as deemed appropriate to carry out the
4177 responsibilities of the department. The organization charts of
4178 the department shall be presented annually with the budget request
4179 of the Governor for review by the Legislature.

4180 **SECTION 63.** Section 73-36-9, Mississippi Code of 1972, is
4181 amended as follows:



4182 73-36-9. There is hereby created the State Board of
4183 Registration for Foresters of the State of Mississippi for the
4184 purposes of safeguarding forests by regulating the practice of
4185 forestry and requiring that persons practicing or offering to
4186 practice forestry to be registered. The board shall be composed
4187 of seven (7) members appointed by the Governor with the advice and
4188 consent of the Senate. One (1) member shall be appointed from
4189 each of the six (6) Forestry Commission districts as constituted
4190 on January 1, 1999, and one (1) member shall be appointed at
4191 large. The State Forester of Mississippi shall serve as an ex
4192 officio member of the board. Each of the members shall be a
4193 forester within the meaning of this chapter with at least three
4194 (3) years' experience in such field, and a resident and citizen of
4195 the State of Mississippi at the time of his appointment. * * *
4196 The State Board of Registration for Foresters, created by former
4197 Section 73-36-9, is continued and reconstituted as follows:
4198 Effective January 1, 2028, the members of the State Board of
4199 Registration for Foresters shall be appointed by the Governor,
4200 with the advice and consent of the Senate, for a term of office of
4201 four (4) years, provided that four (4) of the members shall be
4202 appointed in 2028 to a term ending December 31, 2031, and three
4203 (3) members shall be appointed in 2030 to a term ending December
4204 31, 2033. Appointments made at the beginning of the four-year
4205 cycle shall be made to fill any member's term which actually
4206 expires that year and any member's term which expires next until



4207 the majority of the membership of the board or commission is
4208 reached. Appointments made at the beginning of the third year of
4209 the four-year cycle shall be made for the remainder of the
4210 membership positions irrespective of the time of their prior
4211 appointment. Any question regarding the order of appointments
4212 shall be determined by the Secretary of State in accordance with
4213 the specific statute. All appointment procedures, vacancy
4214 provisions, interim appointment provisions and removal provisions
4215 specifically provided for in Section 7-1-35, Mississippi Code of
4216 1972, shall be fully applicable to appointments to the State Board
4217 of Registration for Foresters.

4218 **SECTION 64.** Section 49-19-1, Mississippi Code of 1972, is
4219 amended as follows:

4220 49-19-1. (1) There shall be a State Forestry Commission
4221 composed of ten (10) members, who shall be qualified electors of
4222 the state. The Dean of the School of Forest Resources at
4223 Mississippi State University shall be an ex officio member of the
4224 commission, with full voting authority. The Governor shall
4225 appoint eight (8) members, with the advice and consent of the
4226 Senate * * *. The Governor shall appoint * * * two (2) members
4227 from each * * * Mississippi Supreme Court District as constituted
4228 at the time the appointments are made and shall appoint the
4229 remainder of the members from the state at large. * * * An
4230 appointed member from a * * * Supreme Court District must be a
4231 certified tree farmer who owns eighty (80) or more acres of forest



4232 land or a person who derives a major portion of his or her
4233 personal income from forest-related business, industry or other
4234 related activities. Members of the commission from the state at
4235 large may or may not possess the same qualifications as members
4236 appointed from the * * * Supreme Court Districts.

4237 (2) The members of the commission shall receive no annual
4238 salary but each member of the commission shall receive a per diem
4239 plus expenses and mileage as authorized by law for each day
4240 devoted to the discharge of official duties. No member of the
4241 commission shall receive total per diem in excess of twenty-four
4242 (24) days' compensation per annum.

4243 (3) * * * The State Forestry Commission, created by former
4244 Section 49-19-1, is continued and reconstituted as follows:
4245 Effective January 1, 2028, the members of the commission shall be
4246 appointed by the Governor, with the advice and consent of the
4247 Senate, for a term of office of four (4) years, provided that five
4248 (5) members shall be appointed in 2028 to a term ending December
4249 31, 2031, and three (3) members shall be appointed in 2030 to a
4250 term ending December 31, 2033. Appointments made at the beginning
4251 of the four-year cycle shall be made to fill any member's term
4252 which actually expires that year and any member's term which
4253 expires next until the majority of the membership of the board or
4254 commission is reached. Appointments made at the beginning of the
4255 third year of the four-year cycle shall be made for the remainder
4256 of the membership positions irrespective of the time of their



4257 prior appointment. Any question regarding the order of
4258 appointments shall be determined by the Secretary of State in
4259 accordance with the specific statute. All appointment procedures,
4260 vacancy provisions, interim appointment provisions and removal
4261 provisions specifically provided for in Section 7-1-35,
4262 Mississippi Code of 1972, shall be fully applicable to
4263 appointments to the State Forestry Commission, and to the position
4264 of executive director.

4265 (4) The commission shall elect from its membership a chair,
4266 who shall preside over meetings, and a vice chair, who shall
4267 preside in the absence of the chair or when the chair is excused.

4268 (5) The commission shall adopt rules and regulations
4269 governing times and places for meetings, and governing the manner
4270 of conducting its business. Each member of the commission shall
4271 take the oath prescribed by Section 268 of the Mississippi
4272 Constitution of 1890 and shall enter into a bond in the amount of
4273 Thirty Thousand Dollars (\$30,000.00) to be approved by the
4274 Secretary of State, conditioned according to law and payable to
4275 the State of Mississippi before assuming the duties of office.

4276 (6) Any appointment made to the commission contrary to this
4277 section shall be void, and it is unlawful for the State Fiscal
4278 Officer to pay any per diem or authorize the expenses of the
4279 appointee.

4280 **SECTION 65.** Section 49-19-3, Mississippi Code of 1972, is
4281 amended as follows:



4282 49-19-3. The duties and powers of the commission shall be:
4283 (a) To appoint a State Forester, who shall serve * * *
4284 for a term of four (4) years, subject to the advice and consent of
4285 the Senate, and consistent with the provisions of Section 7-1-35,
4286 Mississippi Code of 1972, and who is qualified to perform the
4287 duties as set forth herein; and to pay him such salary as is
4288 provided by the Legislature, and allow him such office expenses
4289 incidental to the performance of his official duties as the
4290 commission, in its discretion, may deem necessary; and to charge
4291 him with the immediate direction and control, subject to the
4292 supervision and approval of the commission, of all matters
4293 relating to forestry as authorized herein. Any person appointed
4294 by the commission as State Forester shall have received a
4295 bachelor's degree in forestry from an accredited school or college
4296 of forestry and shall be licensed and registered under the
4297 provisions of the Mississippi Foresters Registration Law (Section
4298 73-36-1 et seq.) and in addition shall have had at least five (5)
4299 years' administrative experience in a forestry-related field.
4300 (b) To take such action and provide and maintain such
4301 organized means as may seem necessary and expedient to prevent,
4302 control and extinguish forest fires, including the enforcement of
4303 any and all laws pertaining to the protection of forests and
4304 woodland.
4305 (c) To encourage forest and tree planting for the
4306 production of a wood crop, for the protection of water supply, for



4307 windbreak and shade, or for any other beneficial purposes
4308 contributing to the general welfare, public hygiene and comfort of
4309 the people.

4310 (d) To cause to be made such technical investigations
4311 and studies concerning forest conditions, the propagation, care
4312 and protection of forest and shade trees, the care and management
4313 of forests, their growth, yield and the products and by-products
4314 thereof, and any other competent subject, including forest
4315 taxation, bearing on the timber supply and needs of the state,
4316 which the commission, in its discretion, may deem proper.

4317 (e) To assist and cooperate with any federal or state
4318 department or institution, county, town, corporation or
4319 individual, under such terms as in the judgment of the commission
4320 will best serve the public interest, in the preparation and
4321 execution of plans for the protection, management, replacement, or
4322 extension of the forest, woodland and roadside or other ornamental
4323 tree growth in the state.

4324 (f) To encourage public interest in forestry by means
4325 of correspondence, the public press, periodicals, the publication
4326 of bulletins and leaflets for general distribution, the delivery
4327 of lectures in the schools and other suitable means, and to
4328 cooperate to the fullest extent with the extension department
4329 services of the state colleges in promoting reforestation. It
4330 shall be the duty of the State Forester to cooperate with private
4331 timber owners in laying plans for the protection, management and



4332 replacement of forests and in aiding them to form protection
4333 associations. It shall be his duty to examine all timbered lands
4334 belonging to the state and its institutions and report to the
4335 commission upon their timber conditions and actual value, and also
4336 whether some of these lands may not be held as state forests. He
4337 shall be responsible for the protection and management of lands
4338 donated, purchased or belonging to the state or state
4339 institutions, and all other lands reserved by the state as state
4340 forests.

4341 (g) To control the expenditure of any and all funds
4342 appropriated or otherwise made available for the several purposes
4343 set forth herein under suitable regulations and restrictions by
4344 the commission and to specifically authorize any officer or
4345 employee of the commission to incur necessary and stipulated
4346 expenses in connection with the work in which such person may be
4347 engaged.

4348 (h) To submit annually to the Legislature a report of
4349 the expenditures, proceedings and results achieved, together with
4350 such other matters including recommendations concerning
4351 legislation as are germane to the aims and purposes of this
4352 chapter.

4353 (i) To create, establish and organize the State of
4354 Mississippi into forestry districts for the most effective and
4355 efficient administration of the commission.

4356 (j) [Repealed]



4357 **SECTION 66.** Section 73-11-43, Mississippi Code of 1972, is
4358 amended as follows:

4359 73-11-43. There is created the State Board of Funeral
4360 Service which shall consist of seven (7) members, one (1) funeral
4361 service licensee and one (1) funeral director licensee to be
4362 appointed from each Mississippi Supreme Court district. Three (3)
4363 members shall have been licensed for the practice of funeral
4364 service under this chapter for five (5) consecutive years and/or
4365 have had at least five (5) consecutive years' experience as a
4366 funeral director and embalmer in this state immediately preceding
4367 his appointment. Three (3) members shall have been licensed for
4368 the practice of funeral directing under this chapter for five (5)
4369 consecutive years and/or have had at least five (5) consecutive
4370 years' experience as a funeral director immediately preceding his
4371 appointment. One (1) member shall be a public member and be
4372 appointed from the public at large. The members of the board
4373 shall be appointed by the Governor with the advice and consent of
4374 the Senate. All appointments shall be for terms of four (4) years
4375 from the expiration date of the previous term, provided that
4376 effective January 1, 2028, four (4) members shall be appointed in
4377 2028 to a term ending December 31, 2031, and three (3) members
4378 shall be appointed in 2030 to a term ending December 31,
4379 2033. * * * Appointments made at the beginning of the four-year
4380 cycle shall be made to fill any member's term which actually
4381 expires that year and any member's term which expires next until



4382 the majority of the membership of the board or commission is
4383 reached. Appointments made at the beginning of the third year of
4384 the four-year cycle shall be made for the remainder of the
4385 membership positions irrespective of the time of their prior
4386 appointment. Any question regarding the order of appointments
4387 shall be determined by the Secretary of State in accordance with
4388 the specific statute. All appointment procedures, vacancy
4389 provisions, interim appointment provisions and removal provisions
4390 specifically provided for in Section 7-1-35, Mississippi Code of
4391 1972, shall be fully applicable to appointments to the State Board
4392 of Funeral Service, and to the position of administrator. No
4393 board member shall serve more than two (2) consecutive full
4394 terms. * * * Appointments for vacancies in office, except those
4395 from the public at large, may be made from a joint list of four
4396 (4) qualified persons, two (2) each submitted by the Mississippi
4397 Funeral Directors Association and the Mississippi Funeral
4398 Directors and Morticians Association. Nothing in this chapter or
4399 any other statute shall preclude the members of the State
4400 Embalming Board from serving as members of the State Board of
4401 Funeral Service.

4402 **SECTION 67.** Section 73-11-49, Mississippi Code of 1972, is
4403 amended as follows:

4404 73-11-49. (1) The board is authorized to select from its
4405 own membership a chairman, vice chairman and secretary-treasurer.



4406 Election of officers shall be held at the first regularly
4407 scheduled meeting of the fiscal year.

4408 (2) All members of the board shall be reimbursed for their
4409 necessary traveling expenses and mileage incident to their
4410 attendance upon the business of the board, as provided in Section
4411 25-3-41, and shall receive a per diem as provided in Section
4412 25-3-69 for every day actually spent upon the business of the
4413 board, not to exceed twenty (20) days per year unless authorized
4414 by a majority vote of the board.

4415 (3) All monies received by the board shall be paid into a
4416 special fund in the State Treasury to the credit of the board and
4417 shall be used by the board for paying the traveling and necessary
4418 expenses and per diem of the members of the board while on board
4419 business, and for paying other expenses necessary for the
4420 operation of the board in carrying out and involving the
4421 provisions of this chapter.

4422 (4) The board shall employ an administrator of the board,
4423 who shall have complete supervision and be held responsible for
4424 the direction of the office of the board, shall have supervision
4425 over field inspections and enforcement of the provisions of this
4426 chapter, shall have such other duties as may be assigned by the
4427 board, shall be responsible and answerable to the board. The
4428 administrator shall be appointed and employed for a term of four
4429 (4) years, subject to the advice and consent of the Senate, and
4430 consistent with the provisions of Section 7-1-35, Mississippi Code



4431 of 1972. The board may employ such other clerical assistants and
4432 employees as may be necessary to carry out the provisions of this
4433 chapter, and the terms and conditions of such employment shall be
4434 determined by the board in accordance with applicable state law
4435 and rules and regulations of the State Personnel Board.

4436 (5) Except as otherwise authorized in Section 7-5-39, the
4437 board, when it shall deem necessary, shall be represented by an
4438 assistant attorney general duly appointed by the Attorney General
4439 of this state, and may also request and receive the assistance of
4440 other state agencies and county and district attorneys, all of
4441 whom are authorized to provide the assistance requested.

4442 (6) The board shall have subpoena power in enforcing the
4443 provisions of this chapter.

4444 (7) The board shall adopt and promulgate rules and
4445 regulations consistent with law concerning, but not limited to,
4446 trainees, apprentices and preceptors, practitioners of funeral
4447 service, funeral directors, embalmers and funeral establishments
4448 and branches. These rules and regulations shall not become
4449 effective unless promulgated and adopted in accordance with the
4450 provisions of the Mississippi Administrative Procedures Law
4451 (Section 25-43-1.101 et seq.).

4452 (8) The board may designate the administrator to perform
4453 inspections under this chapter, may employ an individual to
4454 perform such inspections or may contract with any other individual
4455 or entity to perform such inspections. Any individual or entity



4456 that performs such inspections shall have the right of entry into
4457 any place in which the business or practice of funeral service
4458 and/or funeral directing is carried on or advertised as being
4459 carried on, for the purpose of inspection, for the investigation
4460 of complaints coming before the board and for such other matters
4461 as the board may direct.

4462 (9) The board shall not adopt any rule or regulation
4463 requiring dead bodies to be embalmed except as required by rule or
4464 otherwise by the State Department of Health.

4465 **SECTION 68.** Section 75-76-9, Mississippi Code of 1972, is
4466 amended as follows:

4467 75-76-9. (1) * * * The Mississippi Gaming Commission,
4468 created by former Sections 75-76-7 and 75-76-9, is continued and
4469 reconstituted as follows: Effective January 1, 2028, the three
4470 (3) members of the Mississippi Gaming Commission shall be
4471 appointed by the Governor, one (1) from each Mississippi Supreme
4472 Court District, with the advice and consent of the Senate, for a
4473 term of office of four (4) years, provided that two (2) members
4474 shall be appointed in 2028 to a term ending December 31, 2031, and
4475 one (1) member shall be appointed in 2030 to a term ending
4476 December 31, 2033. Appointments made at the beginning of the
4477 four-year cycle shall be made to fill any member's term which
4478 actually expires that year and any member's term which expires
4479 next until the majority of the membership of the board or
4480 commission is reached. Appointments made at the beginning of the



4481 third year of the four-year cycle shall be made for the remainder
4482 of the membership positions irrespective of the time of their
4483 prior appointment. Any question regarding the order of
4484 appointments shall be determined by the Secretary of State in
4485 accordance with the specific statute. All appointment procedures,
4486 vacancy provisions, interim appointment provisions and removal
4487 provisions specifically provided for in Section 7-1-35,
4488 Mississippi Code of 1972, shall be fully applicable to
4489 appointments to the Mississippi Gaming Commission, and to the
4490 position of executive director.

4491 * * *

4492 (* * *2) Appointments to the commission and designation of
4493 the chairman shall be made by the Governor with the advice and
4494 consent of the Senate. Prior to the nomination, the PEER
4495 Committee shall conduct an inquiry into the nominee's background,
4496 with particular regard to the nominee's financial stability,
4497 integrity and responsibility and his reputation for good
4498 character, honesty and integrity.

4499 (* * *3) The member designated by the Governor to serve as
4500 chairman shall serve in such capacity throughout such member's
4501 entire term and until his successor shall have been duly appointed
4502 and qualified. No such member, however, shall serve in such
4503 capacity for more than ten (10) years.

4504 * * *



4505 (* * *4) Members of the commission shall not have any
4506 direct or indirect interest in an undertaking that puts their
4507 personal interest in conflict with that of the commission and
4508 shall be governed by the provisions of Section 109 of the
4509 Mississippi Constitution and Section 25-4-105. In addition,
4510 members of the commission shall not receive anything of value
4511 from, or on behalf of, any person holding or applying for a gaming
4512 license under this chapter.

4513 * * *

4514 (* * *5) Each member of the commission is entitled to per
4515 diem as provided by Section 25-3-69.

4516 **SECTION 69.** Section 75-76-15, Mississippi Code of 1972, is
4517 amended as follows:

4518 75-76-15. (1) [Repealed]

4519 (2) From and after October 1, 1993, the position of
4520 Executive Director of the Mississippi Gaming Commission is hereby
4521 created.

4522 (3) The Gaming Commission shall appoint the executive
4523 director, with the advice and consent of the Senate, and the
4524 executive director shall serve * * * for a term of four (4) years
4525 consistent with the provisions of Section 7-1-35, Mississippi Code
4526 of 1972.. The director appointed by the State Tax Commission
4527 pursuant to subsection (1) of this section who is serving on
4528 September 30, 1993, shall serve as the Executive Director of the
4529 Mississippi Gaming Commission until the executive director



4530 appointed by the Gaming Commission pursuant to this section is
4531 confirmed by the Senate.

4532 (4) No member of the Legislature, no person holding any
4533 elective office, nor any officer or official of any political
4534 party is eligible for the appointment of executive director.

4535 (5) The executive director must have at least five (5) years
4536 of responsible administrative experience in public or business
4537 administration or possess broad management skills.

4538 (6) The executive director shall devote his entire time and
4539 attention to his duties under this chapter and the business of the
4540 commission and shall not pursue any other business or occupation
4541 or hold any other office of profit.

4542 (7) The executive director shall not be pecuniarily
4543 interested in any business or organization holding a gaming
4544 license under this chapter or doing business with any person or
4545 organization licensed under this chapter and shall be governed by
4546 the provisions of Section 25-4-105. In addition, the executive
4547 director shall not receive anything of value from, or on behalf
4548 of, any person holding or applying for a gaming license under this
4549 chapter.

4550 (8) The executive director is entitled to an annual salary
4551 in the amount specified by the commission, subject to the approval
4552 of the State Personnel Board, within the limits of legislative
4553 appropriations or authorizations.



4554 **SECTION 70.** Section 73-63-9, Mississippi Code of 1972, is
4555 amended as follows:

4556 73-63-9. (1) There is created the Board of Registered
4557 Professional Geologists to administer this chapter. The board
4558 shall consist of five (5) registered professional geologists
4559 appointed by the Governor from nominees recommended by the
4560 committee created in subsection (3) of this section, but
4561 geologists initially appointed to the board shall be qualified for
4562 registration under this chapter and shall register within the
4563 first year of their term. Three (3) appointments shall be made
4564 from Mississippi Supreme Court Districts and two (2) from the
4565 state at large. The Governor shall require adequate disclosure of
4566 potential conflicts of interest by appointees to the board. The
4567 board shall, to the extent practicable, consist of one (1) member
4568 appointed from the governmental sector, one (1) member appointed
4569 from academia, one (1) member appointed from the
4570 geotechnical/environmental industrial sector, one (1) member
4571 appointed from the mining/mineral extraction industrial sector,
4572 and one (1) member appointed at large. * * * The Board of
4573 Registered Professional Geologists, created by former Section
4574 73-63-9, is continued and reconstituted as follows: Effective
4575 January 1, 2028, members of the board shall be appointed by the
4576 Governor, with the advice and consent of the Senate, for a term of
4577 office of four (4) years, provided that three (3) such members
4578 shall be appointed in 2028 to a term ending December 31, 2031, and



4579 two (2) such members shall be appointed in 2030 to a term ending
4580 December 31, 2033. Appointments made at the beginning of the
4581 four-year cycle shall be made to fill any member's term which
4582 actually expires that year and any member's term which expires
4583 next until the majority of the membership of the board or
4584 commission is reached. Appointments made at the beginning of the
4585 third year of the four-year cycle shall be made for the remainder
4586 of the membership positions irrespective of the time of their
4587 prior appointment. Any question regarding the order of
4588 appointments shall be determined by the Secretary of State in
4589 accordance with the specific statute. All appointment procedures,
4590 vacancy provisions, interim appointment provisions and removal
4591 provisions specifically provided for in Section 7-1-35,
4592 Mississippi Code of 1972, shall be fully applicable to
4593 appointments to the Board of Professional Registered Geologists,
4594 and to the position of executive director.

4595 (2) Each member of the board shall be a citizen of the
4596 United States, a resident of this state for at least five (5)
4597 years immediately preceding that person's appointment, and at
4598 least thirty (30) years of age.

4599 (3) * * * Except as provided in paragraph (b) of this
4600 subsection, the board annually shall appoint a nominating
4601 committee. No board member shall participate on the nominating
4602 committee during the year in which that member's term expires.
4603 The nominating committee shall compile a list of the nominees and



4604 submit that list to the registered professional geologists on the
4605 roster. Each geologist shall have one (1) vote and shall submit
4606 that vote in writing within fifteen (15) days following the
4607 mailing of the list of nominees. The executive director, or the
4608 president in the absence of an executive director, shall calculate
4609 the results and recommend to the Governor the three (3) nominees
4610 from the sector in which the vacancy occurs receiving the largest
4611 number of votes.

4612 * * *

4613 **SECTION 71.** Section 73-63-19, Mississippi Code of 1972, is
4614 amended as follows:

4615 73-63-19. (1) If the board employs an executive director,
4616 the executive director shall serve for a term of four (4) years,
4617 subject to the advice and consent of the Senate, and consistent
4618 with the provisions of Section 7-1-35, Mississippi Code of 1972,
4619 and shall have the following powers and duties:

4620 (a) To administer the policies of the board within the
4621 authority granted by the board;

4622 (b) To supervise and direct all administrative,
4623 technical and investigative activities of the board;

4624 (c) To organize the administrative units of the board
4625 in accordance with a plan adopted by the board and to alter that
4626 organizational plan and reassign responsibilities with approval of
4627 the board as deemed necessary to carry out the policies of the
4628 board;



4629 (d) To recommend to the board appropriate studies and
4630 investigations and to carry out the approved recommendations;

4631 (e) To issue, modify or revoke any orders under
4632 authority granted by the board;

4633 (f) To enter into contracts, grants and cooperative
4634 agreements as approved by the board with any federal or state
4635 agency, any public or private institution or any other person to
4636 carry out this chapter;

4637 (g) To receive, administer and account for any funds
4638 received by the board;

4639 (h) To prepare and deliver to the Legislature and the
4640 Governor before January 1 of each year, and at any other times as
4641 may be required by the board, Legislature or Governor, a full
4642 report of the work of the board, including a detailed statement of
4643 revenues and expenditures of the board and any recommendations the
4644 board may have; and

4645 (i) To discharge other powers, duties and
4646 responsibilities as directed or delegated by the board.

4647 (2) The executive director shall give a surety bond
4648 satisfactory to the board, conditioned upon the faithful
4649 performance of the executive director's duties. The premium on
4650 the bond shall be regarded as a proper and necessary expense of
4651 the board.



4652 (3) If the board does not employ an executive director, the
4653 president of the board shall have the powers and duties provided
4654 in subsection (1) of this section.

4655 **SECTION 72.** Section 55-15-21, Mississippi Code of 1972, is
4656 amended as follows:

4657 55-15-21. There is hereby created and established the Grand
4658 Gulf Military Monument Commission, to be composed of five (5)
4659 members, all to be resident citizens of Claiborne County,
4660 Mississippi. * * * The Grand Gulf Military Monument Commission,
4661 created by former Section 55-15-21, is continued and reconstituted
4662 as follows: Effective January 1, 2028, the commissioners shall be
4663 appointed by the Governor, with the advice and consent of the
4664 Senate, for a term of office of four (4) years, provided that
4665 three (3) members shall be appointed in 2028 to a term ending
4666 December 31, 2031, and two (2) members shall be appointed in 2030
4667 to a term ending December 31, 2033. Appointments made at the
4668 beginning of the four-year cycle shall be made to fill any
4669 member's term which actually expires that year and any member's
4670 term which expires next until the majority of the membership of
4671 the board or commission is reached. Appointments made at the
4672 beginning of the third year of the four-year cycle shall be made
4673 for the remainder of the membership positions irrespective of the
4674 time of their prior appointment. Any question regarding the order
4675 of appointments shall be determined by the Secretary of State in
4676 accordance with the specific statute. All appointment procedures,



4677 vacancy provisions, interim appointment provisions and removal
4678 provisions specifically provided for in Section 7-1-35,
4679 Mississippi Code of 1972, shall be fully applicable to
4680 appointments to the Grand Gulf Military Monument Commission.

4681 **SECTION 73.** Section 59-7-407, Mississippi Code of 1972, is
4682 amended as follows:

4683 59-7-407. A port commission created under this article shall
4684 consist of six (6) members who shall be qualified electors of the
4685 municipality operating under this article, and shall be appointed
4686 as follows: two (2) shall be appointed by the Governor, with the
4687 advice and consent of the Senate; two (2) shall be appointed by
4688 the governing authorities of the municipality, with the advice and
4689 consent of the Senate; and two (2) shall be appointed by the board
4690 of supervisors of the county, with the advice and consent of the
4691 Senate. The commission shall have jurisdiction over the port,
4692 terminals, harbors and passes leading thereto, and all vessels,
4693 boats and wharves, common carriers and public utilities using the
4694 port. Commissioners shall be paid the uniform per diem
4695 compensation authorized in Section 25-3-69 for the discharge of
4696 official duties at meetings called in accordance with Section
4697 59-7-409.

4698 * * * Any port commission, created by former Section
4699 59-7-407, is continued and reconstituted as follows: Effective
4700 January 1, 2028, the members of the port authorities shall be
4701 appointed by the Governor or appropriate local official, with the



4702 advice and consent of the Senate, for a term of office of four (4)
4703 years, provided that one (1) member shall be appointed by the
4704 Governor and the other local officials in 2028 to a term ending
4705 December 31, 2031, and one (1) member shall be appointed by the
4706 Governor and the other local officials in 2030 to a term ending
4707 December 31, 2033. Appointments made at the beginning of the
4708 four-year cycle shall be made to fill any member's term which
4709 actually expires that year and any member's term which expires
4710 next until the majority of the membership of the board or
4711 commission is reached. Appointments made at the beginning of the
4712 third year of the four-year cycle shall be made for the remainder
4713 of the membership positions irrespective of the time of their
4714 prior appointment. Any question regarding the order of
4715 appointments shall be determined by the Secretary of State in
4716 accordance with the specific statute. All appointment procedures,
4717 vacancy provisions, interim appointment provisions and removal
4718 provisions specifically provided for in Section 7-1-35,
4719 Mississippi Code of 1972, shall be fully applicable to
4720 appointments to a port commission under this section.

4721 The commission shall, upon appointment, organize as provided
4722 in Section 59-7-409.

4723 A port commission created under this article may be dissolved
4724 by the governing authorities of the municipality as provided under
4725 Section 59-7-408.



4726 **SECTION 74.** Section 59-5-21, Mississippi Code of 1972, is
4727 amended as follows:

4728 59-5-21. Any port or harbor, or any part thereof, and all
4729 facilities, structures, lands or other improvements, acquired by
4730 or conveyed to the state, shall be operated by the board acting
4731 through a state port authority for such port or harbor, except as
4732 may be otherwise provided in this chapter. Such state port
4733 authority shall be an agency of the state and shall be vested, in
4734 addition to the rights, powers and duties conferred hereunder,
4735 with the same jurisdiction and the same rights, powers and duties
4736 vested by law in the port commission or port authority or other
4737 authorized port or harbor agency having jurisdiction of such port
4738 or harbor under statutes in effect on the date of the conveyance
4739 of such port or harbor, or any part thereof, to the state. Such
4740 state port authority shall consist of five (5) qualified electors
4741 of the city or county in which such port or harbor is
4742 located. * * * One (1) member thereof * * * shall be appointed by
4743 the governing authorities of the municipality in which such port
4744 or harbor is located or adjacent to * * *, one (1) member
4745 thereof * * * shall be appointed by the board of supervisors of
4746 the county in which such port or harbor is located * * *, and
4747 three (3) members thereof * * * shall be appointed by the
4748 Governor * * *. Any State Port Authority, created by former
4749 Section 59-5-21, is continued and reconstituted as follows:
4750 Effective January 1, 2028, the members of the State Port Authority



4751 shall be appointed by the Governor or prescribed local official,
4752 with the advice and consent of the Senate, for a term of office of
4753 four (4) years, provided that two (2) members shall be appointed
4754 by the Governor in 2028 to a term ending December 31, 2031, and
4755 one (1) such member shall be appointed by the Governor in 2030 to
4756 a term ending December 31, 2033. Appointments made at the
4757 beginning of the four-year cycle shall be made to fill any
4758 member's term which actually expires that year and any member's
4759 term which expires next until the majority of the membership of
4760 the board or commission is reached. Appointments made at the
4761 beginning of the third year of the four-year cycle shall be made
4762 for the remainder of the membership positions irrespective of the
4763 time of their prior appointment. Any question regarding the order
4764 of appointments shall be determined by the Secretary of State in
4765 accordance with the specific statute. All appointment procedures,
4766 vacancy provisions, interim appointment provisions and removal
4767 provisions specifically provided for in Section 7-1-35,
4768 Mississippi Code of 1972, shall be fully applicable to
4769 appointments to the State Port Authority. The members of the
4770 state port authority shall organize in the same manner authorized
4771 by law for the port commission or port authority formerly having
4772 jurisdiction over such port or harbor, or any part thereof.
4773 Members of the state port authority shall be entitled to
4774 compensation pursuant to Section 25-3-69 and travel expenses
4775 pursuant to Section 25-3-41. In its operation of such port or



4776 harbor, or any part thereof, such state port authority shall not
4777 be responsible to the city or county, or other authorized port or
4778 harbor agency, in which such port or harbor, or any part thereof,
4779 may be located, but shall be responsible solely to the board, and
4780 the board shall have the same rights and duties and the same
4781 relationship toward such state port authority as is vested by law
4782 in the county, city or other authorized port or harbor agency in
4783 its relation to the port commission or port authority formerly
4784 having jurisdiction of such port or harbor, or part thereof.
4785 Before entering upon the duties of the office, each of said
4786 members shall take and subscribe to the oath of office required by
4787 Section 268 of the Constitution of the State of Mississippi, and
4788 shall file same with the Secretary of State, and shall give bond
4789 in the sum of Ten Thousand Dollars (\$10,000.00), with a surety
4790 company or companies, authorized to do business in this state,
4791 conditioned according to law, and to be delivered to and approved
4792 by the Treasurer of the State of Mississippi; the premiums on said
4793 bonds shall be paid from port funds.

4794 **SECTION 75.** Section 59-11-3, Mississippi Code of 1972, is
4795 amended as follows:

4796 59-11-3. (1) Any county port and harbor commission created
4797 pursuant to Section 59-11-1 shall be appointed as follows: three
4798 (3) members shall be appointed by the Governor, one (1) from each
4799 of the three (3) municipalities of the county, which appointments
4800 shall be made from those persons recommended and nominated by the



4801 governing authorities of the municipalities, and shall be
4802 qualified electors of the county; and five (5) members shall be
4803 appointed by the board of supervisors of such county, each
4804 supervisor to recommend the appointment of one (1) member
4805 thereof. * * * Any port and harbor commission, created by former
4806 Section 59-11-3, is continued and reconstituted as follows:
4807 Effective January 1, 2028, the members of the port and harbor
4808 commission shall be appointed by the Governor or prescribed local
4809 official, with the advice and consent of the Senate, for a term of
4810 office of four (4) years, provided that of the eight (8) members
4811 five (5) such members shall be appointed in 2028 to a term ending
4812 December 31, 2031, and three (3) such members shall be appointed
4813 in 2030 to a term ending December 31, 2033, with the phased-in
4814 terms of office to be designated by the appropriate appointing
4815 official. Appointments made at the beginning of the four-year
4816 cycle shall be made to fill any member's term which actually
4817 expires that year and any member's term which expires next until
4818 the majority of the membership of the board or commission is
4819 reached. Appointments made at the beginning of the third year of
4820 the four-year cycle shall be made for the remainder of the
4821 membership positions irrespective of the time of their prior
4822 appointment. Any question regarding the order of appointments
4823 shall be determined by the Secretary of State in accordance with
4824 the specific statute. All appointment procedures, vacancy
4825 provisions, interim appointment provisions and removal provisions



4826 specifically provided for in Section 7-1-35, Mississippi Code of
4827 1972, shall be fully applicable to appointments to the port and
4828 harbor commission.

4829 (2) Each member of the county port and harbor commission
4830 shall receive per diem compensation in an amount up to Eighty-four
4831 Dollars (\$84.00) for each day engaged in attendance of meetings of
4832 the county port and harbor commission or when engaged in other
4833 duties of the county port and harbor commission, and shall be
4834 reimbursed for mileage and actual travel expenses at the rate
4835 authorized for county employees under Section 25-3-41.

4836 **SECTION 76.** Section 61-3-7, Mississippi Code of 1972, is
4837 amended as follows:

4838 61-3-7. (1) Two (2) or more municipalities or two (2) or
4839 more municipalities and any state-supported institution of higher
4840 learning or a public community or junior college, by resolution of
4841 each, may create a public body, corporate and politic, to be known
4842 as a regional airport authority which shall be authorized to
4843 exercise its functions upon the issuance by the Secretary of State
4844 of a certificate of incorporation. The governing body of each
4845 municipality, the institution of higher learning or the public
4846 community or junior college, pursuant to its resolution,
4847 shall * * * nominate one (1) person as a commissioner of the
4848 authority who shall be appointed by the Governor, with the advice
4849 and consent of the Senate, to a term of four (4) years. However,
4850 if the regional airport authority consists of an even number of



4851 participants, which include two (2) or more municipalities or two
4852 (2) or more municipalities and a state institution of higher
4853 learning or a public community or junior college, an additional
4854 commissioner shall be appointed by the Governor, with the advice
4855 and consent of the Senate, to a term of four (4) years. Such
4856 additional commissioner shall be a resident of a county other than
4857 the counties of the participating municipalities but contiguous to
4858 at least one (1) of such counties. All appointment procedures,
4859 vacancy provisions, interim appointment provisions and removal
4860 provisions specifically provided for in Section 7-1-35,
4861 Mississippi Code of 1972, shall be fully applicable to
4862 appointments by the Governor to the position of commissioner.

4863 (2) A regional airport authority may be increased from time
4864 to time to serve one or more additional municipalities if each
4865 additional municipality and each of the municipalities and the
4866 institution of higher learning or the public community or junior
4867 college then included in the regional authority and the
4868 commissioners of the regional authority, respectively, adopt a
4869 resolution consenting thereto. If a municipal airport authority
4870 for any municipality seeking to be included in the regional
4871 authority is then in existence, the commissioners of the municipal
4872 authority shall consent to the inclusion of the municipality,
4873 institution of higher learning or the public community or junior
4874 college in the regional authority, and if the municipal authority
4875 has any bonds outstanding, unless the holders of fifty-one percent



4876 (51%) or more in amount of the bonds consent, in writing, to the
4877 inclusion of the municipality in the regional authority, no such
4878 inclusion shall be effected. Upon the inclusion of any
4879 municipality, institution of higher learning or the public
4880 community or junior college in the regional authority, all rights,
4881 contracts, obligations and property, real and personal, of the
4882 municipal authority shall be in the name of and vest in the
4883 regional authority.

4884 (3) A regional airport authority may be decreased if each of
4885 the municipalities and the institution of higher learning or the
4886 public community or junior college then included in the regional
4887 authority and the commissioners of the regional authority consent
4888 to the decrease and make provision for the retention or
4889 disposition of its assets and liabilities. However, if the
4890 regional authority has any bonds outstanding, no decrease shall be
4891 effected unless seventy-five percent (75%) or more of the holders
4892 of the bonds consent thereto in writing.

4893 (4) If a municipality so elects, it may share its
4894 commissioner position with another municipality that is not then a
4895 participant in the regional authority. In order to do so, the
4896 initiating and participating municipalities, and the joining
4897 municipality, all other municipalities participating at that time,
4898 and the commissioners of the regional authority, must adopt
4899 resolutions consenting to the sharing of the position. The
4900 initiating municipality and the joining municipality must reach an



4901 agreement to jointly determine the method for the appointment of
4902 their joint commissioner. Upon the adoption of the resolutions of
4903 authorization and the execution of the agreement between the
4904 participating and joining municipalities, the joint commissioner
4905 shall have the same powers, authority, duties and obligations
4906 otherwise vested in commissioners of the regional authority.

4907 (5) A municipality, institution of higher learning or public
4908 community or junior college shall not adopt any resolution
4909 authorized by this section without a public hearing thereon.
4910 Notice thereof shall be given at least ten (10) days before the
4911 hearing in a newspaper published in the municipality, in the
4912 institution of higher learning or in the public community or
4913 junior college, or if there is no newspaper published therein,
4914 then in a newspaper having general circulation in the
4915 municipality, in the institution of higher learning or in the
4916 public community or junior college.

4917 (6) At the expiration of the term of all commissioners
4918 serving as of January 1, 1978, the airport authority shall effect
4919 staggered terms by the drawing of lots and reporting thereon to
4920 appointing authorities. The commissioners shall be designated to
4921 serve for terms of one (1) year, two (2) years, three (3) years,
4922 four (4) years and so forth depending upon the number of
4923 participating appointing authorities. Thereafter, each
4924 commissioner shall be appointed for a term of five (5) years
4925 except that vacancies occurring otherwise than by expiration of



4926 terms shall be filled for the unexpired term in the same manner as
4927 the original appointment. All appointment procedures, vacancy
4928 provisions, interim appointment provisions and removal provisions
4929 specifically provided for in Section 7-1-35, Mississippi Code of
4930 1972, shall be fully applicable to appointments to the Regional
4931 Airport Authority.

4932 **SECTION 77.** Section 25-15-303, Mississippi Code of 1972, is
4933 amended as follows:

4934 25-15-303. (1) There is created the State and School
4935 Employees Health Insurance Management Board, which shall
4936 administer the State and School Employees Life and Health
4937 Insurance Plan provided for under Section 25-15-3 et seq. The
4938 State and School Employees Health Insurance Management Board,
4939 hereafter referred to as the "board," shall also be responsible
4940 for administering all procedures for selecting third-party
4941 administrators provided for in Section 25-15-301.

4942 (2) The board shall consist of the following:

4943 (a) The Chairman of the Workers' Compensation
4944 Commission or his or her designee;

4945 (b) The State Personnel Director, or his or her
4946 designee;

4947 (c) The Commissioner of Insurance, or his or her
4948 designee;

4949 (d) The Commissioner of Higher Education, or his or her
4950 designee;



4951 (e) The State Superintendent of Public Education, or
4952 his or her designee;

4953 (f) The Executive Director of the Department of Finance
4954 and Administration, or his or her designee;

4955 (g) The Executive Director of the Mississippi Community
4956 College Board, or his or her designee;

4957 (h) The Executive Director of the Public Employees'
4958 Retirement System, or his or her designee;

4959 (i) Two (2) appointees of the Governor, with the advice
4960 and consent of the Senate, whose terms shall be concurrent with
4961 that of the Governor, one (1) of whom shall have experience in
4962 providing actuarial advice to companies that provide health
4963 insurance to large groups and one (1) of whom shall have
4964 experience in the day-to-day management and administration of a
4965 large self-funded health insurance group;

4966 (j) The Chairman of the Senate Insurance Committee, or
4967 his or her designee;

4968 (k) The Chairman of the House of Representatives
4969 Insurance Committee, or his or her designee;

4970 (l) The Chairman of the Senate Appropriations
4971 Committee, or his or her designee; and

4972 (m) The Chairman of the House of Representatives
4973 Appropriations Committee, or his or her designee.

4974 The legislators, or their designees, shall serve as ex
4975 officio, nonvoting members of the board.



4976 The Executive Director of the Department of Finance and
4977 Administration shall be the chairman of the board.

4978 (3) All appointment procedures, vacancy provisions, interim
4979 appointment provisions and removal provisions specifically
4980 provided for in Section 7-1-35, Mississippi Code of 1972, shall be
4981 fully applicable to appointments to the State and School Employees
4982 Health Insurance Management Board.

4983 (* * *4) The board shall meet at least monthly and maintain
4984 minutes of the meetings. A quorum shall consist of a majority of
4985 the authorized voting membership of the board. The board shall
4986 have the sole authority to promulgate rules and regulations
4987 governing the operations of the insurance plans and shall be
4988 vested with all legal authority necessary and proper to perform
4989 this function including, but not limited to:

4990 (a) Defining the scope and coverages provided by the
4991 insurance plan;

4992 (b) Seeking proposals for services or insurance through
4993 competitive processes where required by law and selecting service
4994 providers or insurers under procedures provided for by law; and

4995 (c) Developing and adopting strategic plans and budgets
4996 for the insurance plan.

4997 The department shall employ a State Insurance Administrator,
4998 who shall be responsible for the day-to-day management and
4999 administration of the insurance plan. The Department of Finance
5000 and Administration shall provide to the board on a full-time basis



5001 personnel and technical support necessary and sufficient to
5002 effectively and efficiently carry out the requirements of this
5003 section.

5004 (* * *5) Members of the board shall not receive any
5005 compensation or per diem, but may receive travel reimbursement
5006 provided for under Section 25-3-41 except that the legislators
5007 shall receive per diem and expenses, which shall be paid from the
5008 contingent expense funds of their respective houses in the same
5009 amounts as provided for committee meetings when the Legislature is
5010 not in session; however, no per diem and expenses for attending
5011 meetings of the board shall be paid while the Legislature is in
5012 session.

5013 **SECTION 78.** Section 41-3-1.1, Mississippi Code of 1972, is
5014 amended as follows:

5015 41-3-1.1. (1) The State Board of Health is continued and
5016 reconstituted as follows:

5017 There is created the State Board of Health which, from and
5018 after March 30, 2007, shall consist of eleven (11) members
5019 appointed with the advice and consent of the Senate, as follows:

5020 (a) Five (5) members of the board shall be currently
5021 licensed physicians of good professional standing who have had at
5022 least seven (7) years' experience in the practice of medicine in
5023 this state. Three (3) members shall be appointed by the Governor,
5024 one (1) member shall be appointed by the Lieutenant Governor, and



5025 one (1) member shall be appointed by the Attorney General, in the
5026 manner provided in paragraph (d) of this subsection (1).

5027 (b) Six (6) members of the board shall be individuals
5028 who have a background in public health or an interest in public
5029 health who are not currently or formerly licensed physicians.
5030 Four (4) of those members shall be appointed by the Governor, one
5031 (1) of those members shall be appointed by the Lieutenant
5032 Governor, and one (1) of those members shall be appointed by the
5033 Attorney General, in the manner provided in paragraph (d) of this
5034 subsection (1).

5035 (c) The Governor, Lieutenant Governor and Attorney
5036 General shall give due regard to geographic distribution, race and
5037 gender in making their appointments to the board. It is the
5038 intent of the Legislature that the membership of the board reflect
5039 the population of the State of Mississippi. Of the Governor's
5040 appointments, * * * three (3) members of the board shall be
5041 appointed from each of the three (3) Supreme Court Districts as
5042 constituted on June 30, 2007, and two (2) from the state at
5043 large. * * *

5044 (d) * * * All appointments to the board shall be made
5045 by the prescribed appointing authority, with the advice and
5046 consent of the Senate.

5047 (2) * * * The State Board of Health, created by former
5048 Section 41-3-1.1, is continued and reconstituted as follows:
5049 Effective January 1, 2028, the members of the State Board of



5050 Health shall be appointed by the Governor, Lieutenant Governor or
5051 Attorney General as prescribed in this section, with the advice
5052 and consent of the Senate, for a term of office of four (4) years,
5053 provided that of the Governor's appointments, three (3) members
5054 shall be appointed in 2028 to a term ending December 31, 2031, and
5055 two (2) shall be appointed in 2030 to a term ending December 31,
5056 2033. Appointments made at the beginning of the four-year cycle
5057 shall be made to fill any member's term which actually expires
5058 that year and any member's term which expires next until the
5059 majority of the membership of the board or commission is reached.
5060 Appointments made at the beginning of the third year of the
5061 four-year cycle shall be made for the remainder of the membership
5062 positions irrespective of the time of their prior appointment.
5063 Any question regarding the order of appointments shall be
5064 determined by the Secretary of State in accordance with the
5065 specific statute. All appointment procedures, vacancy provisions,
5066 interim appointment provisions and removal provisions specifically
5067 provided for in Section 7-1-35, Mississippi Code of 1972, shall be
5068 fully applicable to appointments to the State Board of Health, and
5069 to the position of executive officer.

5070 (3) The Lieutenant Governor may designate one (1) Senator
5071 and the Speaker of the House of Representatives may designate one
5072 (1) Representative to attend any meeting of the State Board of
5073 Health. The appointing authorities may designate alternate
5074 members from their respective houses to serve when the regular



5075 designees are unable to attend the meetings of the board. Those
5076 legislative designees shall have no jurisdiction or vote on any
5077 matter within the jurisdiction of the board. For attending
5078 meetings of the board, the legislators shall receive per diem and
5079 expenses, which shall be paid from the contingent expense funds of
5080 their respective houses in the same amounts as provided for
5081 committee meetings when the Legislature is not in session;
5082 however, no per diem and expenses for attending meetings of the
5083 board will be paid while the Legislature is in session. No per
5084 diem and expenses will be paid except for attending meetings of
5085 the board without prior approval of the proper committee in their
5086 respective houses.

5087 (4) (a) All members of the State Board of Health shall file
5088 with the Mississippi Ethics Commission, before the first day of
5089 May each year, the statement of economic interest as required by
5090 Sections 25-4-25 through 25-4-29.

5091 (b) No member of the board shall participate in any
5092 action by the board or department if that action could have any
5093 monetary effect on any business with which that member is
5094 associated, as defined in Section 25-4-103.

5095 (c) When any matter in which a member may not
5096 participate comes before the board or department, that member must
5097 fully recuse himself or herself from the entire matter. The
5098 member shall avoid debating, discussing or taking action on the
5099 subject matter during official meetings or deliberations by



5100 leaving the meeting room before the matter comes before the board
5101 and by returning only after the discussion, vote or other action
5102 is completed. The member shall not discuss the matter with other
5103 members, department staff or any other person. Any minutes or
5104 other record of the meeting shall accurately reflect the recusal.
5105 If a member is uncertain whether recusal is required, the member
5106 shall follow the determination of the Mississippi Ethics
5107 Commission. The commission may delegate that determination to its
5108 executive director.

5109 (d) Upon a determination by the board or by any court
5110 of competent jurisdiction that a member of the board has violated
5111 the provisions of this subsection (4) regarding recusal, the
5112 member shall be removed from office. Any member of the board who
5113 violates the provisions of this section regarding recusal also
5114 shall be subject to the penalties set forth in Sections 25-4-109
5115 through 25-4-117. After removal from office, the member shall not
5116 be eligible for appointment to any agency, board or commission of
5117 the state for a period of two (2) years. Nothing in this section
5118 shall be construed to limit the restrictions codified in Section
5119 25-4-105.

5120 **SECTION 79.** Section 41-3-5.1, Mississippi Code of 1972, is
5121 amended as follows:

5122 41-3-5.1. The State Department of Health shall be headed by
5123 an executive officer who shall be appointed by the State Board of
5124 Health to a term of four (4) years, subject to the advice and



5125 consent of the Senate, and consistent with the provisions of
5126 Section 7-1-35, Mississippi Code of 1972.. The executive officer
5127 shall be either a physician who has earned a graduate degree in
5128 public health or health care administration, or a physician who in
5129 the opinion of the board is fitted and equipped to execute the
5130 duties incumbent upon him or her by law. The executive officer
5131 shall not engage in the private practice of medicine. The term of
5132 office of the executive officer shall be six (6) years, and the
5133 executive officer may be removed for cause by majority vote of the
5134 members of the board. The executive officer shall be subject to
5135 such rules and regulations as may be prescribed by the State Board
5136 of Health. The executive officer shall be the State Health
5137 Officer with such authority and responsibility as is prescribed by
5138 law.

5139 **SECTION 80.** Section 43-33-704, Mississippi Code of 1972, is
5140 amended as follows:

5141 43-33-704. (1) There is created by this article the
5142 Mississippi Home Corporation, which shall be a continuation of the
5143 corporate existence of the Mississippi Housing Finance Corporation
5144 and (a) all property, rights and powers of the Mississippi Housing
5145 Finance Corporation are vested in, and shall be exercised by, the
5146 corporation, subject, however, to all pledges, covenants,
5147 agreements, undertakings and trusts made or created by the
5148 Mississippi Housing Finance Corporation; (b) all references to the
5149 Mississippi Housing Finance Corporation in any other law or



5150 regulation shall be deemed to refer to and apply to the
5151 corporation; and (c) all regulations of the Mississippi Housing
5152 Finance Corporation shall continue to be in effect as the
5153 regulations of the corporation until amended, supplemented or
5154 rescinded by the corporation in accordance with law.

5155 (2) The corporation is created with power to: raise funds
5156 from private investors in order to make such private funds
5157 available to finance the acquisition, construction, rehabilitation
5158 and improvement of residential and rental housing for persons of
5159 low or moderate income within the state; provide financing to
5160 qualified sponsors or individuals for a wide range of loans
5161 including, but not limited to, housing development, mortgage,
5162 rehabilitation or energy conservation loans; make loans to private
5163 lenders to finance any of these loans; purchase any of these loans
5164 from private lenders; refinance, insure or guarantee any of these
5165 loans; provide for temporary or partial financing for any of these
5166 purposes; develop, operate and administer housing programs which
5167 further its stated goals of improving the availability,
5168 affordability and quality of low- and moderate-income housing in
5169 the state; and make grants or loans to private nonprofit
5170 developers, local governments or private persons in furtherance of
5171 these goals * * *.

5172 * * *

5173 (* * *3) (a) From and after the effective date of May 23,
5174 2000, the corporation shall be composed of nine (9) members. The



5175 Governor, with the advice and consent of the Senate, shall appoint
5176 six (6) members of the corporation, who shall be residents of the
5177 state. The Governor shall appoint two (2) members from each
5178 Supreme Court District. The Lieutenant Governor, with the advice
5179 and consent of the Senate, shall appoint three (3) members of the
5180 corporation, who shall be residents of the state. The Lieutenant
5181 Governor shall appoint one (1) member from each Supreme Court
5182 District. * * * In the appointment process, the Governor and
5183 Lieutenant Governor will attempt to see that all portions of
5184 society and its diversity are represented in the membership of the
5185 corporation. In the appointment process, the Governor and
5186 Lieutenant Governor will attempt to see that persons with
5187 substantial housing and financial experience are represented in
5188 the membership of the corporation.

5189 (b) The Mississippi Home Corporation, created by former
5190 Section 43-33-704, is continued and reconstituted as follows:
5191 Effective January 1, 2028, the members of the corporation shall be
5192 appointed by the appropriate appointing authority, with the advice
5193 and consent of the Senate, for a term of office of four (4) years,
5194 provided that four (4) members appointed by the Governor and two
5195 (2) members appointed by the Lieutenant Governor shall be
5196 appointed in 2028 to a term ending December 31, 2031, and two (2)
5197 members appointed by the Governor and one (1) member appointed by
5198 the Lieutenant Governor shall be appointed in 2030 to a term
5199 ending December 31, 2033. Appointments made at the beginning of



5200 the four-year cycle shall be made to fill any member's term which
5201 actually expires that year and any member's term which expires
5202 next until the majority of the membership of the board or
5203 commission is reached. Appointments made at the beginning of the
5204 third year of the four-year cycle shall be made for the remainder
5205 of the membership positions irrespective of the time of their
5206 prior appointment. Any question regarding the order of
5207 appointments shall be determined by the Secretary of State in
5208 accordance with the specific statute. All appointment procedures,
5209 vacancy provisions, interim appointment provisions and removal
5210 provisions specifically provided for in Section 7-1-35,
5211 Mississippi Code of 1972, shall be fully applicable to
5212 appointments to the State Board of Health, and to the position of
5213 executive director.

5214 (5) * * * Any member of the corporation shall be eligible
5215 for reappointment. Any member of the corporation may be removed
5216 by the appointing authority for misfeasance, malfeasance or
5217 willful neglect of duty after reasonable notice and a public
5218 hearing, unless the same are expressly waived in writing. Each
5219 member of the corporation shall before entering upon his duty take
5220 an oath of office to administer the duties of his office
5221 faithfully and impartially, and a record of such oath shall be
5222 filed in the office of the Secretary of State. The corporation
5223 shall annually elect from its membership a chairman who shall be
5224 eligible for reelection. The corporation shall annually elect



5225 from its membership a vice chairman who shall be eligible for
5226 reelection. The corporation shall also elect or appoint, and
5227 prescribe the duties of, such other officers (who need not be
5228 members) as the corporation deems necessary or advisable, and the
5229 corporation shall fix the compensation of such officers. The
5230 corporation may delegate to one or more of its members, officers,
5231 employees or agents such powers and duties as it may deem proper,
5232 not inconsistent with this article or other provisions of law.

5233 (6) In accomplishing its purposes, the corporation is acting
5234 in all respects for the benefit of the people of the state and the
5235 performance of essential public functions and is serving a vital
5236 public purpose in approving and otherwise promoting their health,
5237 welfare and prosperity, and the enactment of the provisions
5238 hereinafter set forth is for a valid public purpose and is hereby
5239 so declared to be such as a matter of express legislative
5240 determination.

5241 **SECTION 81.** Section 43-33-707, Mississippi Code of 1972, is
5242 amended as follows:

5243 43-33-707. (1) The corporation shall appoint, and prescribe
5244 the duties of, such officers (who need not be directors) as the
5245 corporation deems necessary or advisable, including an executive
5246 director and a secretary (who may be the same person), and the
5247 corporation shall fix the compensation of such officers. The
5248 executive director shall be appointed to a term of office of four
5249 (4) years, with the advice and consent of the Senate, and * * *



5250 consistent with the provisions of Section 7-1-35, Mississippi Code
5251 of 1972. The executive director shall administer, manage and
5252 direct the affairs and business of the corporation, subject to the
5253 policies, control and direction of the directors of the
5254 corporation. The secretary of the corporation shall keep a record
5255 of the proceedings of the corporation and shall be custodian of
5256 all books, documents and papers filed with the corporation, the
5257 minute book or journal of the corporation, and its official seal.
5258 He shall have authority to cause copies to be made of all minutes
5259 and other records and documents of the corporation and to give
5260 certificates under the official seal of the corporation to the
5261 effect that the copies are true copies, and all persons dealing
5262 with the corporation may rely upon the certificates. The
5263 treasurer shall be the custodian of the assets of the corporation,
5264 except for those assets required by contracts with bondholders to
5265 be in the custody of the trustee. The directors of the
5266 corporation shall set the investment policy for assets, and the
5267 executive director shall be responsible for making investments in
5268 accordance with such policy. The treasurer may delegate all or a
5269 portion of his duties and responsibilities to the executive
5270 director.

5271 (2) The corporation shall have the authority, in its
5272 discretion, to employ counsel on an annual basis at an annual
5273 salary at an amount it deems proper. Such counsel may, in
5274 addition to an annual salary, be paid additional compensation when



5275 employed by the corporation in the matter of litigation and the
5276 issuance of bonds and the drafting of orders and resolutions in
5277 connection therewith.

5278 **SECTION 82.** Section 41-73-7, Mississippi Code of 1972, is
5279 amended as follows:

5280 41-73-7. (1) There is hereby created, with such duties and
5281 powers as are set forth in this act, a body politic and corporate,
5282 not a state agency, but an independent instrumentality exercising
5283 essential public functions, to be known as the Mississippi
5284 Hospital Equipment and Facilities Authority.

5285 (2) The authority shall be governed by seven (7) members who
5286 shall be appointed by the Governor with the advice and consent of
5287 the Senate.

5288 (3) The members shall at all times include the following:

5289 (a) One (1) resident of each of the three (3) Supreme
5290 Court districts in the state;

5291 (b) One (1) certified public accountant experienced in
5292 hospital finance;

5293 (c) One (1) possessing not less than ten (10) years'
5294 experience in hospital management and finance;

5295 (d) One (1) banker with experience in commercial
5296 lending or one (1) investment banker with experience in municipal
5297 finance;

5298 (e) One (1) chosen at large.

5299 (4) All members shall be residents of the state.



5300 (5) The Mississippi Hospital Equipment and Facilities
5301 Authority, created by former Section 41-73-7, is continued and
5302 reconstituted as follows: Effective January 1, 2028, the members
5303 of the authority shall be appointed by the Governor or prescribed
5304 local official, with the advice and consent of the Senate, for a
5305 term of office of four (4) years, provided that four (4) members
5306 shall be appointed in 2028 to a term ending December 31, 2031, and
5307 three (3) members shall be appointed in 2030 to a term ending
5308 December 31, 2033. Appointments made at the beginning of the
5309 four-year cycle shall be made to fill any member's term which
5310 actually expires that year and any member's term which expires
5311 next until the majority of the membership of the board or
5312 commission is reached. Appointments made at the beginning of the
5313 third year of the four-year cycle shall be made for the remainder
5314 of the membership positions irrespective of the time of their
5315 prior appointment. Any question regarding the order of
5316 appointments shall be determined by the Secretary of State in
5317 accordance with the specific statute. All appointment procedures,
5318 vacancy provisions, interim appointment provisions and removal
5319 provisions specifically provided for in Section 7-1-35,
5320 Mississippi Code of 1972, shall be fully applicable to
5321 appointments to the authority and the position of executive
5322 director.

5323 **SECTION 83.** Section 43-1-2, Mississippi Code of 1972, is
5324 amended as follows:



5325 43-1-2. (1) There is created the Mississippi Department of
5326 Human Services, whose offices shall be located in Jackson,
5327 Mississippi, and which shall be under the policy direction of the
5328 Governor.

5329 (2) The chief administrative officer of the department shall
5330 be the Executive Director of Human Services. The Governor shall
5331 appoint the Executive Director of Human Services to a term of
5332 office of four (4) years, with the advice and consent of the
5333 Senate, * * * and consistent with the provisions of Section
5334 7-1-35. All appointment procedures, vacancy provisions, interim
5335 appointment provisions and removal provisions specifically
5336 provided for in Section 7-1-35, Mississippi Code of 1972, shall be
5337 fully applicable to appointments to the position of commissioner.
5338 The Executive Director of Human Services shall possess the
5339 following qualifications:

5340 (a) A bachelor's degree from an accredited institution
5341 of higher learning and ten (10) years' experience in management,
5342 public administration, finance or accounting; or

5343 (b) A master's or doctoral degree from an accredited
5344 institution of higher learning and five (5) years' experience in
5345 management, public administration, finance or accounting.

5346 Those qualifications shall be certified by the State
5347 Personnel Board.

5348 (3) There shall be a Joint Oversight Committee of the
5349 Department of Human Services composed of the respective Chairmen



5350 of the Senate Public Health and Welfare Committee, the Senate
5351 Appropriations Committee, the House Public Health and Human
5352 Services Committee and the House Appropriations Committee, three
5353 (3) members of the Senate appointed by the Lieutenant Governor to
5354 serve at the will and pleasure of the Lieutenant Governor, and
5355 three (3) members of the House of Representatives appointed by the
5356 Speaker of the House to serve at the will and pleasure of the
5357 Speaker. The chairmanship of the committee shall alternate for
5358 twelve-month periods between the Senate members and the House
5359 members, on May 1 of each year, with the Chairman of the Senate
5360 Public Health and Welfare Committee serving as chairman beginning
5361 in even-numbered years, and the Chairman of the House Public
5362 Health and Human Services Committee serving as chairman beginning
5363 in odd-numbered years. The committee shall meet once each
5364 quarter, or upon the call of the chairman at such times as he
5365 deems necessary or advisable, and may make recommendations to the
5366 Legislature pertaining to any matter within the jurisdiction of
5367 the Mississippi Department of Human Services. The appointing
5368 authorities may designate an alternate member from their
5369 respective houses to serve when the regular designee is unable to
5370 attend such meetings of the oversight committee. For attending
5371 meetings of the oversight committee, such legislators shall
5372 receive per diem and expenses which shall be paid from the
5373 contingent expense funds of their respective houses in the same
5374 amounts as provided for committee meetings when the Legislature is



5375 not in session; however, no per diem and expenses for attending
5376 meetings of the committee will be paid while the Legislature is in
5377 session. No per diem and expenses will be paid except for
5378 attending meetings of the oversight committee without prior
5379 approval of the proper committee in their respective houses.

5380 (4) The Department of Human Services shall provide the
5381 services authorized by law to every individual determined to be
5382 eligible therefor, and in carrying out the purposes of the
5383 department, the executive director is authorized:

5384 (a) To formulate the policy of the department regarding
5385 human services within the jurisdiction of the department;

5386 (b) To adopt, modify, repeal and promulgate, after due
5387 notice and hearing, and where not otherwise prohibited by federal
5388 or state law, to make exceptions to and grant exemptions and
5389 variances from, and to enforce rules and regulations implementing
5390 or effectuating the powers and duties of the department under any
5391 and all statutes within the department's jurisdiction, all of
5392 which shall be binding upon the county departments of human
5393 services;

5394 (c) To apply for, receive and expend any federal or
5395 state funds or contributions, gifts, devises, bequests or funds
5396 from any other source;

5397 (d) Except as limited by Section 43-1-3, to enter into
5398 and execute contracts, grants and cooperative agreements with any
5399 federal or state agency or subdivision thereof, or any public or



5400 private institution located inside or outside the State of
5401 Mississippi, or any person, corporation or association in
5402 connection with carrying out the programs of the department; and

5403 (e) To discharge such other duties, responsibilities
5404 and powers as are necessary to implement the programs of the
5405 department.

5406 (5) The executive director shall establish the
5407 organizational structure of the Mississippi Department of Human
5408 Services which shall include the creation of any units necessary
5409 to implement the duties assigned to the department and consistent
5410 with specific requirements of law, including, but not limited to:

5411 (a) Division of Youth Services;

5412 (b) Office of Economic Programs;

5413 (c) Office of Child Support Enforcement; or

5414 (d) Office of Field Operations to administer any state
5415 or county level programs under the purview of the Mississippi
5416 Department of Human Services, with the exception of programs that
5417 fall under paragraph (a) of this subsection.

5418 (6) The Executive Director of Human Services shall appoint
5419 heads of offices, bureaus and divisions, as defined in Section
5420 7-17-11, who shall serve at the pleasure of the executive
5421 director. The salary and compensation of such office, bureau and
5422 division heads shall be subject to the rules and regulations
5423 adopted and promulgated by the State Personnel Board as created
5424 under Section 25-9-101 et seq. The executive director shall have



5425 the authority to organize offices as deemed appropriate to carry
5426 out the responsibilities of the department. The organization
5427 charts of the department shall be presented annually with the
5428 budget request of the Governor for review by the Legislature.

5429 (7) This section shall stand repealed on July 1, 2026.

5430 **SECTION 84.** Section 25-53-7, Mississippi Code of 1972, is
5431 amended as follows:

5432 25-53-7. (1) The membership of the MDITS Authority shall be
5433 composed of five (5) members to be appointed by the Governor with
5434 the advice and consent of the Senate. * * * Each member of the
5435 authority shall have a minimum of four (4) years' experience in an
5436 information technology-related executive position or prior service
5437 as a member of the authority. The MDITS Authority, created by
5438 former Section 25-53-7, is continued and reconstituted as follows:
5439 Effective January 1, 2028, members of the MDITS Authority shall be
5440 appointed by the Governor, with the advice and consent of the
5441 Senate, for a term of office of four (4) years, provided that
5442 three (3) members shall be appointed in 2028 to a term ending
5443 December 31, 2031, and two (2) members shall be appointed in 2030
5444 to a term ending December 31, 2033. Appointments made at the
5445 beginning of the four-year cycle shall be made to fill any
5446 member's term which actually expires that year and any member's
5447 term which expires next until the majority of the membership of
5448 the board or commission is reached. Appointments made at the
5449 beginning of the third year of the four-year cycle shall be made



5450 for the remainder of the membership positions irrespective of the
5451 time of their prior appointment. Any question regarding the order
5452 of appointments shall be determined by the Secretary of State in
5453 accordance with the specific statute. All appointment procedures,
5454 vacancy provisions, interim appointment provisions and removal
5455 provisions specifically provided for in Section 7-1-35,
5456 Mississippi Code of 1972, shall be fully applicable to
5457 appointments to the MDITS Authority.

5458 (2) Each member of the authority shall be required to
5459 furnish a surety bond in the minimum amount of Fifty Thousand
5460 Dollars (\$50,000.00) to be approved by the Secretary of State,
5461 conditioned according to law and payable to the State of
5462 Mississippi, before entering upon his duties. The premiums on
5463 such bonds shall be paid from any funds available to the authority
5464 for such purpose.

5465 (3) No member of the authority, nor its executive director,
5466 shall, during his term as such member or director, have any
5467 substantial beneficial interest in any corporation or other
5468 organization engaged in the information technology business either
5469 as manufacturer, supplier, lessor, or otherwise. All members and
5470 the executive director shall fully disclose in writing any such
5471 beneficial interest, and such disclosure shall be entered on the
5472 minutes of the authority.

5473 (4) The Lieutenant Governor may designate one (1) Senator
5474 and the Speaker of the House of Representatives may designate one



5475 (1) Representative to attend any meeting of the authority. The
5476 appointing authorities may designate an alternate member from
5477 their respective houses to serve when the regular designee is
5478 unable to attend such meetings of the authority. Such legislative
5479 designees shall have no jurisdiction or vote on any matter within
5480 the jurisdiction of the authority. For attending meetings of the
5481 authority, such legislators shall receive per diem and expenses
5482 which shall be paid from the contingent expense funds of their
5483 respective houses in the same amounts as provided for committee
5484 meetings when the Legislature is not in session; however, no per
5485 diem and expenses for attending meetings of the authority will be
5486 paid while the Legislature is in session. No per diem and
5487 expenses will be paid except for attending meetings of the
5488 authority without prior approval of the proper committee in their
5489 respective houses.

5490 **SECTION 85.** Section 25-53-19, Mississippi Code of 1972, is
5491 amended as follows:

5492 25-53-19. The authority shall select an executive director,
5493 with the advice and consent of the Senate, who shall be the
5494 administrative officer of the authority and shall perform such
5495 duties as are required of him by law and such other duties as may
5496 be assigned him by the authority, and who shall receive such
5497 compensation as may be fixed by the authority, subject to the
5498 approval of the state personnel board. The executive director
5499 shall serve for a term of four (4) years, consistent with the



5500 provisions of Section 7-1-35, Mississippi Code of 1972. In
5501 addition, he shall be entitled to remuneration for his necessary
5502 traveling expenses consistent with general law.

5503 The executive director shall be a graduate of an accredited
5504 university with a degree in engineering, business administration,
5505 electronic communications, information technology or a related
5506 field, with at least ten (10) years' experience in information
5507 technology, electronic communications, or a related field, of
5508 which at least five (5) years shall be in a responsible high level
5509 management position with a demonstrated record of management
5510 expertise demonstrated through knowledge in the application of
5511 information technology and electronic communications. The
5512 qualifications for the executive director prescribed herein shall
5513 not apply to the executive director serving on June 30, 1984.

5514 The executive director shall have no vote in the decisions of
5515 said authority, but shall offer such professional or technical
5516 advice and assistance to the authority as may be required of him.
5517 Said executive director, in order to qualify for his position,
5518 shall be required to make a good and sufficient bond in some
5519 surety company qualified and doing business in the State of
5520 Mississippi, in the minimum penal sum of Fifty Thousand Dollars
5521 (\$50,000.00) conditioned upon the faithful performance of his
5522 duties as required by law and the directives of the authority.
5523 The premium on said bond shall be paid from any funds available to
5524 the authority for such purpose. Said executive director may be



5525 removed at any time upon a majority vote of the membership of said
5526 authority.

5527 The executive director, with the approval of the authority,
5528 shall employ such technical, professional, and clerical help as
5529 may be authorized by the authority; and the authority, upon the
5530 recommendation of the executive director, shall define the duties
5531 and fix the compensation of such employees.

5532 **SECTION 86.** Section 73-73-23, Mississippi Code of 1972, is
5533 amended as follows:

5534 73-73-23. (1) IDAC shall be comprised of five (5) members,
5535 each being a Mississippi Certified Interior Designer residing in
5536 this state who has been engaged in interior design not less than
5537 seven (7) years. It is the duty of IDAC to carry out the purposes
5538 of this chapter as herein provided.

5539 (2) The Governor shall appoint the members of IDAC, with the
5540 advice and consent of the Senate, from a list of names supplied by
5541 MCID, or its successor. * * * Each new appointee must be a
5542 Mississippi Certified Interior Designer. * * *

5543 (3) * * * The Interior Design Advisory Committee (IDAC),
5544 created by former Section 73-73-23, is continued and reconstituted
5545 as follows: Effective January 1, 2028, members of the IDAC shall
5546 be appointed by the Governor, with the advice and consent of the
5547 Senate, for a term of office of four (4) years, provided that
5548 three (3) members shall be appointed in 2028 to a term ending
5549 December 31, 2031, and two (2) such members shall be appointed in



5550 2030 to a term ending December 31, 2033. Appointments made at the
5551 beginning of the four-year cycle shall be made to fill any
5552 member's term which actually expires that year and any member's
5553 term which expires next until the majority of the membership of
5554 the board or commission is reached. Appointments made at the
5555 beginning of the third year of the four-year cycle shall be made
5556 for the remainder of the membership positions irrespective of the
5557 time of their prior appointment. Any question regarding the order
5558 of appointments shall be determined by the Secretary of State in
5559 accordance with the specific statute. All appointment procedures,
5560 vacancy provisions, interim appointment provisions and removal
5561 provisions specifically provided for in Section 7-1-35,
5562 Mississippi Code of 1972, shall be fully applicable to
5563 appointments to the IDAC.

5564 (4) At the first meeting of every calendar year, IDAC shall
5565 elect from among its members a chairman and a secretary to hold
5566 office for one (1) year.

5567 (5) The executive director of the board shall keep a true
5568 and correct record of all proceedings of IDAC.

5569 **SECTION 87.** Section 45-4-3, Mississippi Code of 1972, is
5570 amended as follows:

5571 45-4-3. (1) There is hereby created the Board on Jail
5572 Officer Standards and Training, which shall consist of nine (9)
5573 members.

5574 (2) The members shall be appointed as follows:



5575 (a) Two (2) members to be appointed by the Mississippi
5576 Association of Supervisors.

5577 (b) Three (3) members to be appointed by the
5578 Mississippi Association of Sheriffs.

5579 (c) One (1) member to be appointed by the Mississippi
5580 Community College Board.

5581 (d) One (1) member to be appointed by the Governor.

5582 (e) One (1) member to be appointed by the Mississippi
5583 Association of Chiefs of Police.

5584 (f) One (1) member to be appointed by the Mississippi
5585 Municipal League.

5586 * * *

5587 The Board on Jail Officer Standards and Training, created by
5588 former Section 45-4-3, is continued and reconstituted as follows:
5589 Effective January 1, 2028, members of the board shall be appointed
5590 by the prescribed appointing authority, with the advice and
5591 consent of the Senate, for a term of office of four (4) years.
5592 All appointment procedures, vacancy provisions, interim
5593 appointment provisions and removal provisions specifically
5594 provided for in Section 7-1-35, Mississippi Code of 1972, shall be
5595 fully applicable to appointments to the Board on Jail Officer
5596 Standards and Training.

5597 (3) Members of the board shall serve without compensation,
5598 but shall be entitled to receive reimbursement for any actual and
5599 reasonable expenses incurred as a necessary incident to such



5600 service, including mileage, as provided in Section 25-3-41,
5601 Mississippi Code of 1972.

5602 (4) There shall be a chairman and a vice chairman of the
5603 board, elected by and from the membership of the board. The board
5604 shall adopt rules and regulations governing times and places for
5605 meetings and governing the manner of conducting its business, but
5606 the board shall meet at least every three (3) months. Any member
5607 who is absent for three (3) consecutive regular meetings of the
5608 board may be removed by a majority vote of the board.

5609 (5) The Governor shall call an organizational meeting of the
5610 board not later than thirty (30) days after July 1, 1999.

5611 (6) The board shall report annually to the Governor and the
5612 Legislature on its activities, and may make such other reports as
5613 it deems desirable.

5614 **SECTION 88.** Section 69-46-3, Mississippi Code of 1972, is
5615 amended as follows:

5616 69-46-3. (1) There is created the Mississippi Land, Water
5617 and Timber Resources Board, hereinafter referred to as "the
5618 board," for the purpose of assisting Mississippi agricultural
5619 industry in the development, marketing and distribution of
5620 agricultural products.

5621 (2) The board shall be composed of the following members:

5622 (a) The Chairman of the Senate Agriculture Committee,
5623 or a member of the Senate Agriculture Committee designated by the
5624 chairman, as a nonvoting member;



5625 (b) The Chairman of the House of Representatives
5626 Agriculture Committee or a member of the House of Representatives
5627 Agriculture Committee designated by the chairman, as a nonvoting
5628 member;

5629 (c) The Chairman of the Senate Forestry Committee, or a
5630 member of the Senate Forestry Committee designated by the
5631 chairman, as a nonvoting member;

5632 (d) The Executive Director of the Mississippi
5633 Development Authority, or his designee;

5634 (e) The Commissioner of the Mississippi Department of
5635 Agriculture and Commerce, or his designee;

5636 (f) The President of the Mississippi Farm Bureau
5637 Federation, or his designee;

5638 (g) The Director of the Cooperative Extension Service
5639 at Mississippi State University, or his designee;

5640 (h) The Executive Director of the Agribusiness and
5641 Natural Resource Development Center at Alcorn State University, or
5642 his designee;

5643 (i) The Director of the Agricultural Finance Division
5644 of the Mississippi Development Authority, or his designee;

5645 (j) The Director of the Agriculture Marketing Division
5646 of the Mississippi Department of Agriculture and Commerce, or his
5647 designee;

5648 (k) The Executive Director of the Mississippi Forestry
5649 Commission, or his designee; and



5650 (1) Three (3) individuals appointed by the Governor,
5651 with the advice and consent of the Senate, who are active
5652 producers of Mississippi land, water or timber commodities. The
5653 Governor shall appoint one (1) such person from each Supreme Court
5654 district. Effective January 1, 2028, the three (3) members
5655 appointed by the Governor shall be appointed for a term of office
5656 of four (4) years, provided that two (2) members shall be
5657 appointed in 2028 to a term ending December 31, 2031, and one (1)
5658 member shall be appointed in 2030 to a term ending December 31,
5659 2033. Appointments made at the beginning of the four-year cycle
5660 shall be made to fill any member's term which actually expires
5661 that year and any member's term which expires next until the
5662 majority of the membership of the board or commission is reached.
5663 Appointments made at the beginning of the third year of the
5664 four-year cycle shall be made for the remainder of the membership
5665 positions irrespective of the time of their prior appointment.
5666 Any question regarding the order of appointments shall be
5667 determined by the Secretary of State in accordance with the
5668 specific statute. All appointment procedures, vacancy provisions,
5669 interim appointment provisions and removal provisions specifically
5670 provided for in Section 7-1-35, Mississippi Code of 1972, shall be
5671 fully applicable to appointments to the board.

5672 (3) The Executive Director of the Mississippi Development
5673 Authority and the Commissioner of the Mississippi Department of
5674 Agriculture and Commerce shall serve as cochairmen of the board.



5675 (4) The board shall meet at least once each calendar quarter
5676 at the call of the cochairmen. A majority of the members of the
5677 board shall constitute a quorum at all meetings. An affirmative
5678 vote of a majority of the members present and voting is required
5679 in the adoption of any actions taken by the board. All members
5680 must be notified, in writing, of all regular and special meetings
5681 of the board, which notices must be mailed at least ten (10) days
5682 before the dates of the meetings. All meetings shall take place
5683 at the State Capitol in Jackson, Mississippi, or at a location to
5684 be determined by the cochairmen. The board shall provide a copy
5685 of the minutes of each of its meetings to the Chairman of the
5686 Senate Agriculture Committee and the Chairman of the House of
5687 Representatives Agriculture Committee.

5688 (5) Members of the board shall not receive compensation.
5689 However, each member may be paid travel expenses and meals and
5690 lodging expenses as provided in Section 25-3-41, for such expenses
5691 incurred in furtherance of their duties. Travel expenses and
5692 meals and lodging expenses and other necessary expenses incurred
5693 by the board shall be paid out of funds appropriated to the
5694 Mississippi Development Authority.

5695 (6) In carrying out the provisions of the Mississippi Land,
5696 Water and Timber Resources Act, the board may utilize the
5697 services, facilities and personnel of all departments, agencies,
5698 offices and institutions of the state, and all such departments,



5699 agencies, offices and institutions shall cooperate with the board
5700 in carrying out the provisions of such act.

5701 **SECTION 89.** Section 73-2-13, Mississippi Code of 1972, is
5702 amended as follows:

5703 73-2-13. There shall be an advisory committee to the board
5704 to consist of five (5) members appointed by the Governor from a
5705 list of names supplied by Mississippi Chapter of the American
5706 Society of Landscape Architects, giving the names of no fewer than
5707 three (3) times the number of persons to be appointed, one (1) to
5708 be appointed from each Mississippi Supreme Court District and two
5709 (2) from the state at large. Each member of the initially
5710 appointed committee shall be qualified as described by Section
5711 73-2-7. Appointments shall be licensed landscape architects
5712 only * * *. The Landscape Architect Advisory Board, created by
5713 former Section 73-2-13, is continued and reconstituted as follows:
5714 Effective January 1, 2028, members shall be appointed by the
5715 Governor, with the advice and consent of the Senate, for a term of
5716 office of four (4) years, provided that three (3) members shall be
5717 appointed in 2028 to a term ending December 31, 2031, and two (2)
5718 members shall be appointed in 2030 to a term ending December 31,
5719 2033. Appointments made at the beginning of the four-year cycle
5720 shall be made to fill any member's term which actually expires
5721 that year and any member's term which expires next until the
5722 majority of the membership of the board or commission is reached.
5723 Appointments made at the beginning of the third year of the



5724 four-year cycle shall be made for the remainder of the membership
5725 positions irrespective of the time of their prior appointment.
5726 Any question regarding the order of appointments shall be
5727 determined by the Secretary of State in accordance with the
5728 specific statute. All appointment procedures, vacancy provisions,
5729 interim appointment provisions and removal provisions specifically
5730 provided for in Section 7-1-35, Mississippi Code of 1972, shall be
5731 fully applicable to appointments to the Landscape Architect
5732 Advisory Board.

5733 The committee shall review, approve or disapprove, and make
5734 recommendations on all applications for landscape architect's
5735 license. At the direction of the board, the committee shall also
5736 review and investigate any charges brought against any landscape
5737 architect as provided for in Section 73-2-16 and make findings of
5738 fact and recommendations to the board concerning any disciplinary
5739 action which the committee deems necessary and proper pursuant to
5740 Section 73-2-16.

5741 Each member of the committee shall be entitled to receive a
5742 per diem in such amounts as shall be set by the board, but not to
5743 exceed the amount provided for in Section 25-3-69, and shall be
5744 reimbursed for expenses that are incurred in the actual
5745 performance of his duties under the provisions of Section 25-3-41.

5746 Before entering upon the discharge of his duties, each member
5747 of the committee shall take and subscribe to the oath of office
5748 and file it with the Secretary of State. The committee shall



5749 elect at the first meeting of every calendar year from among its
5750 members, a chairman and a secretary to hold office for one (1)
5751 year.

5752 **SECTION 90.** Section 45-6-5, Mississippi Code of 1972, is
5753 amended as follows:

5754 45-6-5. (1) There is hereby created the Board on Law
5755 Enforcement Officer Standards and Training, which shall consist of
5756 thirteen (13) members.

5757 (2) (a) The Governor shall appoint six (6) members of the
5758 board, two (2) from each Mississippi Supreme Court District, from
5759 the following specified categories:

5760 (i) Two (2) members, each of whom is a chief of
5761 police of a municipality in this state, with one (1) of the
5762 appointees being appointed from a municipality having a population
5763 of less than five thousand (5,000) according to the latest federal
5764 decennial census.

5765 (ii) One (1) member who is a sheriff in this
5766 state.

5767 (iii) One (1) member who is a district attorney in
5768 this state.

5769 (iv) One (1) member who is a representative of
5770 higher education and who has a degree in one (1) of the following
5771 areas of study: corrections, criminal justice or public
5772 administration.



5773 (v) One (1) member who is a nonsupervisory
5774 rank-and-file law enforcement officer.

5775 (b) * * * The Board on Law Enforcement Officer
5776 Standards, created by former Section 45-6-5, is continued and
5777 reconstituted as follows: Effective January 1, 2028, the members
5778 shall be appointed by the Governor, with the advice and consent of
5779 the Senate, for a term of office of four (4) years, provided that
5780 four (4) members shall be appointed in 2028 to a term ending
5781 December 31, 2031, and two (2) members shall be appointed in 2030
5782 to a term ending December 31, 2033. Appointments made at the
5783 beginning of the four-year cycle shall be made to fill any
5784 member's term which actually expires that year and any member's
5785 term which expires next until the majority of the membership of
5786 the board or commission is reached. Appointments made at the
5787 beginning of the third year of the four-year cycle shall be made
5788 for the remainder of the membership positions irrespective of the
5789 time of their prior appointment. Any question regarding the order
5790 of appointments shall be determined by the Secretary of State in
5791 accordance with the specific statute. All appointment procedures,
5792 vacancy provisions, interim appointment provisions and removal
5793 provisions specifically provided for in Section 7-1-35,
5794 Mississippi Code of 1972, shall be fully applicable to
5795 appointments to the Board on Law Enforcement Officer Standards and
5796 Training.

5797 * * *



5798 (3) The remaining seven (7) members of the board shall be
5799 the following:

5800 (a) The Attorney General, or his designee.

5801 (b) The Director of the Mississippi Highway Safety
5802 Patrol, or his designee.

5803 (c) The President of the Mississippi Municipal
5804 Association, or his designee who is a member of the association.

5805 (d) The President of the Mississippi Association of
5806 Supervisors, or his designee who is a member of the association.

5807 (e) The President of the Mississippi Constable
5808 Association, or his designee who is a member of the association.

5809 (f) The President of the Mississippi Campus Law
5810 Enforcement Officers Association, or his designee who is a member
5811 of the association.

5812 (g) The President of the Mississippi Sheriffs'
5813 Association, or his designee who is a member of the association.

5814 The Attorney General, the Director of the Mississippi Highway
5815 Safety Patrol and the respective presidents of the foregoing
5816 associations, or their designees, shall serve only for their
5817 respective terms of office.

5818 (4) Members of the board shall serve without compensation,
5819 but shall be entitled to receive reimbursement for any actual and
5820 reasonable expenses incurred as a necessary incident to such
5821 service, including mileage, as provided in Section 25-3-41.



5822 (5) There shall be a chairman and a vice chairman of the
5823 board, elected by and from the membership of the board. The board
5824 shall adopt rules and regulations governing times and places for
5825 meetings and governing the manner of conducting its business, but
5826 the board shall meet at least every three (3) months.

5827 (6) The Governor shall call an organizational meeting of the
5828 board not later than thirty (30) days after April 7, 1981.

5829 (7) If a person appointed to the board no longer occupies
5830 the status qualifying that person's appointment, that position on
5831 the board shall be immediately vacated and filled ex officio or by
5832 appointment of the Governor as otherwise provided in this section.

5833 (8) The board shall report annually to the Governor and the
5834 Legislature on its activities, and may make such other reports as
5835 it deems desirable.

5836 (9) The training officers of all police academies in the
5837 state whose curricula are approved by the board shall be advisors
5838 to the board. They shall be entitled to all privileges of the
5839 board members, including travel expenses and subsistence, but
5840 shall not be eligible to vote at board meetings.

5841 **SECTION 91.** Section 39-3-101, Mississippi Code of 1972, is
5842 amended as follows:

5843 39-3-101. There is hereby created a Board of Commissioners
5844 of the Mississippi Library Commission to be composed of five
5845 members appointed by the Governor * * *, with the advice and
5846 consent of the Senate, one (1) appointed from each Mississippi



5847 Supreme Court District and two (2) from the state at large. Two
5848 (2) members shall be appointed by the Governor from a list of not
5849 less than six (6) names submitted by the Mississippi Library
5850 Association, one (1) of whom shall be a librarian who is a
5851 graduate of a library school accredited by the American Library
5852 Association and actively engaged in full time library work at the
5853 time of the appointment and one (1) of whom shall be, at time of
5854 the appointment, a member of a legally organized board of trustees
5855 of a Mississippi free public library; and one (1) member shall be
5856 the president of the Mississippi Federation of Women's Clubs, or a
5857 member of said federation recommended by her; and which federation
5858 member shall, when appointed, serve a full term as herein provided
5859 for members to serve under a staggered term basis, and the
5860 successor to the federation member shall be the president of the
5861 federation then serving, or a member of the federation recommended
5862 by her, when the term of the federation member shall expire; and
5863 after the appointment of a federation member to the board, and
5864 when her term as a member thereof shall expire, each succeeding
5865 member of the federation who becomes a member of the board shall
5866 serve a full term under the provisions of this article. * * * The
5867 Board of Commissioners of the Mississippi Library Commission,
5868 created by former Section 39-3-101, is continued and reconstituted
5869 as follows: Effective January 1, 2028, each commissioner shall be
5870 appointed by the Governor, with the advice and consent of the
5871 Senate, for a term of office of four (4) years, provided that



5872 three (3) members shall be appointed in 2028 to a term ending
5873 December 31, 2031, and two (2) members shall be appointed in 2030
5874 to a term ending December 31, 2033. Appointments made at the
5875 beginning of the four-year cycle shall be made to fill any
5876 member's term which actually expires that year and any member's
5877 term which expires next until the majority of the membership of
5878 the board or commission is reached. Appointments made at the
5879 beginning of the third year of the four-year cycle shall be made
5880 for the remainder of the membership positions irrespective of the
5881 time of their prior appointment. Any question regarding the order
5882 of appointments shall be determined by the Secretary of State in
5883 accordance with the specific statute. All appointment procedures,
5884 vacancy provisions, interim appointment provisions and removal
5885 provisions specifically provided for in Section 7-1-35,
5886 Mississippi Code of 1972, shall be fully applicable to
5887 appointments to the board.

5888 **SECTION 92.** Section 27-115-9, Mississippi Code of 1972, is
5889 amended as follows:

5890 27-115-9. (1) The affairs of the corporation shall be
5891 administered by the Mississippi Lottery Corporation Board of
5892 Directors. The board shall be composed of five (5) members
5893 appointed by the Governor, with the advice and consent of the
5894 Senate, one (1) appointed from each Mississippi Supreme Court
5895 District and two (2) from the state at large. The Commissioner of



5896 Revenue and the State Treasurer shall serve as ex officio,
5897 nonvoting members. * * *

5898 (2) (a) Members of the board shall be residents of the
5899 State of Mississippi, and the Governor shall take into account the
5900 goals of geographic, racial, gender and other categories of
5901 diversity when nominating board members.

5902 (b) * * * The Mississippi Lottery Corporation Board of
5903 Directors, created by former Section 27-115-9, is continued and
5904 reconstituted as follows: Effective January 1, 2028, members of
5905 the board shall be appointed by the Governor, with the advice and
5906 consent of the Senate, for a term of office of four (4) years,
5907 provided that three (3) members shall be appointed in 2028 to a
5908 term ending December 31, 2031, and two (2) members shall be
5909 appointed in 2030 to a term ending December 31, 2033.
5910 Appointments made at the beginning of the four-year cycle shall be
5911 made to fill any member's term which actually expires that year
5912 and any member's term which expires next until the majority of the
5913 membership of the board or commission is reached. Appointments
5914 made at the beginning of the third year of the four-year cycle
5915 shall be made for the remainder of the membership positions
5916 irrespective of the time of their prior appointment. Any question
5917 regarding the order of appointments shall be determined by the
5918 Secretary of State in accordance with the specific statute. All
5919 appointment procedures, vacancy provisions, interim appointment
5920 provisions and removal provisions specifically provided for in



5921 Section 7-1-35, Mississippi Code of 1972, shall be fully
5922 applicable to appointments to the Mississippi Lottery Corporation
5923 Board of Directors. The board is authorized to appoint an
5924 executive director for a term of four (4) years, with the advice
5925 and consent of the Senate, and consistent with the provisions of
5926 Section 7-1-35, Mississippi Code of 1972.

5927 (c) * * * The board shall annually elect a chairman from
5928 among its voting members.

5929 (3) Appointed members of the board shall be entitled to per
5930 diem compensation pursuant to Section 25-3-69 paid by the
5931 corporation and shall be reimbursed by the corporation for
5932 necessary travel and other reasonable expenses incurred in the
5933 performance of their official duties. No appointed member of the
5934 board shall be considered a public officer.

5935 (4) The board, upon the initial call of the Governor and the
5936 chairman thereafter, shall meet at least monthly for the first
5937 eighteen (18) months and at such other times as the chairman may
5938 determine. Three (3) voting members of the board shall constitute
5939 a quorum. The board shall also meet upon call of three (3) or
5940 more of the voting members of the board. The board shall keep
5941 accurate and complete records of all its meetings.

5942 (5) All meetings of the board shall be subject to the Open
5943 Meetings Act in Section 25-41-1 et seq.

5944 **SECTION 93.** Section 27-115-11, Mississippi Code of 1972, is
5945 amended as follows:



5946 27-115-11. (1) The president of the corporation shall be
5947 appointed by the board subject to the * * * advice and consent of
5948 the Senate. * * * The president shall serve for a term of four
5949 (4) years, consistent with the provisions of Section 7-1-35,
5950 Mississippi Code of 1972. The president shall manage the daily
5951 affairs of the corporation and shall have such powers and duties
5952 as specified by this chapter, by the board, and any rules or
5953 regulations adopted by the board. The president shall not be a
5954 member of the board. * * *

5955 (2) The president shall employ such personnel as he or she
5956 deems necessary. All personnel shall serve at the will and
5957 pleasure of the president, unless otherwise specified by the
5958 president.

5959 (3) The board shall set the salary of the president.

5960 (4) No employee shall be a member of the board.

5961 **SECTION 94.** Section 73-67-9, Mississippi Code of 1972, is
5962 amended as follows:

5963 73-67-9. (1) There is created the State Board of Massage
5964 Therapy.

5965 (2) The board shall consist of five (5) members appointed by
5966 the Governor, with the advice and consent of the Senate, one (1)
5967 from each Mississippi Supreme Court District and two (2) from the
5968 state at large. At least three (3) members shall be appointed
5969 from a list submitted by state representatives of one or more
5970 nationally recognized professional massage therapy association(s),



5971 all of whom must be residents of Mississippi and must have engaged
5972 in the practice of massage therapy within the state for at least
5973 three (3) years, one (1) member shall be a licensed health
5974 professional in a health field other than massage therapy and one
5975 (1) member shall be a consumer at large who is not associated with
5976 or financially interested in the practice or business of massage
5977 therapy. No member of the board may be an owner or partner of a
5978 massage therapy school. * * * The State Board of Massage Therapy,
5979 created by former Section 73-62-9, is continued and reconstituted
5980 as follows: Effective January 1, 2028, each board member shall be
5981 appointed by the Governor, with the advice and consent of the
5982 Senate, for a term of office of four (4) years, provided that
5983 three (3) members shall be appointed in 2028 to a term ending
5984 December 31, 2031, and two (2) members shall be appointed in 2030
5985 to a term ending December 31, 2033. Appointments made at the
5986 beginning of the four-year cycle shall be made to fill any
5987 member's term which actually expires that year and any member's
5988 term which expires next until the majority of the membership of
5989 the board or commission is reached. Appointments made at the
5990 beginning of the third year of the four-year cycle shall be made
5991 for the remainder of the membership positions irrespective of the
5992 time of their prior appointment. Any question regarding the order
5993 of appointments shall be determined by the Secretary of State in
5994 accordance with the specific statute. All appointment procedures,
5995 vacancy provisions, interim appointment provisions and removal



5996 provisions specifically provided for in Section 7-1-35,
5997 Mississippi Code of 1972, shall be fully applicable to
5998 appointments to the State Board of Message Therapy.

5999 (3) * * * No person shall be appointed for more than two (2)
6000 consecutive terms. By approval of the majority of the board, the
6001 service of a member may be extended at the completion of a
6002 four-year term until a new member is appointed or the current
6003 member is reappointed. The board shall elect one (1) of the
6004 appointed massage therapists as the chairman of the board.

6005 (4) A majority of the board may appoint an executive
6006 director * * * for a term of four (4) years, with the advice and
6007 consent of the Senate, and consistent with the provisions of
6008 Section 7-1-35, Mississippi Code of 1972. The majority of the
6009 board may also appoint other such individuals, including an
6010 attorney, as may be necessary to implement the provisions of this
6011 chapter. The board may hold additional meetings at such times and
6012 places as it deems necessary. A majority of the board shall
6013 constitute a quorum and a majority of the board shall be required
6014 to grant or revoke a license.

6015 **SECTION 95.** Section 73-43-3, Mississippi Code of 1972, is
6016 amended as follows:

6017 73-43-3. (1) The state board of medical licensure shall
6018 consist of nine (9) physicians, with three (3) appointed from each
6019 Mississippi Supreme Court District. Each of the physicians shall
6020 have graduated from a medical school which has been accredited by



6021 the liaison committee on medical education as sponsored by the
6022 American Medical Association and the Association of American
6023 Medical Colleges or from an osteopathic medical school which has
6024 been accredited by the Bureau of Professional Education of the
6025 American Osteopathic Association, and have at least six (6) years'
6026 experience in the practice of medicine. No more than two (2)
6027 members of the board shall be a member of the faculty of the
6028 University of Mississippi School of Medicine. No more than four
6029 (4) members of the board shall be from the same Mississippi
6030 Supreme Court district.

6031 (2) Three (3) physicians shall be nominated to the Governor
6032 for each appointive position by the Mississippi State Medical
6033 Association; and said nominations shall give due regard to
6034 geographic distribution, race and sex. The Governor shall appoint
6035 from said nominations the members of the board with the advice and
6036 consent of the Senate. * * * The State Board of Medical
6037 Licensure, created by former Section 73-43-3, is continued and
6038 reconstituted as follows: Effective January 1, 2028, the members
6039 shall be appointed by the Governor, with the advice and consent of
6040 the Senate, for a term of office of four (4) years, provided that
6041 five (5) members shall be appointed in 2028 to a term ending
6042 December 31, 2031, and four (4) members shall be appointed in 2030
6043 to a term ending December 31, 2033. Appointments made at the
6044 beginning of the four-year cycle shall be made to fill any
6045 member's term which actually expires that year and any member's



6046 term which expires next until the majority of the membership of
6047 the board or commission is reached. Appointments made at the
6048 beginning of the third year of the four-year cycle shall be made
6049 for the remainder of the membership positions irrespective of the
6050 time of their prior appointment. Any question regarding the order
6051 of appointments shall be determined by the Secretary of State in
6052 accordance with the specific statute. All appointment procedures,
6053 vacancy provisions, interim appointment provisions and removal
6054 provisions specifically provided for in Section 7-1-35,
6055 Mississippi Code of 1972, shall be fully applicable to
6056 appointments to the Board of Medical Licensure. The board is
6057 authorized to appoint an executive director for a term of four (4)
6058 years with the advice and consent of the Senate, and consistent
6059 with the provisions of Section 7-1-35, Mississippi Code of 1972.

6060 **SECTION 96.** Section 41-4-3, Mississippi Code of 1972, is
6061 amended as follows:

6062 41-4-3. (1) There is created a State Board of Mental
6063 Health, referred to in this chapter as "board," consisting of nine
6064 (9) members, to be appointed by the Governor, with the advice and
6065 consent of the Senate, each of whom shall be a qualified
6066 elector. * * * Three (3) members shall be appointed from
6067 each * * * Mississippi Supreme Court District as presently
6068 constituted * * *. One (1) * * * appointee shall be a licensed
6069 medical doctor who is a psychiatrist, one (1) * * * shall hold a
6070 Ph.D. degree and be a licensed clinical psychologist, one



6071 (1) * * * shall be a licensed medical doctor, and one (1) of whom
6072 shall be a social worker with experience in the mental health
6073 field.

6074 * * *

6075 The State Board of Mental Health, created by former Section
6076 41-4-3, is continued and reconstituted as follows: Effective
6077 January 1, 2028, each member shall be appointed by the Governor,
6078 with the advice and consent of the Senate, for a term of office of
6079 four (4) years, provided that five (5) members shall be appointed
6080 in 2028 to a term ending December 31, 2031, and four (4) members
6081 shall be appointed in 2030 to a term ending December 31, 2033.
6082 Appointments made at the beginning of the four-year cycle shall be
6083 made to fill any member's term which actually expires that year
6084 and any member's term which expires next until the majority of the
6085 membership of the board or commission is reached. Appointments
6086 made at the beginning of the third year of the four-year cycle
6087 shall be made for the remainder of the membership positions
6088 irrespective of the time of their prior appointment. Any question
6089 regarding the order of appointments shall be determined by the
6090 Secretary of State in accordance with the specific statute. All
6091 appointment procedures, vacancy provisions, interim appointment
6092 provisions and removal provisions specifically provided for in
6093 Section 7-1-35, Mississippi Code of 1972, shall be fully
6094 applicable to appointments to the State Board of Mental Health.



6095 The board shall elect a chairman whose term of office shall
6096 be one (1) year and until his successor shall be elected.

6097 (2) Each board member shall be entitled to a per diem as is
6098 authorized by law and all actual and necessary expenses, including
6099 mileage as provided by law, incurred in the discharge of official
6100 duties.

6101 (3) The board shall hold regular meetings quarterly and such
6102 special meetings deemed necessary, except that no action shall be
6103 taken unless there is present a quorum of at least five (5)
6104 members.

6105 (4) No board member may be appointed for more than two (2)
6106 consecutive terms. * * *

6107 **SECTION 97.** Section 41-4-7, Mississippi Code of 1972, is
6108 amended as follows:

6109 41-4-7. The State Board of Mental Health shall have the
6110 following powers and duties:

6111 (a) To appoint, with the advice and consent of the
6112 Senate, a full-time Executive Director of the Department of Mental
6113 Health, who shall be employed by the board and shall serve as
6114 executive secretary to the board. The executive director shall
6115 serve for a term of four (4) years, consistent with the provisions
6116 of Section 7-1-35, Mississippi Code of 1972. The first director
6117 shall be a duly licensed physician with special interest and
6118 competence in psychiatry, and shall possess a minimum of three (3)
6119 years' experience in clinical and administrative psychiatry.



6120 Subsequent directors shall possess at least a master's degree or
6121 its equivalent, and shall possess at least ten (10) years'
6122 administrative experience in the field of mental health. The
6123 salary of the executive director shall be determined by the board;

6124 (b) To appoint a Medical Director for the Department of
6125 Mental Health. The medical director shall provide clinical
6126 oversight in the implementation of evidence-based and best
6127 practices; provide clinical leadership in the integration of
6128 mental health, intellectual disability and addiction services with
6129 community partners in the public and private sectors; and provide
6130 oversight regarding standards of care. The medical director shall
6131 serve at the will and pleasure of the board, and will undergo an
6132 annual review of job performance and future service to the
6133 department;

6134 (c) To establish and implement its state strategic
6135 plan;

6136 (d) To develop a strategic plan for the development of
6137 services for persons with mental illness, persons with
6138 developmental disabilities and other clients of the public mental
6139 health system. Such strategic planning program shall require that
6140 the board, acting through the Strategic Planning and Best
6141 Practices Committee, perform the following functions respecting
6142 the delivery of services:



6143 (i) Establish measures for determining the
6144 efficiency and effectiveness of the services specified in Section
6145 41-4-1(2);

6146 (ii) Conducting studies of community-based care in
6147 other jurisdictions to determine which services offered in these
6148 jurisdictions have the potential to provide the citizens of
6149 Mississippi with more effective and efficient community-based
6150 care;

6151 (iii) Evaluating the efficiency and effectiveness
6152 of the services specified in Section 41-4-1(2);

6153 (iv) Recommending to the Legislature by January 1,
6154 2014, any necessary additions, deletions or other changes
6155 necessary to the services specified in Section 41-4-1(2);

6156 (v) Implementing by July 1, 2012, a system of
6157 performance measures for the services specified in Section
6158 41-4-1(2);

6159 (vi) Recommending to the Legislature any changes
6160 that the department believes are necessary to the current laws
6161 addressing civil commitment;

6162 (vii) Conducting any other activities necessary to
6163 the evaluation and study of the services specified in Section
6164 41-4-1(2);

6165 (viii) Assisting in conducting all necessary
6166 strategic planning for the delivery of all other services of the
6167 department. Such planning shall be conducted so as to produce a



6168 single strategic plan for the services delivered by the public
6169 mental health system and shall establish appropriate mission
6170 statements, goals, objectives and performance indicators for all
6171 programs and services of the public mental health system. For
6172 services other than those specified in Section 41-4-1(2), the
6173 committee shall recommend to the State Board of Mental Health a
6174 strategic plan that the board may adopt or modify;

6175 (e) To set up state plans for the purpose of
6176 controlling and treating any and all forms of mental and emotional
6177 illness, alcoholism, drug misuse and developmental disabilities;

6178 (f) [Repealed]

6179 (g) To enter into contracts with any other state or
6180 federal agency, or with any private person, organization or group
6181 capable of contracting, if it finds such action to be in the
6182 public interest;

6183 (h) To collect reasonable fees for its services;
6184 however, if it is determined that a person receiving services is
6185 unable to pay the total fee, the department shall collect no more
6186 than the amount such person is able to pay;

6187 (i) To certify, coordinate and establish minimum
6188 standards and establish minimum required services, as specified in
6189 Section 41-4-1(2), for regional mental health and intellectual
6190 disability commissions and other community service providers for
6191 community or regional programs and services in adult mental
6192 health, children and youth mental health, intellectual



6193 disabilities, alcoholism, drug misuse, developmental disabilities,
6194 compulsive gambling, addictive disorders and related programs
6195 throughout the state. Such regional mental health and
6196 intellectual disability commissions and other community service
6197 providers shall, on or before July 1 of each year, submit an
6198 annual operational plan to the State Department of Mental Health
6199 for approval or disapproval based on the minimum standards and
6200 minimum required services established by the department for
6201 certification and itemize the services specified in Section
6202 41-4-1(2), including financial statements. As part of the annual
6203 operation plan required by this paragraph (i) submitted by any
6204 regional community mental health center or by any other reasonable
6205 certification deemed acceptable by the department, the community
6206 mental health center shall state those services specified in
6207 Section 41-4-1(2) that it will provide and also those services
6208 that it will not provide. If the department finds deficiencies in
6209 the plan of any regional commission or community service provider
6210 based on the minimum standards and minimum required services
6211 established for certification, the department shall give the
6212 regional commission or community service provider a six-month
6213 probationary period to bring its standards and services up to the
6214 established minimum standards and minimum required services. The
6215 regional commission or community service provider shall develop a
6216 sustainability business plan within thirty (30) days of being
6217 placed on probation, which shall be signed by all commissioners



6218 and shall include policies to address one or more of the
6219 following: the deficiencies in programmatic services, clinical
6220 service staff expectations, timely and appropriate billing,
6221 processes to obtain credentialing for staff, monthly reporting
6222 processes, third-party financial reporting and any other required
6223 documentation as determined by the department. After the
6224 six-month probationary period, if the department determines that
6225 the regional commission or community service provider still does
6226 not meet the minimum standards and minimum required services
6227 established for certification, the department may remove the
6228 certification of the commission or provider and from and after
6229 July 1, 2011, the commission or provider shall be ineligible for
6230 state funds from Medicaid reimbursement or other funding sources
6231 for those services. However, the department shall not mandate a
6232 standard or service, or decertify a regional commission or
6233 community service provider for not meeting a standard or service,
6234 if the standard or service does not have funding appropriated by
6235 the Legislature or have a state, federal or local funding source
6236 identified by the department. No county shall be required to levy
6237 millage to provide a mandated standard or service above the
6238 minimum rate required by Section 41-19-39. After the six-month
6239 probationary period, the department may identify an appropriate
6240 community service provider to provide any core services in that
6241 county that are not provided by a community mental health center.
6242 However, the department shall not offer reimbursement or other



6243 accommodations to a community service provider of core services
6244 that were not offered to the decertified community mental health
6245 center for the same or similar services. The State Board of
6246 Mental Health shall promulgate rules and regulations necessary to
6247 implement the provisions of this paragraph (i), in accordance with
6248 the Administrative Procedures Law (Section 25-43-1.101 et seq.);

6249 (j) To establish and promulgate reasonable minimum
6250 standards for the construction and operation of state and all
6251 Department of Mental Health certified facilities, including
6252 reasonable minimum standards for the admission, diagnosis, care,
6253 treatment, transfer of patients and their records, and also
6254 including reasonable minimum standards for providing day care,
6255 outpatient care, emergency care, inpatient care and follow-up
6256 care, when such care is provided for persons with mental or
6257 emotional illness, an intellectual disability, alcoholism, drug
6258 misuse and developmental disabilities;

6259 (k) To implement best practices for all services
6260 specified in Section 41-4-1(2), and to establish and implement all
6261 other services delivered by the Department of Mental Health. To
6262 carry out this responsibility, the board shall require the
6263 department to establish a division responsible for developing best
6264 practices based on a comprehensive analysis of the mental health
6265 environment to determine what the best practices for each service
6266 are. In developing best practices, the board shall consider the
6267 cost and benefits associated with each practice with a goal of



6268 implementing only those practices that are cost-effective
6269 practices for service delivery. Such best practices shall be
6270 utilized by the board in establishing performance standards and
6271 evaluations of the community mental health centers' services
6272 required by paragraph (d) of this section;

6273 (l) To assist community or regional programs consistent
6274 with the purposes of this chapter by making grants and contracts
6275 from available funds;

6276 (m) To establish and collect reasonable fees for
6277 necessary inspection services incidental to certification or
6278 compliance;

6279 (n) To accept gifts, trusts, bequests, grants,
6280 endowments or transfers of property of any kind;

6281 (o) To receive monies coming to it by way of fees for
6282 services or by appropriations;

6283 (p) To serve as the single state agency in receiving
6284 and administering any and all funds available from any source for
6285 the purpose of service delivery, training, research and education
6286 in regard to all forms of mental illness, intellectual
6287 disabilities, alcoholism, drug misuse and developmental
6288 disabilities, unless such funds are specifically designated to a
6289 particular agency or institution by the federal government, the
6290 Mississippi Legislature or any other grantor;

6291 (q) To establish mental health holding centers for the
6292 purpose of providing short-term emergency mental health treatment,



6293 places for holding persons awaiting commitment proceedings or
6294 awaiting placement in a state mental health facility following
6295 commitment, and for diverting placement in a state mental health
6296 facility. These mental health holding facilities shall be readily
6297 accessible, available statewide, and be in compliance with
6298 emergency services' minimum standards. They shall be
6299 comprehensive and available to triage and make appropriate
6300 clinical disposition, including the capability to access inpatient
6301 services or less restrictive alternatives, as needed, as
6302 determined by medical staff. Such facility shall have medical,
6303 nursing and behavioral services available on a
6304 twenty-four-hour-a-day basis. The board may provide for all or
6305 part of the costs of establishing and operating the holding
6306 centers in each district from such funds as may be appropriated to
6307 the board for such use, and may participate in any plan or
6308 agreement with any public or private entity under which the entity
6309 will provide all or part of the costs of establishing and
6310 operating a holding center in any district;

6311 (r) To certify/license case managers, mental health
6312 therapists, intellectual disability therapists, mental
6313 health/intellectual disability program administrators, addiction
6314 counselors and others as deemed appropriate by the board. Persons
6315 already professionally licensed by another state board or agency
6316 are not required to be certified/licensed under this section by
6317 the Department of Mental Health. The department shall not use



6318 professional titles in its certification/licensure process for
6319 which there is an independent licensing procedure. Such
6320 certification/licensure shall be valid only in the state mental
6321 health system, in programs funded and/or certified by the
6322 Department of Mental Health, and/or in programs certified/licensed
6323 by the State Department of Health that are operated by the state
6324 mental health system serving persons with mental illness, an
6325 intellectual disability, a developmental disability or addictions,
6326 and shall not be transferable;

6327 (s) To develop formal mental health worker
6328 qualifications for regional mental health and intellectual
6329 disability commissions and other community service providers. The
6330 State Personnel Board shall develop and promulgate a recommended
6331 salary scale and career ladder for all regional mental
6332 health/intellectual disability center therapists and case managers
6333 who work directly with clients. The State Personnel Board shall
6334 also develop and promulgate a career ladder for all direct care
6335 workers employed by the State Department of Mental Health;

6336 (t) The employees of the department shall be governed
6337 by personnel merit system rules and regulations, the same as other
6338 employees in state services;

6339 (u) To establish such rules and regulations as may be
6340 necessary in carrying out the provisions of this chapter,
6341 including the establishment of a formal grievance procedure to
6342 investigate and attempt to resolve consumer complaints;



6343 (v) To grant easements for roads, utilities and any
6344 other purpose it finds to be in the public interest;

6345 (w) To survey statutory designations, building markers
6346 and the names given to mental health/intellectual disability
6347 facilities and proceedings in order to recommend deletion of
6348 obsolete and offensive terminology relative to the mental
6349 health/intellectual disability system. Based upon a
6350 recommendation of the executive director, the board shall have the
6351 authority to name/rename any facility operated under the auspices
6352 of the Department of Mental Health for the sole purpose of
6353 deleting such terminology;

6354 (x) To ensure an effective case management system
6355 directed at persons who have been discharged from state and
6356 private psychiatric hospitals to ensure their continued well-being
6357 in the community;

6358 (y) To develop formal service delivery standards
6359 designed to measure the quality of services delivered to community
6360 clients, as well as the timeliness of services to community
6361 clients provided by regional mental health/intellectual disability
6362 commissions and other community services providers;

6363 (z) To establish regional state offices to provide
6364 mental health crisis intervention centers and services available
6365 throughout the state to be utilized on a case-by-case emergency
6366 basis. The regional services director, other staff and delivery



6367 systems shall meet the minimum standards of the Department of
6368 Mental Health;

6369 (aa) To require performance contracts with community
6370 mental health/intellectual disability service providers to contain
6371 performance indicators to measure successful outcomes, including
6372 diversion of persons from inpatient psychiatric hospitals,
6373 rapid/timely response to emergency cases, client satisfaction with
6374 services and other relevant performance measures;

6375 (bb) To enter into interagency agreements with other
6376 state agencies, school districts and other local entities as
6377 determined necessary by the department to ensure that local mental
6378 health service entities are fulfilling their responsibilities to
6379 the overall state plan for behavioral services;

6380 (cc) To establish and maintain a toll-free grievance
6381 reporting telephone system for the receipt and referral for
6382 investigation of all complaints by clients of state and community
6383 mental health/intellectual disability facilities;

6384 (dd) To establish a peer review/quality assurance
6385 evaluation system that assures that appropriate assessment,
6386 diagnosis and treatment is provided according to established
6387 professional criteria and guidelines;

6388 (ee) To develop and implement state plans for the
6389 purpose of assisting with the care and treatment of persons with
6390 Alzheimer's disease and other dementia. This plan shall include
6391 education and training of service providers, caregivers in the



6392 home setting and others who deal with persons with Alzheimer's
6393 disease and other dementia, and development of adult day care,
6394 family respite care and counseling programs to assist families who
6395 maintain persons with Alzheimer's disease and other dementia in
6396 the home setting. No agency shall be required to provide any
6397 services under this section until such time as sufficient funds
6398 have been appropriated or otherwise made available by the
6399 Legislature specifically for the purposes of the treatment of
6400 persons with Alzheimer's and other dementia;

6401 (ff) Working with the advice and consent of the
6402 administration of Ellisville State School, to enter into
6403 negotiations with the Economic Development Authority of Jones
6404 County for the purpose of negotiating the possible exchange, lease
6405 or sale of lands owned by Ellisville State School to the Economic
6406 Development Authority of Jones County. It is the intent of the
6407 Mississippi Legislature that such negotiations shall ensure that
6408 the financial interest of the persons with an intellectual
6409 disability served by Ellisville State School will be held
6410 paramount in the course of these negotiations. The Legislature
6411 also recognizes the importance of economic development to the
6412 citizens of the State of Mississippi and Jones County, and
6413 encourages fairness to the Economic Development Authority of Jones
6414 County. Any negotiations proposed which would result in the
6415 recommendation for exchange, lease or sale of lands owned by
6416 Ellisville State School must have the approval of the State Board



6417 of Mental Health. The State Board of Mental Health may and has
6418 the final authority as to whether or not these negotiations result
6419 in the exchange, lease or sale of the properties it currently
6420 holds in trust for persons with an intellectual disability served
6421 at Ellisville State School.

6422 If the State Board of Mental Health authorizes the sale of
6423 lands owned by Ellisville State School, as provided for under this
6424 paragraph (ff), the monies derived from the sale shall be placed
6425 into a special fund that is created in the State Treasury to be
6426 known as the "Ellisville State School Client's Trust Fund." The
6427 principal of the trust fund shall remain inviolate and shall never
6428 be expended. Any interest earned on the principal may be expended
6429 solely for the benefits of clients served at Ellisville State
6430 School. The State Treasurer shall invest the monies of the trust
6431 fund in any of the investments authorized for the Mississippi
6432 Prepaid Affordable College Tuition Program under Section 37-155-9,
6433 and those investments shall be subject to the limitations
6434 prescribed by Section 37-155-9. Unexpended amounts remaining in
6435 the trust fund at the end of a fiscal year shall not lapse into
6436 the State General Fund, and any interest earned on amounts in the
6437 trust fund shall be deposited to the credit of the trust fund.
6438 The administration of Ellisville State School may use any interest
6439 earned on the principal of the trust fund, upon appropriation by
6440 the Legislature, as needed for services or facilities by the
6441 clients of Ellisville State School. Ellisville State School shall



6442 make known to the Legislature, through the Legislative Budget
6443 Committee and the respective Appropriations Committees of the
6444 House and Senate, its proposed use of interest earned on the
6445 principal of the trust fund for any fiscal year in which it
6446 proposes to make expenditures thereof. The State Treasurer shall
6447 provide Ellisville State School with an annual report on the
6448 Ellisville State School Client's Trust Fund to indicate the total
6449 monies in the trust fund, interest earned during the year,
6450 expenses paid from the trust fund and such other related
6451 information.

6452 Nothing in this section shall be construed as applying to or
6453 affecting mental health/intellectual disability services provided
6454 by hospitals as defined in Section 41-9-3(a), and/or their
6455 subsidiaries and divisions, which hospitals, subsidiaries and
6456 divisions are licensed and regulated by the Mississippi State
6457 Department of Health unless such hospitals, subsidiaries or
6458 divisions voluntarily request certification by the Mississippi
6459 State Department of Mental Health.

6460 All new programs authorized under this section shall be
6461 subject to the availability of funds appropriated therefor by the
6462 Legislature;

6463 (gg) Working with the advice and consent of the
6464 administration of Boswell Regional Center, to enter into
6465 negotiations with the Economic Development Authority of Simpson
6466 County for the purpose of negotiating the possible exchange, lease



6467 or sale of lands owned by Boswell Regional Center to the Economic
6468 Development Authority of Simpson County. It is the intent of the
6469 Mississippi Legislature that such negotiations shall ensure that
6470 the financial interest of the persons with an intellectual
6471 disability served by Boswell Regional Center will be held
6472 paramount in the course of these negotiations. The Legislature
6473 also recognizes the importance of economic development to the
6474 citizens of the State of Mississippi and Simpson County, and
6475 encourages fairness to the Economic Development Authority of
6476 Simpson County. Any negotiations proposed which would result in
6477 the recommendation for exchange, lease or sale of lands owned by
6478 Boswell Regional Center must have the approval of the State Board
6479 of Mental Health. The State Board of Mental Health may and has
6480 the final authority as to whether or not these negotiations result
6481 in the exchange, lease or sale of the properties it currently
6482 holds in trust for persons with an intellectual disability served
6483 at Boswell Regional Center. In any such exchange, lease or sale
6484 of such lands owned by Boswell Regional Center, title to all
6485 minerals, oil and gas on such lands shall be reserved, together
6486 with the right of ingress and egress to remove same, whether such
6487 provisions be included in the terms of any such exchange, lease or
6488 sale or not.

6489 If the State Board of Mental Health authorizes the sale of
6490 lands owned by Boswell Regional Center, as provided for under this
6491 paragraph (gg), the monies derived from the sale shall be placed



6492 into a special fund that is created in the State Treasury to be
6493 known as the "Boswell Regional Center Client's Trust Fund." The
6494 principal of the trust fund shall remain inviolate and shall never
6495 be expended. Any earnings on the principal may be expended solely
6496 for the benefits of clients served at Boswell Regional Center.
6497 The State Treasurer shall invest the monies of the trust fund in
6498 any of the investments authorized for the Mississippi Prepaid
6499 Affordable College Tuition Program under Section 37-155-9, and
6500 those investments shall be subject to the limitations prescribed
6501 by Section 37-155-9. Unexpended amounts remaining in the trust
6502 fund at the end of a fiscal year shall not lapse into the State
6503 General Fund, and any earnings on amounts in the trust fund shall
6504 be deposited to the credit of the trust fund. The administration
6505 of Boswell Regional Center may use any earnings on the principal
6506 of the trust fund, upon appropriation by the Legislature, as
6507 needed for services or facilities by the clients of Boswell
6508 Regional Center. Boswell Regional Center shall make known to the
6509 Legislature, through the Legislative Budget Committee and the
6510 respective Appropriations Committees of the House and Senate, its
6511 proposed use of the earnings on the principal of the trust fund
6512 for any fiscal year in which it proposes to make expenditures
6513 thereof. The State Treasurer shall provide Boswell Regional
6514 Center with an annual report on the Boswell Regional Center
6515 Client's Trust Fund to indicate the total monies in the trust



6516 fund, interest and other income earned during the year, expenses
6517 paid from the trust fund and such other related information.

6518 Nothing in this section shall be construed as applying to or
6519 affecting mental health/intellectual disability services provided
6520 by hospitals as defined in Section 41-9-3(a), and/or their
6521 subsidiaries and divisions, which hospitals, subsidiaries and
6522 divisions are licensed and regulated by the Mississippi State
6523 Department of Health unless such hospitals, subsidiaries or
6524 divisions voluntarily request certification by the Mississippi
6525 State Department of Mental Health.

6526 All new programs authorized under this section shall be
6527 subject to the availability of funds appropriated therefor by the
6528 Legislature;

6529 (hh) Notwithstanding any other section of the code, the
6530 Board of Mental Health shall be authorized to fingerprint and
6531 perform a criminal history record check on every employee or
6532 volunteer. Every employee and volunteer shall provide a valid
6533 current social security number and/or driver's license number
6534 which shall be furnished to conduct the criminal history record
6535 check. If no disqualifying record is identified at the state
6536 level, fingerprints shall be forwarded to the Federal Bureau of
6537 Investigation for a national criminal history record check;

6538 (ii) The Department of Mental Health shall have the
6539 authority for the development of a consumer friendly single point
6540 of intake and referral system within its service areas for persons



6541 with mental illness, an intellectual disability, developmental
6542 disabilities or alcohol or substance abuse who need assistance
6543 identifying or accessing appropriate services. The department
6544 will develop and implement a comprehensive evaluation procedure
6545 ensuring that, where appropriate, the affected person or their
6546 parent or legal guardian will be involved in the assessment and
6547 planning process. The department, as the point of intake and as
6548 service provider, shall have the authority to determine the
6549 appropriate institutional, hospital or community care setting for
6550 persons who have been diagnosed with mental illness, an
6551 intellectual disability, developmental disabilities and/or alcohol
6552 or substance abuse, and may provide for the least restrictive
6553 placement if the treating professional believes such a setting is
6554 appropriate, if the person affected or their parent or legal
6555 guardian wants such services, and if the department can do so with
6556 a reasonable modification of the program without creating a
6557 fundamental alteration of the program. The least restrictive
6558 setting could be an institution, hospital or community setting,
6559 based upon the needs of the affected person or their parent or
6560 legal guardian;

6561 (jj) To have the sole power and discretion to enter
6562 into, sign, execute and deliver long-term or multiyear leases of
6563 real and personal property owned by the Department of Mental
6564 Health to and from other state and federal agencies and private
6565 entities deemed to be in the public's best interest. Any monies



6566 derived from such leases shall be deposited into the funds of the
6567 Department of Mental Health for its exclusive use. Leases to
6568 private entities shall be approved by the Department of Finance
6569 and Administration and all leases shall be filed with the
6570 Secretary of State;

6571 (kk) To certify and establish minimum standards and
6572 minimum required services for county facilities used for housing,
6573 feeding and providing medical treatment for any person who has
6574 been involuntarily ordered admitted to a treatment center by a
6575 court of competent jurisdiction. The minimum standard for the
6576 initial assessment of those persons being housed in county
6577 facilities is for the assessment to be performed by a physician,
6578 preferably a psychiatrist, or by a nurse practitioner, preferably
6579 a psychiatric nurse practitioner. If the department finds
6580 deficiencies in any such county facility or its provider based on
6581 the minimum standards and minimum required services established
6582 for certification, the department shall give the county or its
6583 provider a six-month probationary period to bring its standards
6584 and services up to the established minimum standards and minimum
6585 required services. After the six-month probationary period, if
6586 the department determines that the county or its provider still
6587 does not meet the minimum standards and minimum required services,
6588 the department may remove the certification of the county or
6589 provider and require the county to contract with another county
6590 having a certified facility to hold those persons for that period



6591 of time pending transportation and admission to a state treatment
6592 facility. Any cost incurred by a county receiving an
6593 involuntarily committed person from a county with a decertified
6594 holding facility shall be reimbursed by the home county to the
6595 receiving county; and

6596 (11) To provide orientation training to all new
6597 commissioners of regional commissions and annual training for all
6598 commissioners with continuing education regarding the Mississippi
6599 mental health system and services as developed by the State
6600 Department of Mental Health. Training shall be provided at the
6601 expense of the department except for travel expenses which shall
6602 be paid by the regional commission.

6603 **SECTION 98.** Section 63-17-57, Mississippi Code of 1972, is
6604 amended as follows:

6605 63-17-57. There is hereby created the Mississippi Motor
6606 Vehicle Commission to be composed of eight (8) members, one (1) of
6607 whom shall be appointed by the Attorney General from the state at
6608 large * * * and one (1) of whom shall be appointed by the
6609 Secretary of State from the state at large * * *, and six (6)
6610 licensees who shall be appointed by the Governor, * * * two (2)
6611 from each Supreme Court District. All appointments * * * shall be
6612 made with the advice and consent of the Senate.

6613 The Mississippi Motor Vehicle Commission, created by former
6614 Section 63-17-57, is continued and reconstituted as follows:
6615 Effective January 1, 2028, each commissioner shall be appointed by



6616 the appointing authority, with the advice and consent of the
6617 Senate, for a term of office of four (4) years, provided that four
6618 (4) commissioners shall be appointed in 2028 to a term ending
6619 December 31, 2031, and two (2) commissioners shall be appointed in
6620 2030 to a term ending December 31, 2033. Appointments made at the
6621 beginning of the four-year cycle shall be made to fill any
6622 member's term which actually expires that year and any member's
6623 term which expires next until the majority of the membership of
6624 the board or commission is reached. Appointments made at the
6625 beginning of the third year of the four-year cycle shall be made
6626 for the remainder of the membership positions irrespective of the
6627 time of their prior appointment. Any question regarding the order
6628 of appointments shall be determined by the Secretary of State in
6629 accordance with the specific statute. All appointment procedures,
6630 vacancy provisions, interim appointment provisions and removal
6631 provisions specifically provided for in Section 7-1-35,
6632 Mississippi Code of 1972, shall be fully applicable to
6633 appointments to the Mississippi Motor Vehicle Commission.

6634 **SECTION 99.** Section 63-17-67, Mississippi Code of 1972, is
6635 amended as follows:

6636 63-17-67. The commission, with the advice and consent of the
6637 Senate, shall employ a qualified person to serve as executive
6638 director thereof, to serve * * * for a term of four (4) years,
6639 consistent with the provisions of Section 7-1-35, Mississippi Code
6640 of 1972. The commission shall fix his salary, subject to the



6641 approval of the State Personnel Board, and shall define and
6642 prescribe his duties. The executive director shall be in charge
6643 of the commission's office and shall devote full time to the
6644 duties thereof. His duties shall include, but not be limited to,
6645 the collection of all fees and charges under the provisions of the
6646 Mississippi Motor Vehicle Commission Law, keeping a record of all
6647 proceedings of the commission and an accurate account of all
6648 monies received and disbursed by the commission, all of which
6649 records shall be considered as public records. The commission may
6650 employ such clerical and professional help and incur such expenses
6651 as may be reasonably necessary for the proper discharge of its
6652 duties.

6653 The commission shall maintain its office and transact its
6654 business, except as otherwise provided, at Jackson, Mississippi,
6655 and the Department of Finance and Administration shall approve
6656 suitable quarters and the remuneration therefor.

6657 **SECTION 100.** Section 73-17-7, Mississippi Code of 1972, is
6658 amended as follows:

6659 73-17-7. (1) There is hereby created the Mississippi State
6660 Board of Nursing Home Administrators. This board shall consist of
6661 seven (7) persons, two (2) appointed from each Mississippi Supreme
6662 Court District and one (1) from the state at large, in addition to
6663 the State Health Officer, or his designee, who shall be an ex
6664 officio member without voting privilege, to be appointed by the
6665 Governor with the advice and consent of the Senate, each of whom



6666 shall be a qualified elector of the State of Mississippi; the
6667 members of said board shall be selected from a list of names
6668 submitted to the Governor as provided for hereinafter. * * * The
6669 members of this board shall include the following:

6670 (a) One (1) educator with expertise in the field of
6671 health care and associated at the time of his appointment with an
6672 institution of higher learning within the State of Mississippi.

6673 (b) A registered nurse.

6674 (c) A licensed and practicing medical doctor or
6675 physician.

6676 (d) Three (3) licensed and practicing nursing home
6677 administrators, no more than one (1) of whom shall be from the
6678 same Supreme Court district, who shall have had at least five (5)
6679 years' actual experience as a nursing home administrator.

6680 (e) A hospital administrator.

6681 Only the board members who are nursing home administrators
6682 may have a direct financial interest in any nursing home.

6683 The Mississippi Nurses Association may submit a list of
6684 nominees for the appointment of the registered nurse member; the
6685 Mississippi State Medical Association may submit a list of
6686 nominees for the appointment of the medical doctor or physician
6687 member; the Mississippi Health Care Association and the
6688 Mississippi Health Facilities Association may submit lists of
6689 nominees for the appointment of the nursing home administrator
6690 members; and the Mississippi State Hospital Association may submit



6691 a list of nominees for the appointment of the hospital
6692 administrator member. Any such list of nominees shall be
6693 submitted at least thirty (30) days before the expiration of the
6694 term for each position.

6695 * * *

6696 The State Board of Nursing Home Administrators, created by
6697 former Section 73-17-7, is continued and reconstituted as follows:
6698 Effective January 1, 2028, appointed members shall be appointed by
6699 the Governor, with the advice and consent of the Senate, for a
6700 term of office of four (4) years, provided that four (4) members
6701 shall be appointed in 2028 to a term ending December 31, 2031, and
6702 three (3) members shall be appointed in 2030 to a term ending
6703 December 31, 2033. Appointments made at the beginning of the
6704 four-year cycle shall be made to fill any member's term which
6705 actually expires that year and any member's term which expires
6706 next until the majority of the membership of the board or
6707 commission is reached. Appointments made at the beginning of the
6708 third year of the four-year cycle shall be made for the remainder
6709 of the membership positions irrespective of the time of their
6710 prior appointment. Any question regarding the order of
6711 appointments shall be determined by the Secretary of State in
6712 accordance with the specific statute. All appointment procedures,
6713 vacancy provisions, interim appointment provisions and removal
6714 provisions specifically provided for in Section 7-1-35,
6715 Mississippi Code of 1972, shall be fully applicable to



6716 appointments to the State Board of Nursing Home Administrators.
6717 The board is authorized to appoint an executive director for a
6718 term of four (4) years, with the advice and consent of the Senate,
6719 and consistent with the provisions of Section 7-1-35, Mississippi
6720 Code of 1972.

6721 (2) The board shall organize by selecting annually from its
6722 members a chairman and a vice chairman, and may do all things
6723 necessary and convenient for carrying into effect the provisions
6724 of this chapter and may from time to time promulgate rules and
6725 regulations. Each member of the board shall receive a per diem as
6726 provided in Section 25-3-69, plus travel and reasonable necessary
6727 expenses incidental to the attendance at each meeting as provided
6728 in Section 25-3-41. Any member who shall not attend two (2)
6729 consecutive meetings of the board shall be subject to removal by
6730 the Governor. The chairman of the board shall notify the Governor
6731 in writing when any such member has failed to attend two (2)
6732 consecutive regular meetings.

6733 (3) The board shall adopt a seal.

6734 (4) The board is hereby authorized to acquire office space
6735 and to employ such personnel as shall be necessary in the
6736 performance of its duties, including a secretary-treasurer, who
6737 shall be bonded in an amount to be fixed by the board, but in no
6738 event less than the amount of Five Thousand Dollars (\$5,000.00).

6739 (5) All fees and any other monies received by the board
6740 shall be deposited in a special fund that is created in the State



6741 Treasury. The monies in the special fund shall be subject to all
6742 provisions of the state budget laws that are applicable to special
6743 fund agencies. Any interest earned on this special fund shall be
6744 credited by the State Treasurer to the fund and shall not be paid
6745 into the State General Fund.

6746 **SECTION 101.** Section 73-15-9, Mississippi Code of 1972, is
6747 amended as follows:

6748 73-15-9. (1) There is hereby created a board to be known as
6749 the Mississippi Board of Nursing, composed of thirteen (13)
6750 members, two (2) of whom shall be nurse educators; three (3) of
6751 whom shall be registered nurses in clinical practice, two (2) to
6752 have as basic nursing preparation an associate degree or diploma
6753 and one (1) to have as basic nursing preparation a baccalaureate
6754 degree; one (1) of whom shall be a registered nurse at large; one
6755 (1) of whom shall be a registered nurse practitioner; four (4) of
6756 whom shall be licensed practical nurses; one (1) of whom shall be
6757 a licensed physician who shall always be a member of the State
6758 Board of Medical Licensure; and one (1) of whom shall represent
6759 consumers of health services. There shall be * * * four (4) board
6760 members from each * * * Mississippi Supreme Court District in the
6761 state and one (1) from the state at large; provided, however, that
6762 the physician member, the consumer representative member and one
6763 (1) registered nurse member shall be at large always.

6764 (2) Members of the Mississippi Board of Nursing, excepting
6765 the member of the State Board of Medical Licensure, shall be



6766 appointed by the Governor, with the advice and consent of the
6767 Senate, from lists of nominees submitted by any Mississippi
6768 registered nurse organization and/or association chartered by the
6769 State of Mississippi whose board of directors is elected by the
6770 membership and whose membership includes registered nurses
6771 statewide, for the nomination of registered nurses, and by the
6772 Mississippi Federation of Licensed Practical Nurses and the
6773 Mississippi Licensed Practical Nurses' Association for the
6774 nomination of a licensed practical nurse. Nominations submitted
6775 by any such registered nurse organization or association to fill
6776 vacancies on the board shall be made and voted on by registered
6777 nurses only. Each list of nominees shall contain a minimum of
6778 three (3) names for each vacancy to be filled. The list of names
6779 shall be submitted at least thirty (30) days before the expiration
6780 of the term for each position. If such list is not submitted, the
6781 Governor is authorized to make an appointment from the group
6782 affected and without nominations. * * *

6783 * * *

6784 The Mississippi Board of Nursing, created by former Section
6785 73-15-9, is continued and reconstituted as follows: Effective
6786 January 1, 2028, each member shall be appointed by the Governor,
6787 with the advice and consent of the Senate, for a term of office of
6788 four (4) years, provided that seven (7) members shall be appointed
6789 in 2028 to a term ending December 31, 2031, and six (6) members
6790 shall be appointed in 2030 to a term ending December 31, 2033.



6791 Appointments made at the beginning of the four-year cycle shall be
6792 made to fill any member's term which actually expires that year
6793 and any member's term which expires next until the majority of the
6794 membership of the board or commission is reached. Appointments
6795 made at the beginning of the third year of the four-year cycle
6796 shall be made for the remainder of the membership positions
6797 irrespective of the time of their prior appointment. Any question
6798 regarding the order of appointments shall be determined by the
6799 Secretary of State in accordance with the specific statute. All
6800 appointment procedures, vacancy provisions, interim appointment
6801 provisions and removal provisions specifically provided for in
6802 Section 7-1-35, Mississippi Code of 1972, shall be fully
6803 applicable to appointments to the Mississippi Board of Nursing.
6804 The board is authorized to appoint an executive director for a
6805 term of four (4) years, with the advice and consent of the Senate,
6806 and consistent with the provisions of Section 7-1-35, Mississippi
6807 Code of 1972.

6808 **SECTION 102.** Section 73-15-17, Mississippi Code of 1972, is
6809 amended as follows:

6810 73-15-17. The Mississippi Board of Nursing is authorized and
6811 empowered to:

6812 (a) Adopt and from time to time revise such rules and
6813 regulations consistent with the law as shall be necessary to
6814 govern its proceedings and carry into effect the provisions of
6815 this article; however, the board shall not adopt any rule or



6816 regulation or impose any requirement regarding the licensing or
6817 certification of advanced practice registered nurses that
6818 conflicts with the prohibitions in Section 73-49-3.

6819 (b) Require the secretary to keep records of all
6820 meetings of the board and keep a record of all proceedings, and to
6821 prepare a register of registered nurses and a register of licensed
6822 practical nurses, all nurses appearing thereon to be duly licensed
6823 under this article, and which registers shall be open for public
6824 inspection at all reasonable times.

6825 (c) Issue subpoenas, require attendance of witnesses,
6826 and administer oaths of persons giving testimony.

6827 (d) Cause the prosecution of all persons violating the
6828 provisions of this article, and incur such necessary expenses
6829 therefor.

6830 (e) Conduct hearings upon charges calling for
6831 discipline of a licensee or revocation of a license or of the
6832 privilege to practice.

6833 (f) Present a true and full report to the Governor and
6834 the Legislature, together with a statement of receipts and
6835 disbursements on or before February 1 of each year.

6836 (g) Maintain an office in the greater Jackson area for
6837 the administration of this article.

6838 (h) File an annual list of all certificates of
6839 registration issued by the board with the Secretary of State's
6840 office for both registered nurses and licensed practical nurses.



6841 (i) File an annual list of all certificates of
6842 registration issued by the board to registered nurses, including
6843 addresses of the persons with the Mississippi Nurses' Association;
6844 and file a similar list of all certificates of registration issued
6845 to licensed practical nurses, including addresses of the persons,
6846 with the Mississippi Federation of Licensed Practical Nurses and
6847 the Mississippi Licensed Practical Nurses Association.

6848 (j) Adopt a seal which shall be in the form of a circle
6849 with the image of an eagle in the center, and around the margin
6850 the words "Mississippi Board of Nursing," and under the image of
6851 the eagle the word "Official." The seal shall be affixed to
6852 certificates and warrants issued by the board, and to all records
6853 sent up on appeal from its decisions.

6854 (k) Schedule dates and locations for state board
6855 examinations for examining qualified applicants for licensure.

6856 (l) Examine, license and renew licenses of duly
6857 qualified applicants.

6858 (m) Appoint, with the advice and consent of the Senate,
6859 and employ, a qualified person who shall not be a member of the
6860 board to serve as executive director, define the duties, fix the
6861 compensation, and delegate to him or her those activities that
6862 will expedite the functions of the board. The executive director
6863 shall serve for a term of four (4) years that is consistent with
6864 the provisions of Section 7-1-35, Mississippi Code of 1972. The



6865 executive director shall meet all the qualifications for board
6866 members, and shall in addition:

6867 (i) Have had at least a master's degree in
6868 nursing, eight (8) years' experience as a registered nurse, five
6869 (5) of which shall be in teaching or in administration, or a
6870 combination thereof; and

6871 (ii) Have been actively engaged in nursing for at
6872 least five (5) years immediately preceding appointment.

6873 (n) Employ, discharge, define duties, and fix
6874 compensation of such other persons as may be necessary to carry
6875 out the provisions of this article.

6876 (o) Secure the services of research consultants as
6877 deemed necessary who shall receive a per diem, travel and other
6878 necessary expenses incurred while engaged by the board.

6879 (p) Enter into contracts with any other state or
6880 federal agency or with any private person, organization or group
6881 capable of contracting, if it finds such action to be in the
6882 public interest and in the furtherance of its responsibilities.

6883 (q) Upon reasonable suspicion that a holder of a
6884 license issued under this article has violated any statutory
6885 ground for denial of licensure as set forth in Section 73-15-29 or
6886 is guilty of any offense specified in Section 73-15-33, require
6887 the license holder to undergo a fingerprint-based criminal history
6888 records check of the Mississippi central criminal database and the
6889 Federal Bureau of Investigation criminal history database, in the



6890 same manner as required for applicants for licensure under
6891 Sections 73-15-19(1) and 73-15-21(1).

6892 (r) Perform the duties prescribed by the Nurse
6893 Licensure Compact in Section 73-15-201.

6894 **SECTION 103.** Section 53-1-5, Mississippi Code of 1972, is
6895 amended as follows:

6896 53-1-5. (1) There is hereby created and established a board
6897 to be known as the State Oil and Gas Board composed of five (5)
6898 members. One (1) member shall be appointed by the Lieutenant
6899 Governor * * * from the state at large; one (1) member shall be
6900 appointed by the Attorney General of the State of
6901 Mississippi * * * from the state at large; and three (3) members
6902 shall be appointed by the Governor, one (1) from each of the
6903 Supreme Court districts * * *.

6904 * * *

6905 * * * (2) All members shall be confirmed by the
6906 Senate. * * *

6907 (3) The State Oil and Gas Board, created by former Section
6908 53-1-5, is continued and reconstituted as follows: Effective
6909 January 1, 2028, the members of the State Oil and Gas Board shall
6910 be appointed by the appointing authority, with the advice and
6911 consent of the Senate, for a term of office of four (4) years,
6912 provided that of the three (3) appointments by the Governor two
6913 (2) shall be appointed in 2028 to a term ending December 31, 2031,
6914 and one (1) shall be appointed in 2030 to a term ending December



6915 31, 2033. Appointments made at the beginning of the four-year
6916 cycle shall be made to fill any member's term which actually
6917 expires that year and any member's term which expires next until
6918 the majority of the membership of the board or commission is
6919 reached. Appointments made at the beginning of the third year of
6920 the four-year cycle shall be made for the remainder of the
6921 membership positions irrespective of the time of their prior
6922 appointment. Any question regarding the order of appointments
6923 shall be determined by the Secretary of State in accordance with
6924 the specific statute. All appointment procedures, vacancy
6925 provisions, interim appointment provisions and removal provisions
6926 specifically provided for in Section 7-1-35, Mississippi Code of
6927 1972, shall be fully applicable to appointments to the State Oil
6928 and Gas Board.

6929 (4) The board shall elect from its number a chairman and a
6930 vice chairman. Each member of the board shall be a citizen of the
6931 United States, and a resident of the State of Mississippi, and a
6932 qualified elector therein, of integrity and sound and nonpartisan
6933 judgment. Each member shall qualify by taking the oath of office
6934 and shall hold office until his successor is appointed and
6935 qualified. The board shall establish its principal office at
6936 Jackson, Mississippi, at which the records of the board shall be
6937 kept.

6938 Each member of the board shall receive as compensation for
6939 his services an annual salary of Seven Thousand Two Hundred



6940 Dollars (\$7,200.00), except the chairman of the board who shall
6941 receive as compensation for his services an annual salary of Nine
6942 Thousand Six Hundred Dollars (\$9,600.00). The receipt of said
6943 compensation shall not entitle members of the board to receive or
6944 be eligible for any state employee group insurance or retirement
6945 benefits.

6946 (* * *5) The board shall meet and hold hearings at such
6947 times and places as may be found by the board, or a majority
6948 thereof, to be necessary to carry out its duties. A majority of
6949 the board shall constitute a quorum, and three (3) affirmative
6950 votes shall be necessary for adoption or promulgation of any rule,
6951 regulation or order. * * *

6952 (* * *6) Where a question which has been presented or has
6953 arisen to be acted upon by the board directly affects the interest
6954 of a member or members of the board, such member or members shall
6955 recuse himself or themselves from acting upon such question.

6956 (* * *7) The board shall adopt an official seal, and may
6957 sue and be sued.

6958 (8) The board is authorized to appoint an executive director
6959 for a term of four (4) years, with the advice and consent of the
6960 Senate, and consistent with the provisions of Section 7-1-35,
6961 Mississippi Code of 1972.

6962 **SECTION 104.** Section 73-19-7, Mississippi Code of 1972, is
6963 amended as follows:



6964 73-19-7. The Governor, with the advice and consent of the
6965 Senate, shall appoint a State Board of Optometry, consisting of
6966 five (5) persons, citizens of Mississippi, each of whom shall be a
6967 nonmedical man or woman actually engaged in the practice of
6968 optometry for five (5) years next preceding his appointment. * * *
6969 The appointments to the board shall be made with one (1) member to
6970 be appointed from each of the * * * Mississippi Supreme Court
6971 Districts as existing on January 1, 1980 * * * and two (2) from
6972 the state at large.

6973 The State Board of Optometry, created by former Section
6974 73-19-7, is continued and reconstituted as follows: Effective
6975 January 1, 2028, each board member shall be appointed by the
6976 Governor, with the advice and consent of the Senate, for a term of
6977 office of four (4) years, provided that three (3) members shall be
6978 appointed in 2028 to a term ending December 31, 2031, and two (2)
6979 members shall be appointed in 2030 to a term ending December 31,
6980 2033. Appointments made at the beginning of the four-year cycle
6981 shall be made to fill any member's term which actually expires
6982 that year and any member's term which expires next until the
6983 majority of the membership of the board or commission is reached.
6984 Appointments made at the beginning of the third year of the
6985 four-year cycle shall be made for the remainder of the membership
6986 positions irrespective of the time of their prior appointment.
6987 Any question regarding the order of appointments shall be
6988 determined by the Secretary of State in accordance with the



6989 specific statute. All appointment procedures, vacancy provisions,
6990 interim appointment provisions and removal provisions specifically
6991 provided for in Section 7-1-35, Mississippi Code of 1972, shall be
6992 fully applicable to appointments to the State Board of Optometry.

6993 No person so appointed shall be a stockholder in or a member
6994 of the faculty or of the board of trustees of any school of
6995 optometry, or serve to exceed two (2) five-year terms.

6996 Vacancies on said board shall be filled by appointment by the
6997 Governor, with the advice and consent of the Senate, from a list
6998 of names submitted by the Mississippi Optometric Association
6999 consisting of three (3) of its members, or by appointment of any
7000 qualified member of the association.

7001 **SECTION 105.** Section 73-19-9, Mississippi Code of 1972, is
7002 amended as follows:

7003 73-19-9. The State Board of Optometry shall organize by the
7004 election from its members a president and a secretary, who shall
7005 hold their respective offices for one (1) year.

7006 It shall hold regular meetings for examination, beginning on
7007 the second week of January and July of each year, and additional
7008 meetings at such times and places as the board shall determine,
7009 said additional meetings not to exceed ten (10) meeting days
7010 annually, but the July meeting shall be held in the City of
7011 Jackson.

7012 A majority of the board shall constitute a quorum, but a less
7013 number may adjourn from time to time.



7014 The board shall make such rules and regulations as may be
7015 necessary to carry out the provisions of this chapter; however,
7016 the board shall not adopt any rule or regulation or impose any
7017 requirement regarding the licensing of optometrists that conflicts
7018 with the prohibitions in Section 73-49-3.

7019 The board is authorized to appoint an executive director for
7020 a term of four (4) years, with the advice and consent of the
7021 Senate, and consistent with the provisions of Section 7-1-35,
7022 Mississippi Code of 1972.

7023 **SECTION 106.** Section 47-7-5, Mississippi Code of 1972, is
7024 amended as follows:

7025 47-7-5. (1) Effective January 1, 2028, the State Parole
7026 Board, created under former Section 47-7-5, is hereby created,
7027 continued and reconstituted and shall be composed of five (5)
7028 members, one (1) appointed from each Mississippi Supreme Court
7029 District and two (2) from the state-at-large. The Governor shall
7030 appoint the members to four-year terms of office, with the advice
7031 and consent of the Senate, provided that three (3) members shall
7032 be appointed in 2028 to a term ending December 31, 2031, and two
7033 (2) members shall be appointed in 2030 to a term ending December
7034 31, 2033. * * * Appointments made at the beginning of the
7035 four-year cycle shall be made to fill any member's term which
7036 actually expires that year and any member's term which expires
7037 next until the majority of the membership of the board or
7038 commission is reached. Appointments made at the beginning of the



7039 third year of the four-year cycle shall be made for the remainder
7040 of the membership positions irrespective of the time of their
7041 prior appointment. Any question regarding the order of
7042 appointments shall be determined by the Secretary of State in
7043 accordance with the specific statute. All appointment procedures,
7044 vacancy provisions, interim appointment provisions and removal
7045 provisions specifically provided for in Section 7-1-35,
7046 Mississippi Code of 1972, shall be fully applicable to
7047 appointments to the State Parole Board. Any vacancy shall be
7048 filled by the Governor, with the advice and consent of the Senate.
7049 The Governor shall appoint a chairman of the board.

7050 (2) Any person who is appointed to serve on the board shall
7051 possess at least a bachelor's degree or a high school diploma and
7052 four (4) years' work experience. Each member shall devote his
7053 full time to the duties of his office and shall not engage in any
7054 other business or profession or hold any other public office. A
7055 member shall receive compensation or per diem in addition to his
7056 or her salary. Each member shall keep such hours and workdays as
7057 required of full-time state employees under Section 25-1-98.
7058 Individuals shall be appointed to serve on the board without
7059 reference to their political affiliations. Each board member,
7060 including the chairman, may be reimbursed for actual and necessary
7061 expenses as authorized by Section 25-3-41. Each member of the
7062 board shall complete annual training developed based on guidance
7063 from the National Institute of Corrections, the Association of



7064 Paroling Authorities International, or the American Probation and
7065 Parole Association. Each first-time appointee of the board shall,
7066 within sixty (60) days of appointment, or as soon as practical,
7067 complete training for first-time Parole Board members developed in
7068 consideration of information from the National Institute of
7069 Corrections, the Association of Paroling Authorities
7070 International, or the American Probation and Parole Association.

7071 (3) The board shall have exclusive responsibility for the
7072 granting of parole as provided by Sections 47-7-3 and 47-7-17 and
7073 shall have exclusive authority for revocation of the same. The
7074 board shall have exclusive responsibility for investigating
7075 clemency recommendations upon request of the Governor.

7076 (4) The board, its members and staff, shall be immune from
7077 civil liability for any official acts taken in good faith and in
7078 exercise of the board's legitimate governmental authority.

7079 (5) The budget of the board shall be funded through a
7080 separate line item within the general appropriation bill for the
7081 support and maintenance of the department. Employees of the
7082 department which are employed by or assigned to the board shall
7083 work under the guidance and supervision of the board. There shall
7084 be an executive secretary to the board who shall be responsible
7085 for all administrative and general accounting duties related to
7086 the board. The executive secretary shall keep and preserve all
7087 records and papers pertaining to the board.



7088 (6) The board shall have no authority or responsibility for
7089 supervision of offenders granted a release for any reason,
7090 including, but not limited to, probation, parole or executive
7091 clemency or other offenders requiring the same through interstate
7092 compact agreements. The supervision shall be provided exclusively
7093 by the staff of the Division of Community Corrections of the
7094 department.

7095 (7) (a) The Parole Board is authorized to select and place
7096 offenders in an electronic monitoring program under the conditions
7097 and criteria imposed by the Parole Board. The conditions,
7098 restrictions and requirements of Section 47-7-17 and Sections
7099 47-5-1001 through 47-5-1015 shall apply to the Parole Board and
7100 any offender placed in an electronic monitoring program by the
7101 Parole Board.

7102 (b) Any offender placed in an electronic monitoring
7103 program under this subsection shall pay the program fee provided
7104 in Section 47-5-1013. The program fees shall be deposited in the
7105 special fund created in Section 47-5-1007.

7106 (c) The department shall have absolute immunity from
7107 liability for any injury resulting from a determination by the
7108 Parole Board that an offender be placed in an electronic
7109 monitoring program.

7110 (8) (a) The Parole Board shall maintain a central registry
7111 of paroled inmates. The Parole Board shall place the following
7112 information on the registry: name, address, photograph, crime for



7113 which paroled, the date of the end of parole or flat-time date and
7114 other information deemed necessary. The Parole Board shall
7115 immediately remove information on a parolee at the end of his
7116 parole or flat-time date.

7117 (b) When a person is placed on parole, the Parole Board
7118 shall inform the parolee of the duty to report to the parole
7119 officer any change in address ten (10) days before changing
7120 address.

7121 (c) The Parole Board shall utilize an Internet website
7122 or other electronic means to release or publish the information.

7123 (d) Records maintained on the registry shall be open to
7124 law enforcement agencies and the public and shall be available no
7125 later than July 1, 2003.

7126 (9) An affirmative vote of at least four (4) members of the
7127 Parole Board shall be required to grant parole to an inmate
7128 convicted of capital murder or a sex crime.

7129 (10) This section shall stand repealed on July 1, 2025.

7130 **SECTION 107.** Section 51-15-1, Mississippi Code of 1972, is
7131 amended as follows:

7132 51-15-1. There is hereby created the Pat Harrison Waterway
7133 Commission composed of Clarke, Covington, Forrest, George, Greene,
7134 Jackson, Jasper, Jones, Lamar, Lauderdale, Newton, Perry, Smith,
7135 Stone, and Wayne Counties in the State of Mississippi, to be
7136 governed by a board consisting of one (1) member from each such
7137 county and three (3) members from the state at large, all to be



7138 appointed by the Governor, with the advice and consent of the
7139 Senate, to serve for a term of four (4) years or until their
7140 successors are appointed and qualified. Effective January 1,
7141 2028, the eighteen (18) appointed members shall be appointed by
7142 the Governor, with the advice and consent of the Senate, for a
7143 term of office of four (4) years, provided that ten (10) members
7144 shall be appointed in 2028 to a term ending December 31, 2031, and
7145 nine (9) members shall be appointed in 2030 to a term ending
7146 December 31, 2033. Appointments made at the beginning of the
7147 four-year cycle shall be made to fill any member's term which
7148 actually expires that year and any member's term which expires
7149 next until the majority of the membership of the board or
7150 commission is reached. Appointments made at the beginning of the
7151 third year of the four-year cycle shall be made for the remainder
7152 of the membership positions irrespective of the time of their
7153 prior appointment. Any question regarding the order of
7154 appointments shall be determined by the Secretary of State in
7155 accordance with the specific statute. All appointment procedures,
7156 vacancy provisions, interim appointment provisions and removal
7157 provisions specifically provided for in Section 7-1-35,
7158 Mississippi Code of 1972, shall be fully applicable to
7159 appointments to the Pat Harrison Waterway Commission. The
7160 Governor shall designate in his appointment the chairman and vice
7161 chairman thereof. They shall serve without pay except for their
7162 actual traveling expenses and other necessary expenses incurred in



7163 the performance of their official duties, to be reimbursed as in
7164 the case of state employees under the provisions of general law.
7165 Upon appointment, said members shall meet and organize at
7166 Hattiesburg, Mississippi, and set a regular time and place for the
7167 meetings of the commission, secure offices and all necessary
7168 equipment, and obtain such engineering, professional, clerical,
7169 and other assistance as may be necessary in order to accomplish
7170 the purposes of this article. An executive director may be
7171 appointed by the board to a term of four (4) years, with the
7172 advice and consent of the Senate, and consistent with the
7173 provisions of Section 7-1-35, Mississippi Code of 1972, if this is
7174 deemed advisable, and salaries of all personnel may be paid out of
7175 funds provided under the terms of this article in an amount
7176 agreeable to the commission.

7177 **SECTION 108.** Section 69-48-3, Mississippi Code of 1972, is
7178 amended as follows:

7179 69-48-3. (1) The Mississippi Peanut Promotion Board is
7180 hereby created, to be composed of six (6) members to be appointed
7181 by the Governor * * *, with the advice and consent of the Senate,
7182 with two (2) appointed from each Mississippi Supreme Court
7183 District. All of the six (6) members of the board shall be
7184 producers of peanuts in the State of Mississippi. * * * The
7185 Mississippi Farm Bureau Federation, Inc., and the Mississippi
7186 Peanut Growers Association shall each submit the names of six (6)
7187 peanut producers to the Governor, and he shall appoint three (3)



7188 members from the nominees of each organization to serve on the
7189 board * * *. * * * The Mississippi Peanut Promotion Board,
7190 created by former Section 69-48-3, is continued and reconstituted
7191 as follows: Effective January 1, 2028, members of the board shall
7192 be appointed by the Governor, with the advice and consent of the
7193 Senate, for a term of office of four (4) years, provided that four
7194 (4) members shall be appointed in 2028 to a term ending December
7195 31, 2031, and two (2) members shall be appointed in 2030 to a term
7196 ending December 31, 2033. Appointments made at the beginning of
7197 the four-year cycle shall be made to fill any member's term which
7198 actually expires that year and any member's term which expires
7199 next until the majority of the membership of the board or
7200 commission is reached. Appointments made at the beginning of the
7201 third year of the four-year cycle shall be made for the remainder
7202 of the membership positions irrespective of the time of their
7203 prior appointment. Any question regarding the order of
7204 appointments shall be determined by the Secretary of State in
7205 accordance with the specific statute. All appointment procedures,
7206 vacancy provisions, interim appointment provisions and removal
7207 provisions specifically provided for in Section 7-1-35,
7208 Mississippi Code of 1972, shall be fully applicable to
7209 appointments to the Mississippi Peanut Promotion Board.

7210 (2) The members of the board shall meet and organize
7211 immediately after their appointment, and shall elect a chairman,
7212 vice chairman and secretary-treasurer from the membership of the



7213 board, whose duties shall be those customarily exercised by such
7214 officers or specifically designated by the board. The chairman,
7215 vice chairman and secretary-treasurer shall be bonded in an amount
7216 not less than Twenty Thousand Dollars (\$20,000.00). The cost of
7217 the bonds shall be paid from the funds received under this
7218 chapter. The bond shall be a security for any illegal act of such
7219 member of the board and recovery thereon may be had by the state
7220 for any injury by the illegal act of the member. The board may
7221 establish rules and regulations for its own government and the
7222 administration of the affairs of the board.

7223 **SECTION 109.** Section 51-9-1, Mississippi Code of 1972, is
7224 amended as follows:

7225 51-9-1. There is created the Pearl River Industrial
7226 Commission, composed of Hinds, Leake, Madison, Neshoba, Rankin and
7227 such other counties in the state through which or bordering which
7228 the Pearl River runs. The Governor, with the advice and consent
7229 of the Senate, shall appoint one (1) member to the commission from
7230 each county from a list of three (3) names to be submitted by the
7231 board of supervisors in each participating county. Effective
7232 January 1, 2028, the five (5) appointed members shall be appointed
7233 for a term of office of four (4) years, provided that three (3)
7234 members shall be appointed in 2028 to a term ending December 31,
7235 2031, and two (2) members shall be appointed in 2030 to a term
7236 ending December 31, 2033. Appointments made at the beginning of
7237 the four-year cycle shall be made to fill any member's term which



7238 actually expires that year and any member's term which expires
7239 next until the majority of the membership of the board or
7240 commission is reached. Appointments made at the beginning of the
7241 third year of the four-year cycle shall be made for the remainder
7242 of the membership positions irrespective of the time of their
7243 prior appointment. Any question regarding the order of
7244 appointments shall be determined by the Secretary of State in
7245 accordance with the specific statute. All appointment procedures,
7246 vacancy provisions, interim appointment provisions and removal
7247 provisions specifically provided for in Section 7-1-35,
7248 Mississippi Code of 1972, shall be fully applicable to
7249 appointments to the Pearl River Industrial Commission. The three
7250 (3) names submitted by the board of supervisors of Madison County
7251 and the board of supervisors of Rankin County shall be the names
7252 of persons who reside on and are holders of residential leases
7253 from the Pearl River Valley Water Supply District that are located
7254 in Madison County and Rankin County, respectively, or who reside
7255 in established subdivisions in Madison County and Rankin County,
7256 respectively, in which some of the residential property of the
7257 subdivision is leased from the Pearl River Valley Water Supply
7258 District. In his appointment the Governor shall designate the
7259 chairman and vice chairman of the commission. * * * The board of
7260 supervisors in any county through which or by which the Pearl
7261 River runs, other than those counties named above, may bring that
7262 county in as a member of the commission by resolution presented to



7263 the Governor; and the board of supervisors in such county may, in
7264 its discretion, call an election before taking such action, the
7265 election to be held as nearly as possible in the same manner other
7266 elections are held in the county.

7267 The member appointed from Madison County who is serving on
7268 July 1, 2012, shall continue to serve until January 1, 2013, after
7269 which date the Governor shall appoint a member from Madison County
7270 who meets the residency requirements of this section. The person
7271 appointed under the provisions of this paragraph shall serve for
7272 the remainder of the unexpired term.

7273 **SECTION 110.** Section 25-9-109, Mississippi Code of 1972, is
7274 amended as follows:

7275 25-9-109. There is hereby created a board of five (5)
7276 members to be known as the State Personnel Board to be appointed
7277 by the Governor as hereinafter provided, with the advice and
7278 consent of the Senate, one (1) to be appointed from each
7279 Mississippi Supreme Court District and two (2) from the state at
7280 large.

7281 * * *

7282 The State Personnel Board, created by former Section
7283 25-9-109, is continued and reconstituted as follows: Effective
7284 January 1, 2028, board members shall be appointed by the Governor,
7285 with the advice and consent of the Senate, for a term of office of
7286 four (4) years, provided that three (3) members shall be appointed
7287 in 2028 to a term ending December 31, 2031, and two (2) members



7288 shall be appointed in 2030 to a term ending December 31, 2033.
7289 Appointments made at the beginning of the four-year cycle shall be
7290 made to fill any member's term which actually expires that year
7291 and any member's term which expires next until the majority of the
7292 membership of the board or commission is reached. Appointments
7293 made at the beginning of the third year of the four-year cycle
7294 shall be made for the remainder of the membership positions
7295 irrespective of the time of their prior appointment. Any question
7296 regarding the order of appointments shall be determined by the
7297 Secretary of State in accordance with the specific statute. All
7298 appointment procedures, vacancy provisions, interim appointment
7299 provisions and removal provisions specifically provided for in
7300 Section 7-1-35, Mississippi Code of 1972, shall be fully
7301 applicable to appointments to the State Personnel Board.

7302 All appointees shall have at least a bachelor's degree in
7303 public administration, personnel management or in a
7304 management-related field of study or, in the alternative, shall
7305 have a bachelor's degree in any field and ten (10) years of
7306 experience in a position the duties of which specifically required
7307 the appointee to carry out personnel management responsibilities
7308 in an organization and were the exclusive responsibilities of his
7309 position. An appointee with a graduate degree in public
7310 administration, personnel management or in a management-related
7311 field of study shall also be qualified to serve on the board. In
7312 the alternative, an appointee with a graduate degree in any field



7313 shall be qualified if he has five (5) years of experience in a
7314 position the duties of which specifically required him to carry
7315 out personnel management responsibilities in an organization and
7316 were the exclusive responsibilities of his position.

7317 **SECTION 111.** Section 25-9-119, Mississippi Code of 1972, is
7318 amended as follows:

7319 25-9-119. (1) There is created the position of the State
7320 Personnel Director who shall be selected by the State Personnel
7321 Board, with the advice and consent of the Senate, to a four-year
7322 term of office, consistent with the provisions of Section 7-1-35,
7323 Mississippi Code of 1972. The director shall have at least a
7324 Juris Doctor degree from an accredited law school or a master's
7325 degree in business administration, personnel management or the
7326 equivalent and shall have not less than five (5) years' experience
7327 therein. His salary shall be in accordance with the Mississippi
7328 Compensation Plan. * * *

7329 (2) The duties and responsibilities of the director shall
7330 be:

7331 (a) To serve as executive secretary to the board, to
7332 attend meetings as directed by the board and to provide such
7333 professional, technical and other supportive assistance as may be
7334 required by the board in the performance of its duties;

7335 (b) Consistent with board policy, to administer the
7336 operations of the State Personnel System and to otherwise act in



7337 the capacity of Chief Executive Officer to the State Personnel
7338 Board;

7339 (c) To submit for board approval proposed rules and
7340 regulations which shall require a uniform system of personnel
7341 administration within all agencies included in this chapter. Such
7342 rules and regulations, when approved by the board, shall be
7343 binding upon the state departments, agencies and institutions
7344 covered by this chapter and shall include provisions for the
7345 establishment and maintenance of classification and compensation
7346 plans, the conduct of examinations, employee recruiting, employee
7347 selection, the certification of eligible persons, appointments,
7348 promotions, transfers, demotions, separations, reinstatement,
7349 appeals, reports of performance, payroll certification, employee
7350 training, vacation and sick leave, compensatory leave,
7351 administrative leave, standardized recordkeeping forms and
7352 procedures for leave earned, accrued and used, and all other
7353 phases of personnel administration. Such rules and regulations
7354 shall not be applicable to the emergency hiring of employees by
7355 the Public Employees' Retirement System pursuant to Section
7356 25-11-15(7). Copies of the rules and regulations, or
7357 modifications thereto, as are approved by the State Personnel
7358 Board, shall be provided to the Chairmen of the Accountability,
7359 Efficiency and Transparency Committee of the Senate and the Fees
7360 and Salaries of Public Officers Committee of the House of
7361 Representatives, the Lieutenant Governor and the Governor at least



7362 sixty (60) days before their effective date. The respective
7363 parties may submit comments to the board regarding such rules and
7364 regulations before their effective date;

7365 (i) Compensation plans and modifications thereto
7366 promulgated under rules and regulations shall become effective as
7367 adopted, upon appropriation therefor by the State Legislature;

7368 (ii) The director and the board shall provide for:

7369 1. Cost-of-living adjustments;

7370 2. Salary increases for outstanding
7371 performance based upon documented employee productivity and
7372 exceptional performance in assigned duties; and

7373 3. Plans to compensate employees for
7374 suggestions which result in improved management in technical or
7375 administrative procedures and result in documented cost savings
7376 for the state. In certifying promotions, the director shall
7377 ensure that an employee's anniversary date remains the same
7378 regardless of the date of his promotion;

7379 (d) To submit to the board any proposed legislation as
7380 may be necessary to bring existing statutes relating to the
7381 administration of public employees into uniformity;

7382 (e) To administer the rules and regulations and all
7383 other operational aspects of the State Personnel System and to
7384 assure compliance therewith in all the departments, agencies and
7385 institutions covered by the State Personnel System;



7386 (f) To appoint and prescribe the duties of the State
7387 Personnel System staff, all positions of which shall be included
7388 in the state service;

7389 (g) To prepare an annual budget for the board covering
7390 all the costs of operating the State Personnel System, including
7391 the State Personnel Board, and the costs of administering such
7392 federal laws relating to personnel administration as the board may
7393 direct, including the Intergovernmental Personnel Act of 1970;

7394 (h) To assist state agencies, departments and
7395 institutions in complying with all applicable state and federal
7396 statutes and regulations concerning discrimination in employment,
7397 personnel administration and related matters;

7398 (i) To recommend procedures for the establishment and
7399 abolishment of employment positions within those departments,
7400 agencies and institutions not excluded from this chapter; and

7401 (j) To cooperate with appointing authorities in the
7402 administration of this chapter in order to promote public service
7403 and establish conditions of service which will attract and retain
7404 employees of character and capacity and to increase efficiency and
7405 economy in governmental departments by the improvement of methods
7406 of personnel administration with full recognition of the
7407 requirements and needs of management.

7408 (3) From and after July 1, 2016, the State Personnel Board
7409 shall not charge another state agency a fee, assessment, or other



7410 charge for services or resources received by that agency from the
7411 State Personnel Board.

7412 (4) From and after July 1, 2016, the expenses of this agency
7413 shall be defrayed by appropriation from the State General Fund and
7414 all user charges and fees authorized under this section shall be
7415 deposited into the State General Fund as authorized by law.

7416 **SECTION 112.** Section 73-21-75, Mississippi Code of 1972, is
7417 amended as follows:

7418 73-21-75. (1) The State Board of Pharmacy created by former
7419 Section 73-21-9 is continued and reconstituted as follows: The
7420 board shall consist of seven (7) appointed members. At
7421 least * * * two (2) appointments shall be made from each * * *
7422 Mississippi Supreme Court District. Each appointed member of the
7423 board shall be appointed by the Governor, with the advice and
7424 consent of the Senate, from a list of five (5) names submitted by
7425 the Mississippi Pharmacists Association, with input from the
7426 Magnolia Pharmaceutical Society, the Mississippi Independent
7427 Pharmacies Association (MIPA), Mississippi Society of
7428 Health-System Pharmacists (MSHP) and Mississippi College of
7429 Clinical Pharmacy (MCCP) and other pharmacist associations or
7430 societies. Of the members appointed, one (1) shall, at the time
7431 of appointment, have had five (5) years' experience as a
7432 pharmacist at a facility holding an institutional permit, and one
7433 (1) shall, at the time of appointment, have had five (5) years'
7434 experience as a pharmacist at a facility holding a retail permit.



7435 Any person appointed to the board shall be limited to two (2) full
7436 terms of office during any fifteen-year period * * *.

7437 (2) * * * The State Board of Pharmacy, created by former
7438 Section 73-21-75, is continued and reconstituted as follows:
7439 Effective January 1, 2028, members of the board shall be appointed
7440 by the Governor, with the advice and consent of the Senate, for a
7441 term of office of four (4) years, provided that four (4) members
7442 shall be appointed in 2028 to a term ending December 31, 2031, and
7443 three (3) members shall be appointed in 2030 to a term ending
7444 December 31, 2033. Appointments made at the beginning of the
7445 four-year cycle shall be made to fill any member's term which
7446 actually expires that year and any member's term which expires
7447 next until the majority of the membership of the board or
7448 commission is reached. Appointments made at the beginning of the
7449 third year of the four-year cycle shall be made for the remainder
7450 of the membership positions irrespective of the time of their
7451 prior appointment. Any question regarding the order of
7452 appointments shall be determined by the Secretary of State in
7453 accordance with the specific statute. All appointment procedures,
7454 vacancy provisions, interim appointment provisions and removal
7455 provisions specifically provided for in Section 7-1-35,
7456 Mississippi Code of 1972, shall be fully applicable to
7457 appointments to the State Board of Pharmacy.

7458 (3) * * * The Mississippi Pharmacists Association, with
7459 input from the Magnolia Pharmaceutical Society, the Mississippi



7460 Independent Pharmacies Association (MIPA), Mississippi Society of
7461 Health-System Pharmacists (MSHP) and Mississippi College of
7462 Clinical Pharmacy (MCCP) and other pharmacist associations or
7463 societies, shall submit a list of nominees no more than thirty
7464 (30) days after a vacancy occurs, and the Governor shall fill such
7465 vacancies within ninety (90) days after each such vacancy occurs.
7466 If an election is required to narrow the number of potential
7467 candidates for nominations to the board, the Mississippi
7468 Pharmacists Association shall provide a ballot to each pharmacist
7469 holding a valid Mississippi license.

7470 (4) To be qualified to be a member of the board, a person
7471 shall:

7472 (a) Be an adult citizen of Mississippi for a period of
7473 at least five (5) years preceding his appointment to the board;

7474 (b) Be a pharmacist licensed and in good standing to
7475 practice pharmacy in the State of Mississippi; and

7476 (c) Have actively engaged in the practice of pharmacy
7477 in Mississippi for a period of at least five (5) years.

7478 * * *

7479 **SECTION 113.** Section 73-21-79, Mississippi Code of 1972, is
7480 amended as follows:

7481 73-21-79. (1) The board shall employ an executive director
7482 of the board. The executive director shall be a citizen of
7483 Mississippi and a pharmacist licensed and in good standing to



7484 practice pharmacy in the State of Mississippi, who has had five
7485 (5) years' experience as a pharmacist.

7486 (2) The executive director shall receive a salary to be set
7487 by the board, subject to the approval of the State Personnel
7488 Board, and shall be entitled to necessary expenses incurred in the
7489 performance of his official duties. He shall devote full time to
7490 the duties of his office and shall not be engaged in any other
7491 business that will interfere with the duties of his office.

7492 (3) The duties and responsibilities of the executive
7493 director shall be defined by rules and regulations prescribed by
7494 the board.

7495 (4) The board may, in its discretion, employ persons in
7496 addition to the executive director in such other positions or
7497 capacities as it deems necessary to the proper conduct of board
7498 business. Any pharmacist-investigator employed by the board may
7499 have other part-time employment, provided that he shall not accept
7500 any employment that would cause a conflict of interest in his
7501 pharmacist-investigator duties. The board may employ legal
7502 counsel to assist in the conduct of its business.

7503 (5) The board is authorized to appoint an executive director
7504 for a term of four (4) years, with the advice and consent of the
7505 Senate, and consistent with the provisions of Section 7-1-35,
7506 Mississippi Code of 1972.

7507 **SECTION 114.** Section 73-23-41, Mississippi Code of 1972, is
7508 amended as follows:



7509 73-23-41. (1) There is established a State Board of
7510 Physical Therapy that shall consist of seven (7) members appointed
7511 by the Governor, with the advice and consent of the Senate. Four
7512 (4) members shall be physical therapists, one (1) member shall be
7513 a physical therapist assistant, and one (1) member shall be a
7514 physician, each of whom possesses unrestricted licenses to
7515 practice in his or her profession. The Governor shall also
7516 appoint one (1) member who shall be a consumer at large who is not
7517 associated with or financially interested in any health care
7518 profession and who has an interest in consumer rights. Each of
7519 the four (4) members who are physical therapists shall be
7520 appointed from a list of * * * two (2) persons from each of
7521 the * * * Mississippi * * * Supreme Court Districts, as such
7522 districts currently exist, submitted by the Mississippi Physical
7523 Therapy Association, all of whom must be residents of Mississippi
7524 and must have engaged in the practice of physical therapy within
7525 the state for at least four (4) years. * * * The State Board of
7526 Physical Therapy, created by former Section 73-23-41, is continued
7527 and reconstituted as follows: Effective January 1, 2028, each
7528 board member shall be appointed by the Governor, with the advice
7529 and consent of the Senate, for a term of office of four (4) years,
7530 provided that four (4) members shall be appointed in 2028 to a
7531 term ending December 31, 2031, and three (3) members shall be
7532 appointed in 2030 to a term ending December 31, 2033.
7533 Appointments made at the beginning of the four-year cycle shall be



7534 made to fill any member's term which actually expires that year
7535 and any member's term which expires next until the majority of the
7536 membership of the board or commission is reached. Appointments
7537 made at the beginning of the third year of the four-year cycle
7538 shall be made for the remainder of the membership positions
7539 irrespective of the time of their prior appointment. Any question
7540 regarding the order of appointments shall be determined by the
7541 Secretary of State in accordance with the specific statute. All
7542 appointment procedures, vacancy provisions, interim appointment
7543 provisions and removal provisions specifically provided for in
7544 Section 7-1-35, Mississippi Code of 1972, shall be fully
7545 applicable to appointments to the State Board of Physical Therapy.
7546 No person shall be appointed for more than two (2) consecutive
7547 four-year terms. However, any board member initially appointed
7548 for less than a full four-year term is eligible to serve for two
7549 (2) additional consecutive four-year terms.

7550 (2) The board shall annually elect a chairman, secretary and
7551 treasurer. The board shall provide for the timely orientation and
7552 training of new professional and public appointees to the board
7553 regarding board licensing and disciplinary procedures, this
7554 chapter and board rules, regulations, policies and procedures. A
7555 member may be removed by the board only for due cause. Failure to
7556 attend at least half of the board meetings in a fiscal year shall
7557 constitute cause. The board shall meet at least once each
7558 quarter, and those meetings shall be held in compliance with the



7559 Open Meetings Law (Section 25-41-1 et seq.). A majority of board
7560 members shall constitute a quorum for the transaction of business.
7561 The board shall keep an official record of its meetings. * * *
7562 Members of the board shall receive the per diem authorized under
7563 Section 25-3-69 for each day spent actually discharging their
7564 official duties, and shall receive reimbursement for mileage and
7565 necessary travel expenses incurred as provided in Section 25-3-41.
7566 A board member who acts within the scope of board duties, without
7567 malice and in the reasonable belief that the member's action is
7568 warranted by law is immune from civil liability.

7569 **SECTION 115.** Section 73-23-43, Mississippi Code of 1972, is
7570 amended as follows:

7571 73-23-43. (1) The board shall have the following general
7572 powers and duties:

7573 (a) To examine and determine the qualifications and
7574 fitness of applicants for licenses to practice as physical
7575 therapists and licenses to act as physical therapist assistants in
7576 this state and prepare or approve and conduct all examinations of
7577 applicants for licensure;

7578 (b) To issue, renew, deny, suspend or revoke licenses
7579 to practice as physical therapists and licenses to act as physical
7580 therapist assistants in this state or otherwise discipline
7581 licensed physical therapists and physical therapist assistants;

7582 (c) To investigate alleged or suspected violations of
7583 the provisions of this chapter or other laws of this state



7584 pertaining to physical therapy and any rules and regulations
7585 adopted by the board;

7586 (d) To establish reasonable fees for application for
7587 examination, certificates of licensure and renewal, and other
7588 services provided by the board;

7589 (e) To adopt, amend or repeal any rules or regulations
7590 necessary to carry out the purposes of this chapter and the duties
7591 and responsibilities of the board, in accordance with Section
7592 25-43-1.101 et seq. Such rules, when lawfully adopted, shall have
7593 the effect of law;

7594 (f) To hire appropriate support personnel to carry out
7595 the provisions of this chapter;

7596 (g) To adopt a code of ethics for physical therapists
7597 and physical therapist assistants licensed under this chapter
7598 which may be the current code of ethics of the American Physical
7599 Therapy Association;

7600 (h) To regulate the practice of physical therapy by
7601 interpreting and enforcing this chapter;

7602 (i) To provide for the examination of physical
7603 therapists and physical therapist assistants;

7604 (j) To establish mechanisms for assessing the
7605 continuing professional competence of physical therapists and
7606 physical therapist assistants to practice physical therapy;

7607 (k) To set criteria for continuing education;



7608 (1) To establish and collect fees for sustaining the
7609 necessary operation and expenses of the board;

7610 (m) To publish, at least annually, final disciplinary
7611 action against a licensee;

7612 (n) To report final disciplinary action taken against a
7613 licensee to other state or federal regulatory agencies and to a
7614 national disciplinary database recognized by the board or as
7615 required by law;

7616 (o) To share documents, materials, or other
7617 information, including confidential and privileged documents,
7618 materials, or information, received or maintained by the board
7619 with other state or federal agencies, and with a national
7620 disciplinary database recognized by the board or as required by
7621 law provided that the recipient agrees to maintain the
7622 confidentiality and privileged status of the document, material or
7623 other information;

7624 (p) To participate in or conduct performance audits;

7625 (q) To, through its employees and/or representatives,
7626 enter and make inspections of any place where physical therapy is
7627 practiced and inspect and/or copy any record pertaining to clients
7628 or the practice of physical therapy under this chapter;

7629 (r) To issue subpoenas for the attendance and testimony
7630 of witnesses and the production of papers, records or other
7631 documentary evidence. Any member of the board may administer
7632 oaths or affirmations to witnesses appearing before the board. If



7633 any subpoenaed person fails or refuses to attend any proceeding
7634 before the board, refuses to testify, refuses to produce any books
7635 and papers the production of which is called for by a subpoena, or
7636 otherwise fails to comply with any subpoena issued pursuant to
7637 this subsection, the attendance of such witness, the giving of his
7638 or her testimony, the production of the books and papers or other
7639 compliance with the subpoena shall be enforced by any court of
7640 competent jurisdiction of this state in the manner provided for
7641 the enforcement of attendance and testimony of witnesses in civil
7642 cases in the courts of this state.

7643 (s) To conduct a criminal history records check on
7644 licensees whose licensure is subject to investigation by the board
7645 and on applicants for licensure. In order to determine the
7646 applicant's or licensee's suitability for licensing, the applicant
7647 or licensee shall be fingerprinted. The board shall submit the
7648 fingerprints to the Department of Public Safety for a check of the
7649 state criminal records and forward to the Federal Bureau of
7650 Investigation for a check of the national criminal records. The
7651 Department of Public Safety shall disseminate the results of the
7652 state check and the national check to the board for a suitability
7653 determination. The board shall be authorized to charge and
7654 collect from the applicant or licensee, in addition to all other
7655 applicable fees and costs, such amount as may be incurred by the
7656 board in requesting and obtaining state and national criminal
7657 history records information on the applicant or licensee.



7658 Any and all state or national criminal history records
7659 information obtained by the board that is not already a matter of
7660 public record shall be deemed nonpublic and confidential
7661 information restricted to the exclusive use of the board, its
7662 members, officers, investigators, agents and attorneys in
7663 evaluating the applicant's eligibility or disqualification for
7664 licensure, and shall be exempt from the Mississippi Public Records
7665 Act of 1983. Except when introduced into evidence in a hearing
7666 before the board to determine licensure, no such information or
7667 records related thereto shall, except with the written consent of
7668 the applicant or by order of a court of competent jurisdiction, be
7669 released or otherwise disclosed by the board to any other person
7670 or agency; and

7671 (t) Perform the duties prescribed by the Physical
7672 Therapy Licensure Compact provided for in Section 73-23-101. The
7673 State Board of Physical Therapy shall be the physical therapy
7674 licensing board.

7675 The powers and duties enumerated above are granted for the
7676 purpose of enabling the board to safeguard the public health,
7677 safety and welfare against unqualified or incompetent
7678 practitioners of physical therapy and persons acting as physical
7679 therapist assistants, and are to be liberally construed to
7680 accomplish this objective.

7681 (2) The board shall maintain a register listing the name of
7682 every physical therapist and physical therapist assistant licensed



7683 to practice in this state, his last known place of business and
7684 last known place of residence, and the date and number of his
7685 license. The board shall, at least once a year, compile a list of
7686 physical therapists and physical therapist assistants licensed to
7687 practice in this state and such a list shall be available to any
7688 person upon application to the board and the payment of such
7689 charges as may be fixed by it.

7690 (3) The board is authorized to appoint an executive director
7691 for a term of four (4) years, with the advice and consent of the
7692 Senate, and consistent with the provisions of Section 7-1-35,
7693 Mississippi Code of 1972.

7694 **SECTION 116.** Section 73-29-7, Mississippi Code of 1972, is
7695 amended as follows:

7696 73-29-7. (1) There is hereby established a Polygraph
7697 Examiners Board consisting of three (3) members who shall be
7698 citizens of the United States and residents of the state for at
7699 least two (2) years prior to appointment and at the time of
7700 appointment are active polygraph examiners. No two (2) board
7701 members may be employed by the same person or agency. At least
7702 one (1) member must be a qualified examiner of a governmental law
7703 enforcement agency, and shall be the supervisor of the polygraph
7704 section of the Department of Public Safety, and at least one (1)
7705 member must be a qualified polygraph examiner in the commercial
7706 field. The members shall be appointed by the Governor of the
7707 State of Mississippi, with the advice and consent of the



7708 Senate * * *, one (1) from each Mississippi Supreme Court
7709 District. * * * The Polygraph Examiners Board, created by former
7710 Section 73-29-7, is continued and reconstituted as follows:
7711 Effective January 1, 2028, each board member shall be appointed by
7712 the Governor, with the advice and consent of the Senate, for a
7713 term of office of four (4) years, provided that two (2) members
7714 shall be appointed in 2028 to a term ending December 31, 2031, and
7715 one (1) member shall be appointed in 2030 to a term ending
7716 December 31, 2033. Appointments made at the beginning of the
7717 four-year cycle shall be made to fill any member's term which
7718 actually expires that year and any member's term which expires
7719 next until the majority of the membership of the board or
7720 commission is reached. Appointments made at the beginning of the
7721 third year of the four-year cycle shall be made for the remainder
7722 of the membership positions irrespective of the time of their
7723 prior appointment. Any question regarding the order of
7724 appointments shall be determined by the Secretary of State in
7725 accordance with the specific statute. All appointment procedures,
7726 vacancy provisions, interim appointment provisions and removal
7727 provisions specifically provided for in Section 7-1--35,
7728 Mississippi Code of 1972, shall be fully applicable to
7729 appointments to the Polygraph Examiners Board.

7730 (2) The board shall elect a chairman, vice chairman and
7731 secretary from among its members.



7732 (3) The vote of a majority of the board members is
7733 sufficient for passage of any business or proposal which comes
7734 before the board.

7735 (4) The members of the board shall receive Twenty-two
7736 Dollars and Fifty Cents (\$22.50) per diem for each day spent in
7737 the actual discharge of their duties.

7738 (5) The Department of Public Safety is hereby authorized to
7739 provide the board with an appropriate office and such
7740 administrative and clerical services as may be necessary to carry
7741 out the board's responsibilities, including investigative and
7742 testing services, budgetary support and such other services and
7743 support deemed appropriate by the Commissioner of Public Safety.

7744 **SECTION 117.** Section 37-106-9, Mississippi Code of 1972, is
7745 amended as follows:

7746 37-106-9. (1) There is hereby created the Postsecondary
7747 Education Financial Assistance Board which shall consist of the
7748 following nine (9) members and two (2) nonvoting advisory members:
7749 two (2) people to be appointed by the Board of Trustees of State
7750 Institutions of Higher Learning, one (1) from its membership to
7751 serve for an initial period of four (4) years and one (1)
7752 institutional representative to serve for an initial period of
7753 three (3) years; two (2) people to be appointed by the Mississippi
7754 Community College Board, one (1) from its membership to serve for
7755 an initial period of three (3) years and one (1) institutional
7756 representative to serve for an initial period of two (2) years;



7757 two (2) people to be appointed by the Governor, one (1) to serve
7758 for an initial period of two (2) years and one (1) to serve for an
7759 initial period of one (1) year; two (2) people to be appointed by
7760 the Executive Director of the Mississippi Association of
7761 Independent Colleges and Universities, one (1) association
7762 representative to serve for an initial period of two (2) years and
7763 one (1) institutional representative to serve for an initial
7764 period of one (1) year; and one (1) person to be appointed by the
7765 Lieutenant Governor for an initial period of (4) years. All
7766 subsequent appointments shall be for a period of four (4) years.
7767 Vacancies shall be filled for the length of the unexpired term
7768 only. The Postsecondary Education Financial Assistance Board,
7769 created by former Section 37-106-9, is continued and reconstituted
7770 as follows: Effective January 1, 2028, each board member shall be
7771 appointed by the Governor or prescribed appointing authority, with
7772 the advice and consent of the Senate, for a term of office of four
7773 (4) years, provided that five (5) members shall be appointed in
7774 2028 to a term ending December 31, 2031, and four (4) members
7775 shall be appointed in 2030 to a term ending December 31, 2033.
7776 Appointments made at the beginning of the four-year cycle shall be
7777 made to fill any member's term which actually expires that year
7778 and any member's term which expires next until the majority of the
7779 membership of the board or commission is reached. Appointments
7780 made at the beginning of the third year of the four-year cycle
7781 shall be made for the remainder of the membership positions



7782 irrespective of the time of their prior appointment. Any question
7783 regarding the order of appointments shall be determined by the
7784 Secretary of State in accordance with the specific statute. All
7785 appointment procedures, vacancy provisions, interim appointment
7786 provisions and removal provisions specifically provided for in
7787 Section 7-1-35, Mississippi Code of 1972, shall be fully
7788 applicable to appointments to the Postsecondary Education
7789 Financial Assistance Board. The board shall elect from its
7790 membership a chairman. Additionally, the Chairmen of the House
7791 and Senate Universities and Colleges Committees shall serve as
7792 nonvoting advisory members.

7793 (2) The agency shall designate one (1) member of its staff
7794 to serve as director, to administer the provisions of this
7795 financial assistance program. The director shall serve a term of
7796 four (4) years subject to the advice and consent of the Senate and
7797 consistent with the provisions of Section 7-1-35, Mississippi Code
7798 of 1972. The director shall be assigned by the agency sufficient
7799 staff, professional and clerical, funds and quarters to administer
7800 this program.

7801 (3) The director:

7802 (a) Subject to the review of the board, shall have the
7803 power of final approval of any application submitted;

7804 (b) Subject to the approval of the board, shall have
7805 authority to promulgate the necessary rules and regulations for



7806 effective administration of this chapter, including the method of
7807 making application for assistance authorized by this chapter.

7808 **SECTION 118.** Section 73-31-5, Mississippi Code of 1972, is
7809 amended as follows:

7810 73-31-5. (1) There is created a Mississippi Board of
7811 Psychology consisting of seven (7) members who are citizens of the
7812 United States and residing in the State of Mississippi appointed
7813 by the Governor, with the advice and consent of the Senate, two
7814 (2) from each Mississippi Supreme Court District and one (1) from
7815 the state at large. One (1) member of the board shall be a person
7816 who is not a psychologist or a mental health professional but who
7817 has expressed a continuing interest in the field of psychology.
7818 Each board member shall otherwise be licensed under this chapter.
7819 The composition of the board shall at all times include
7820 psychologists engaged in the professional practice of psychology
7821 and psychologists who are faculty at institutions of higher
7822 learning that grant doctoral degrees or staff or faculty of an
7823 American Psychological Association accredited doctoral level
7824 internship or postdoctoral fellowship.

7825 (2) * * * The State Board of Psychology, created by former
7826 Section 73-31-5, is continued and reconstituted as follows:
7827 Effective January 1, 2028, each board member shall be appointed by
7828 the Governor or prescribed appointing authority, with the advice
7829 and consent of the Senate, for a term of office of four (4) years,
7830 provided that four (4) members to be designated by the appointing



7831 authority shall be appointed in 2028 to a term ending December 31,
7832 2031, and three (3) members shall be appointed in 2030 to a term
7833 ending December 31, 2033. Appointments made at the beginning of
7834 the four-year cycle shall be made to fill any member's term which
7835 actually expires that year and any member's term which expires
7836 next until the majority of the membership of the board or
7837 commission is reached. Appointments made at the beginning of the
7838 third year of the four-year cycle shall be made for the remainder
7839 of the membership positions irrespective of the time of their
7840 prior appointment. Any question regarding the order of
7841 appointments shall be determined by the Secretary of State in
7842 accordance with the specific statute. All appointment procedures,
7843 vacancy provisions, interim appointment provisions and removal
7844 provisions specifically provided for in Section 7-1-35,
7845 Mississippi Code of 1972, shall be fully applicable to
7846 appointments to the State Board of Psychology. All appointments
7847 of psychologist members of the board shall be made from a list
7848 containing the names of at least three (3) eligible nominees for
7849 each vacancy submitted by the Mississippi Psychological
7850 Association. * * *

7851 * * *

7852 (* * *3) Each board member shall serve without
7853 compensation, but shall receive actual traveling and incidental
7854 expenses necessarily incurred while engaged in the discharge of
7855 official duties.



7856 **SECTION 119.** Section 73-31-7, Mississippi Code of 1972, is
7857 amended as follows:

7858 73-31-7. (1) The board shall annually elect officers from
7859 its membership. The board shall meet at any other times as it
7860 deems necessary or advisable, or as deemed necessary and advisable
7861 by the chairman or a majority of its members or the Governor.
7862 Reasonable notice of all meetings shall be given in the manner
7863 prescribed by the board. A majority of the board shall constitute
7864 a quorum at any meeting or hearing. Any meeting at which the
7865 chairman is not present shall be chaired by his designee.

7866 (2) The board is authorized and empowered to:

7867 (a) Adopt and, from time to time, revise any rules and
7868 regulations not inconsistent with, and as may be necessary to
7869 carry into effect the provisions of this chapter.

7870 (b) Within the funds available, employ and/or contract
7871 with a stenographer and other personnel, and contract for
7872 services, as are necessary for the proper performance of its work
7873 under this chapter.

7874 (c) Adopt a seal, and the executive secretary or board
7875 administrator shall have the care and custody thereof.

7876 (d) Examine, license, and renew the license of duly
7877 qualified applicants.

7878 (e) Conduct hearings upon complaints concerning the
7879 disciplining or licensing of applicants and psychologists.



7880 (f) Deny, approve, withhold, revoke, suspend and/or
7881 otherwise discipline applicants and licensed psychologists.

7882 (g) Issue an educational letter to a licensee in order
7883 to assist that individual in his or her practice as a
7884 psychologist. Such a letter will not be considered to be
7885 disciplinary action.

7886 (h) Cause the prosecution and enjoinder of all persons
7887 violating this chapter, and incur necessary expenses therefor.

7888 (i) Charge a fee of not more than Seven Hundred Dollars
7889 (\$700.00) to a qualified psychologist as determined by the board
7890 who is applying for certification by the board to conduct
7891 examinations in civil commitment proceedings.

7892 (j) Purchase general liability insurance coverage,
7893 including errors and omissions insurance, to cover the official
7894 actions of the board members and contract personnel and suits
7895 against them in their individual capacity. That coverage shall be
7896 in an amount determined by the board to be adequate, and the costs
7897 of the insurance shall be paid out of any funds available to the
7898 board.

7899 (k) As additional responsibilities, effective July 1,
7900 2018, the board shall administer and support the function of the
7901 Mississippi Autism Board under Sections 73-75-1 through 73-75-25,
7902 relating to the licensure of licensed behavior analysts and
7903 licensed assistant behavior analysts.



7904 (3) Within thirty (30) days after the close of each fiscal
7905 year ending June 30, the board shall submit an official report,
7906 reviewed and signed by all board members, to the Governor
7907 concerning the work of the board during the preceding fiscal year.
7908 The report shall include the names of all psychologists to whom
7909 licenses have been granted; any cases heard and decisions rendered
7910 in relation to the work of the board; the names, remuneration and
7911 duties of any employees of the board; and an account of all monies
7912 received and expended by the board.

7913 (4) The board is authorized to appoint an executive director
7914 for a term of four (4) years, with the advice and consent of the
7915 Senate, and consistent with the provisions of Section 7-1-35,
7916 Mississippi Code of 1972.

7917 **SECTION 120.** Section 25-11-15, Mississippi Code of 1972, is
7918 amended as follows:

7919 25-11-15. (1) Board of trustees: The general
7920 administration and responsibility for the proper operation of the
7921 Public Employees' Retirement System and the federal-state
7922 agreement and for making effective the provisions of Articles 1
7923 and 3 are vested in a board of trustees.

7924 (2) The board shall consist of ten (10) trustees, as
7925 follows:

7926 (a) The State Treasurer;



7927 (b) One (1) member who shall be appointed by the
7928 Governor, with the advice and consent of the Senate, for a term of
7929 four (4) years, who shall be a member of the system;

7930 (c) Two (2) members of the system having at least ten
7931 (10) years of creditable service who are state employees who are
7932 not employees of the state institutions of higher learning, who
7933 shall be elected by members of the system who are employees of
7934 state agencies and by members of the Mississippi Highway Safety
7935 Patrol Retirement System, but not by employees of the state
7936 institutions of higher learning;

7937 (d) Two (2) members of the system having at least ten
7938 (10) years of creditable service who do not hold office in the
7939 legislative or judicial departments of municipal or county
7940 government, one (1) of whom shall be an employee of a
7941 municipality, instrumentality or juristic entity thereof, who
7942 shall be elected by members of the system who are employees of the
7943 municipalities, instrumentalities or juristic entities thereof and
7944 by members of the municipal systems and the firemen's and
7945 policemen's disability and relief funds administered by the board
7946 of trustees, and one (1) of whom shall be an employee of a county,
7947 instrumentality or juristic entity thereof, who shall be elected
7948 by members of the system who are employees of the counties,
7949 instrumentalities or juristic entities thereof;

7950 (e) One (1) member of the system having at least ten
7951 (10) years of creditable service who is an employee of a state



7952 institution of higher learning, who shall be elected by members of
7953 the system who are employees of the state institutions of higher
7954 learning as included in Section 37-101-1. Any member of the board
7955 on July 1, 1984, who is an employee of an institution of higher
7956 learning shall serve as the member trustee representing the
7957 institutions of higher learning until the end of the term for
7958 which he or she was elected;

7959 (f) Two (2) retired members who are receiving a
7960 retirement allowance from the system, who shall be elected by the
7961 retired members or beneficiaries receiving a retirement allowance
7962 from the system and by the retired members or beneficiaries of the
7963 municipal systems, the firemen's and policemen's disability and
7964 relief funds and the Mississippi Highway Safety Patrol Retirement
7965 System administered by the board of trustees, to serve for a term
7966 of six (6) years under rules and regulations adopted by the board
7967 to govern that election; however, any retired member of the board
7968 in office on April 19, 1993, shall serve as a retired trustee
7969 until the end of the term for which he or she was elected;

7970 (g) One (1) member of the system having at least ten
7971 (10) years of creditable service who is an employee of any public
7972 school district or junior college or community college district
7973 that participates in the system, who shall be elected by the
7974 members of the system who are employees of any public school
7975 district or junior college or community college district; however,
7976 any member of the board on June 30, 1989, who is a certified



7977 classroom teacher shall serve as the member representing a
7978 classroom teacher until the end of the term for which the member
7979 was appointed;

7980 (h) In the first election to be held for trustees one
7981 (1) member shall be elected for a term of two (2) years, and one
7982 (1) member for a term of four (4) years, and one (1) member for a
7983 term of six (6) years. Thereafter, their successors shall be
7984 elected for terms of six (6) years. All elections shall be held
7985 in accordance with rules and regulations adopted by the board to
7986 govern those elections and the board shall be the sole judge of
7987 all questions arising incident to or connected with the elections.

7988 (i) Any person eligible to vote for the election of a
7989 member of the board of trustees and who meets the qualifications
7990 for the office may seek election to the office and serve if
7991 elected. For purposes of determining eligibility to seek office
7992 as a member of the board of trustees, the required creditable
7993 service in "the system" shall include each system administered by
7994 the board of trustees in which the person is a member.

7995 The members described above and serving on the board on June
7996 30, 1989, shall continue to serve on the board until the
7997 expiration of their terms.

7998 (3) If a vacancy occurs in the office of a trustee, the
7999 vacancy shall be filled for the unexpired term in the same manner
8000 as the office was previously filled. However, if the unexpired
8001 term is six (6) months or less, an election shall be held to fill



8002 the office vacated for the next succeeding full term of office,
8003 and the person so elected to fill the next full term shall be
8004 appointed by the board to fill the remainder of the unexpired
8005 term. Whenever any member who is elected to a position to
8006 represent a class of members ceases to be a member of that class,
8007 that board member is no longer eligible for membership on the
8008 board. The position shall be declared vacant, and the unexpired
8009 term shall be filled in the same manner as the office was
8010 previously filled.

8011 (4) Each trustee shall, within ten (10) days after his or
8012 her appointment or election, take an oath of office as provided by
8013 law and, in addition, shall take an oath that he or she will
8014 diligently and honestly administer the affairs of the board, and
8015 that he or she will not knowingly violate or willingly permit to
8016 be violated any of the provisions of law applicable to Articles 1
8017 and 3. The oath shall be signed by the member making it,
8018 certified by the officer before whom it is taken, and immediately
8019 filed in the office of the Secretary of State.

8020 (5) Each trustee shall be entitled to one (1) vote. Six (6)
8021 members shall constitute a quorum at any meeting of the board, and
8022 a majority of those present shall be necessary for a decision.

8023 (6) Subject to the limitations of Articles 1 and 3, the
8024 board shall establish rules and regulations for the administration
8025 of the system created by those articles and for the transaction of
8026 its business, and to give force and effect to the provisions of



8027 those articles wherever necessary to carry out the intent and
8028 purposes of the Legislature. The cited articles are remedial law
8029 and shall be liberally construed to accomplish their purposes.

8030 (7) Notwithstanding any other law to the contrary, in the
8031 event of a natural disaster or other occurrence that results in
8032 the failure of the retirement system's computer system or a
8033 significant disruption of the normal activities of the retirement
8034 system, the executive director of the board, or his or her deputy,
8035 shall be authorized to contract with another entity, governmental
8036 or private, during the period of the failure or disruption, for
8037 services, commodities, work space and supplies as necessary to
8038 carry out the administration of all systems and programs
8039 administered by the board. The board shall be authorized to pay
8040 the reasonable cost of those services, commodities, work space and
8041 supplies. At the meeting of the board next following the
8042 execution of a contract authorized under this subsection,
8043 documentation of the contract, including a description of the
8044 services, commodities, work space or supplies, the price thereof
8045 and the nature of the disaster or occurrence, shall be presented
8046 to the board and placed on the minutes of the board. Because of
8047 their emergency nature, purchases made under this subsection shall
8048 not be required to comply with the provisions of Section 31-7-13
8049 or any other law governing public purchases.

8050 (8) The computer equipment and software owned by the Public
8051 Employees' Retirement System are assets of the Trust Fund by



8052 virtue of the Constitution, Section 272-A and acquisition and
8053 operation thereof shall be under the jurisdiction of the Public
8054 Employees' Retirement System.

8055 (9) The board shall elect a chairman and shall by a majority
8056 vote of all of its members appoint a secretary whose title shall
8057 be executive director, who shall serve * * * for a term of four
8058 (4) years, with the advice and consent of the Senate, and
8059 consistent with the provisions of Section 7-1-35, Mississippi Code
8060 of 1972. The executive director shall not be a member of the
8061 board of trustees, * * * be entitled to membership in the system,
8062 and * * * act as secretary of the board. The board of trustees
8063 shall employ such actuarial, clerical and other employees as are
8064 required to transact the business of the system, and shall fix the
8065 compensation of all employees, subject to the rules and
8066 regulations of the State Personnel Board.

8067 (10) Each member of the board shall receive as compensation
8068 for his or her services Three Hundred Dollars (\$300.00) per month.
8069 All members of the board shall be reimbursed for their necessary
8070 traveling expenses, which shall be paid in accordance with the
8071 requirements of Section 25-3-41 or other applicable statutes with
8072 respect to traveling expenses of state officials and employees on
8073 official business. All members of the board shall be entitled to
8074 be members of the system and shall be entitled to creditable
8075 service for all time served as a member of the board, except for
8076 the retired members, who shall not be entitled to be a member of



8077 the system and who shall be eligible to receive the retirement
8078 allowance and compensation for services from the system while
8079 serving as a member of the board. Members of the board who are
8080 employed in state service (as defined in Section 25-11-103) shall
8081 not be required to take annual leave from their state service
8082 employment while performing his or her official duties as a member
8083 of the board.

8084 (11) All expenses of the board incurred in the
8085 administration of Articles 1 and 3 shall be paid from such funds
8086 as may be appropriated by the Legislature for that purpose or from
8087 administrative fees collected from political subdivisions or
8088 juristic entities of the state. Each political subdivision of the
8089 state and each instrumentality of the state or of a political
8090 subdivision or subdivisions that submit a plan for approval by the
8091 board as provided in Section 25-11-11 shall reimburse the board,
8092 for coverage into the administrative expense fund, its pro rata
8093 share of the total expense of administering Articles 1 and 3 as
8094 provided by regulations of the board.

8095 (12) The Lieutenant Governor may designate two (2) Senators
8096 and the Speaker of the House of Representatives may designate two
8097 (2) Representatives to attend any meeting of the Board of Trustees
8098 of the Public Employees' Retirement System. The appointing
8099 authorities may designate alternate members from their respective
8100 houses to serve when the regular designees are unable to attend
8101 the meetings of the board. The legislative designees shall have



8102 no jurisdiction or vote on any matter within the jurisdiction of
8103 the board. For attending meetings of the board, the legislators
8104 shall receive per diem and expenses, which shall be paid from the
8105 contingent expense funds of their respective houses in the same
8106 amounts as provided for committee meetings when the Legislature is
8107 not in session; however, no per diem and expenses for attending
8108 meetings of the board will be paid while the Legislature is in
8109 session. No per diem and expenses will be paid except for
8110 attending meetings of the board without prior approval of the
8111 proper committee in their respective houses.

8112 **SECTION 121.** Section 27-104-7, Mississippi Code of 1972, is
8113 amended as follows:

8114 27-104-7. (1) (a) There is created the Public Procurement
8115 Review Board, which shall be reconstituted on January 1, 2018, and
8116 shall be composed of the following members:

8117 (i) Three (3) individuals appointed by the
8118 Governor with the advice and consent of the Senate;

8119 (ii) Two (2) individuals appointed by the
8120 Lieutenant Governor with the advice and consent of the Senate; and

8121 (iii) The Executive Director of the Department of
8122 Finance and Administration, serving as an ex officio and nonvoting
8123 member.

8124 (b) The initial terms of each appointee shall be as
8125 follows:



8126 (i) One (1) member appointed by the Governor to
8127 serve for a term ending on June 30, 2019;

8128 (ii) One (1) member appointed by the Governor to
8129 serve for a term ending on June 30, 2020;

8130 (iii) One (1) member appointed by the Governor to
8131 serve for a term ending on June 30, 2021;

8132 (iv) One (1) member appointed by the Lieutenant
8133 Governor to serve for a term ending on June 30, 2019; and

8134 (v) One (1) member appointed by the Lieutenant
8135 Governor to serve for a term ending on June 30, 2020.

8136 After the expiration of the initial terms, all appointed
8137 members' terms shall be for a period of four (4) years from the
8138 expiration date of the previous term, and until such time as the
8139 member's successor is duly appointed and qualified.

8140 (c) The Public Procurement Review Board, created by
8141 former Section 27-104-7, is continued and reconstituted as
8142 follows: Effective January 1, 2028, all members appointed to the
8143 board by the Governor or Lieutenant Governor shall be appointed,
8144 with the advice and consent of the Senate, for a term of office of
8145 four (4) years, provided that three (3) members as designated by
8146 the Governor or Lieutenant Governor shall be appointed in 2028 to
8147 a term ending December 31, 2031, and two (2) members as designated
8148 by the Governor or Lieutenant Governor shall be appointed in 2030
8149 to a term ending December 31, 2033. Appointments made at the
8150 beginning of the four-year cycle shall be made to fill any



8151 member's term which actually expires that year and any member's
8152 term which expires next until the majority of the membership of
8153 the board or commission is reached. Appointments made at the
8154 beginning of the third year of the four-year cycle shall be made
8155 for the remainder of the membership positions irrespective of the
8156 time of their prior appointment. Any question regarding the order
8157 of appointments shall be determined by the Secretary of State in
8158 accordance with the specific statute. All appointment procedures,
8159 vacancy provisions, interim appointment provisions and removal
8160 provisions specifically provided for in Section 7-1-35,
8161 Mississippi Code of 1972, shall be fully applicable to
8162 appointments to the Public Procurement Review Board.

8163 (* * *d) When appointing members to the Public
8164 Procurement Review Board, the Governor and Lieutenant Governor
8165 shall take into consideration persons who possess at least five
8166 (5) years of management experience in general business, health
8167 care or finance for an organization, corporation or other public
8168 or private entity. Any person, or any employee or owner of a
8169 company, who receives any grants, procurements or contracts that
8170 are subject to approval under this section shall not be appointed
8171 to the Public Procurement Review Board. Any person, or any
8172 employee or owner of a company, who is a principal of the source
8173 providing a personal or professional service shall not be
8174 appointed to the Public Procurement Review Board if the principal
8175 owns or controls a greater than five percent (5%) interest or has



8176 an ownership value of One Million Dollars (\$1,000,000.00) in the
8177 source's business, whichever is smaller. No member shall be an
8178 officer or employee of the State of Mississippi while serving as a
8179 voting member on the Public Procurement Review Board.

8180 (* * *e) Members of the Public Procurement Review
8181 Board shall be entitled to per diem as authorized by Section
8182 25-3-69 and travel reimbursement as authorized by Section 25-3-41.

8183 (* * *f) The members of the Public Procurement Review
8184 Board shall elect a chair from among the membership, and he or she
8185 shall preside over the meetings of the board. The board shall
8186 annually elect a vice chair, who shall serve in the absence of the
8187 chair. No business shall be transacted, including adoption of
8188 rules of procedure, without the presence of a quorum of the board.
8189 Three (3) members shall be a quorum. No action shall be valid
8190 unless approved by a majority of the members present and voting,
8191 entered upon the minutes of the board and signed by the chair.
8192 Necessary clerical and administrative support for the board shall
8193 be provided by the Department of Finance and Administration.
8194 Minutes shall be kept of the proceedings of each meeting, copies
8195 of which shall be filed on a monthly basis with the chairs of the
8196 Accountability, Efficiency and Transparency Committees of the
8197 Senate and House of Representatives and the chairs of the
8198 Appropriations Committees of the Senate and House of
8199 Representatives.



8200 (2) The Public Procurement Review Board shall have the
8201 following powers and responsibilities:

8202 (a) Approve all purchasing regulations governing the
8203 purchase or lease by any agency, as defined in Section 31-7-1, of
8204 commodities and equipment, except computer equipment acquired
8205 pursuant to Sections 25-53-1 through 25-53-29;

8206 (b) Adopt regulations governing the approval of
8207 contracts let for the construction and maintenance of state
8208 buildings and other state facilities as well as related contracts
8209 for architectural and engineering services.

8210 The provisions of this paragraph (b) shall not apply to such
8211 contracts involving buildings and other facilities of state
8212 institutions of higher learning which are self-administered as
8213 provided under this paragraph (b) or Section 37-101-15(m);

8214 (c) Adopt regulations governing any lease or rental
8215 agreement by any state agency or department, including any state
8216 agency financed entirely by federal funds, for space outside the
8217 buildings under the jurisdiction of the Department of Finance and
8218 Administration. These regulations shall require each agency
8219 requesting to lease such space to provide the following
8220 information that shall be published by the Department of Finance
8221 and Administration on its website: the agency to lease the space;
8222 the terms of the lease; the approximate square feet to be leased;
8223 the use for the space; a description of a suitable space; the
8224 general location desired for the leased space; the contact



8225 information for a person from the agency; the deadline date for
8226 the agency to have received a lease proposal; any other specific
8227 terms or conditions of the agency; and any other information
8228 deemed appropriate by the Division of Real Property Management of
8229 the Department of Finance and Administration or the Public
8230 Procurement Review Board. The information shall be provided
8231 sufficiently in advance of the time the space is needed to allow
8232 the Division of Real Property Management of the Department of
8233 Finance and Administration to review and preapprove the lease
8234 before the time for advertisement begins;

8235 (d) Adopt, in its discretion, regulations to set aside
8236 at least five percent (5%) of anticipated annual expenditures for
8237 the purchase of commodities from minority businesses; however, all
8238 such set-aside purchases shall comply with all purchasing
8239 regulations promulgated by the department and shall be subject to
8240 all bid requirements. Set-aside purchases for which competitive
8241 bids are required shall be made from the lowest and best minority
8242 business bidder; however, if no minority bid is available or if
8243 the minority bid is more than two percent (2%) higher than the
8244 lowest bid, then bids shall be accepted and awarded to the lowest
8245 and best bidder. However, the provisions in this paragraph shall
8246 not be construed to prohibit the rejection of a bid when only one
8247 (1) bid is received. Such rejection shall be placed in the
8248 minutes. For the purposes of this paragraph, the term "minority
8249 business" means a business which is owned by a person who is a



8250 citizen or lawful permanent resident of the United States and who
8251 is:

8252 (i) Black: having origins in any of the black
8253 racial groups of Africa;

8254 (ii) Hispanic: of Mexican, Puerto Rican, Cuban,
8255 Central or South American, or other Spanish or Portuguese culture
8256 or origin regardless of race;

8257 (iii) Asian-American: having origins in any of
8258 the original people of the Far East, Southeast Asia, the Indian
8259 subcontinent, or the Pacific Islands;

8260 (iv) American Indian or Alaskan Native: having
8261 origins in any of the original people of North America; or

8262 (v) Female;

8263 (e) In consultation with and approval by the Chairs of
8264 the Senate and House Public Property Committees, approve leases,
8265 for a term not to exceed eighteen (18) months, entered into by
8266 state agencies for the purpose of providing parking arrangements
8267 for state employees who work in the Woolfolk Building, the Carroll
8268 Gartin Justice Building or the Walter Sillers Office Building;

8269 (f) (i) Except as otherwise provided in subparagraph
8270 (ii) of this paragraph, promulgate rules and regulations governing
8271 the solicitation and selection of contractual services personnel,
8272 including personal and professional services contracts for any
8273 form of consulting, policy analysis, public relations, marketing,
8274 public affairs, legislative advocacy services or any other



8275 contract that the board deems appropriate for oversight, with the
8276 exception of:

8277 1. Any personal service contracts entered
8278 into by any agency that employs only nonstate service employees as
8279 defined in Section 25-9-107(c);

8280 2. Any personal service contracts entered
8281 into for computer or information technology-related services
8282 governed by the Mississippi Department of Information Technology
8283 Services;

8284 3. Any personal service contracts entered
8285 into by the individual state institutions of higher learning;

8286 4. Any personal service contracts entered
8287 into by the Mississippi Department of Transportation;

8288 5. Any personal service contracts entered
8289 into by the Department of Human Services through June 30, 2019,
8290 which the Executive Director of the Department of Human Services
8291 determines would be useful in establishing and operating the
8292 Department of Child Protection Services;

8293 6. Any personal service contracts entered
8294 into by the Department of Child Protection Services through June
8295 30, 2019;

8296 7. Any contracts for entertainers and/or
8297 performers at the Mississippi State Fairgrounds entered into by
8298 the Mississippi Fair Commission;



8299 8. Any contracts entered into by the
8300 Department of Finance and Administration when procuring aircraft
8301 maintenance, parts, equipment and/or services;

8302 9. Any contract entered into by the
8303 Department of Public Safety for service on specialized equipment
8304 and/or software required for the operation of such specialized
8305 equipment for use by the Office of Forensics Laboratories;

8306 10. Any personal or professional service
8307 contract entered into by the Mississippi Department of Health or
8308 the Department of Revenue solely in connection with their
8309 respective responsibilities under the Mississippi Medical Cannabis
8310 Act from February 2, 2022, through June 30, 2026;

8311 11. Any contract for attorney, accountant,
8312 actuary auditor, architect, engineer, anatomical pathologist, or
8313 utility rate expert services;

8314 12. Any personal service contracts approved
8315 by the Executive Director of the Department of Finance and
8316 Administration and entered into by the Coordinator of Mental
8317 Health Accessibility through June 30, 2022;

8318 13. Any personal or professional services
8319 contract entered into by the State Department of Health in
8320 carrying out its responsibilities under the ARPA Rural Water
8321 Associations Infrastructure Grant Program through June 30, 2026;
8322 and



8323 14. And any personal or professional services
8324 contract entered into by the Mississippi Department of
8325 Environmental Quality in carrying out its responsibilities under
8326 the Mississippi Municipality and County Water Infrastructure Grant
8327 Program Act of 2022, through June 30, 2026.

8328 Any such rules and regulations shall provide for maintaining
8329 continuous internal audit covering the activities of such agency
8330 affecting its revenue and expenditures as required under Section
8331 7-7-3(6) (d). Any rules and regulation changes related to personal
8332 and professional services contracts that the Public Procurement
8333 Review Board may propose shall be submitted to the Chairs of the
8334 Accountability, Efficiency and Transparency Committees of the
8335 Senate and House of Representatives and the Chairs of the
8336 Appropriation Committees of the Senate and House of
8337 Representatives at least fifteen (15) days before the board votes
8338 on the proposed changes, and those rules and regulation changes,
8339 if adopted, shall be promulgated in accordance with the
8340 Mississippi Administrative Procedures Act.

8341 (ii) From and after July 1, 2024, the Public
8342 Procurement Review Board shall promulgate rules and regulations
8343 that require the Department of Finance and Administration to
8344 conduct personal and professional services solicitations as
8345 provided in subparagraph (i) of this paragraph for those services
8346 in excess of Seventy-five Thousand Dollars (\$75,000.00) for the
8347 Department of Marine Resources, the Department of Wildlife,



8348 Fisheries and Parks, the Mississippi Emergency Management Agency
8349 and the Mississippi Development Authority, with assistance to be
8350 provided from these entities. Any powers that have been conferred
8351 upon agencies in order to comply with the provisions of this
8352 section for personal and professional services solicitations shall
8353 be conferred upon the Department of Finance and Administration to
8354 conduct personal and professional services solicitations for the
8355 Department of Marine Resources, the Department of Wildlife,
8356 Fisheries and Parks, the Mississippi Emergency Management Agency
8357 and the Mississippi Development Authority for those services in
8358 excess of Seventy-five Thousand Dollars (\$75,000.00). The
8359 Department of Finance and Administration shall make any
8360 submissions that are required to be made by other agencies to the
8361 Public Procurement Review Board for the Department of Marine
8362 Resources, the Department of Wildlife, Fisheries and Parks, the
8363 Mississippi Emergency Management Agency and the Mississippi
8364 Development Authority.

8365 The provisions of this subparagraph (ii) shall stand repealed
8366 on June 30, 2027;

8367 (g) Approve all personal and professional services
8368 contracts involving the expenditures of funds in excess of
8369 Seventy-five Thousand Dollars (\$75,000.00), except as provided in
8370 paragraph (f) of this subsection (2) and in subsection (8);

8371 (h) Develop mandatory standards with respect to
8372 contractual services personnel that require invitations for public



8373 bid, requests for proposals, record keeping and financial
8374 responsibility of contractors. The Public Procurement Review
8375 Board shall, unless exempted under this paragraph (h) or under
8376 paragraph (i) or (o) of this subsection (2), require the agency
8377 involved to submit the procurement to a competitive procurement
8378 process, and may reserve the right to reject any or all resulting
8379 procurements;

8380 (i) Prescribe certain circumstances by which agency
8381 heads may enter into contracts for personal and professional
8382 services without receiving prior approval from the Public
8383 Procurement Review Board. The Public Procurement Review Board may
8384 establish a preapproved list of providers of various personal and
8385 professional services for set prices with which state agencies may
8386 contract without bidding or prior approval from the board;

8387 (i) Agency requirements may be fulfilled by
8388 procuring services performed incident to the state's own programs.
8389 The agency head shall determine in writing whether the price
8390 represents a fair market value for the services. When the
8391 procurements are made from other governmental entities, the
8392 private sector need not be solicited; however, these contracts
8393 shall still be submitted for approval to the Public Procurement
8394 Review Board.

8395 (ii) Contracts between two (2) state agencies,
8396 both under Public Procurement Review Board purview, shall not
8397 require Public Procurement Review Board approval. However, the



8398 contracts shall still be entered into the enterprise resource
8399 planning system;

8400 (j) Provide standards for the issuance of requests for
8401 proposals, the evaluation of proposals received, consideration of
8402 costs and quality of services proposed, contract negotiations, the
8403 administrative monitoring of contract performance by the agency
8404 and successful steps in terminating a contract;

8405 (k) Present recommendations for governmental
8406 privatization and to evaluate privatization proposals submitted by
8407 any state agency;

8408 (l) Authorize personal and professional service
8409 contracts to be effective for more than one (1) year provided a
8410 funding condition is included in any such multiple year contract,
8411 except the State Board of Education, which shall have the
8412 authority to enter into contractual agreements for student
8413 assessment for a period up to ten (10) years. The State Board of
8414 Education shall procure these services in accordance with the
8415 Public Procurement Review Board procurement regulations;

8416 (m) Request the State Auditor to conduct a performance
8417 audit on any personal or professional service contract;

8418 (n) Prepare an annual report to the Legislature
8419 concerning the issuance of personal and professional services
8420 contracts during the previous year, collecting any necessary
8421 information from state agencies in making such report;



8422 (o) Develop and implement the following standards and
8423 procedures for the approval of any sole source contract for
8424 personal and professional services regardless of the value of the
8425 procurement:

8426 (i) For the purposes of this paragraph (o), the
8427 term "sole source" means only one (1) source is available that can
8428 provide the required personal or professional service.

8429 (ii) An agency that has been issued a binding,
8430 valid court order mandating that a particular source or provider
8431 must be used for the required service must include a copy of the
8432 applicable court order in all future sole source contract reviews
8433 for the particular personal or professional service referenced in
8434 the court order.

8435 (iii) Any agency alleging to have a sole source
8436 for any personal or professional service, other than those
8437 exempted under paragraph (f) of this subsection (2) and subsection
8438 (8), shall publish on the procurement portal website established
8439 by Sections 25-53-151 and 27-104-165, for at least fourteen (14)
8440 days, the terms of the proposed contract for those services. In
8441 addition, the publication shall include, but is not limited to,
8442 the following information:

8443 1. The personal or professional service
8444 offered in the contract;



8445 2. An explanation of why the personal or
8446 professional service is the only one that can meet the needs of
8447 the agency;

8448 3. An explanation of why the source is the
8449 only person or entity that can provide the required personal or
8450 professional service;

8451 4. An explanation of why the amount to be
8452 expended for the personal or professional service is reasonable;
8453 and

8454 5. The efforts that the agency went through
8455 to obtain the best possible price for the personal or professional
8456 service.

8457 (iv) If any person or entity objects and proposes
8458 that the personal or professional service published under
8459 subparagraph (iii) of this paragraph (o) is not a sole source
8460 service and can be provided by another person or entity, then the
8461 objecting person or entity shall notify the Public Procurement
8462 Review Board and the agency that published the proposed sole
8463 source contract with a detailed explanation of why the personal or
8464 professional service is not a sole source service.

8465 (v) 1. If the agency determines after review that
8466 the personal or professional service in the proposed sole source
8467 contract can be provided by another person or entity, then the
8468 agency must withdraw the sole source contract publication from the
8469 procurement portal website and submit the procurement of the



8470 personal or professional service to an advertised competitive bid
8471 or selection process.

8472 2. If the agency determines after review that
8473 there is only one (1) source for the required personal or
8474 professional service, then the agency may appeal to the Public
8475 Procurement Review Board. The agency has the burden of proving
8476 that the personal or professional service is only provided by one
8477 (1) source.

8478 3. If the Public Procurement Review Board has
8479 any reasonable doubt as to whether the personal or professional
8480 service can only be provided by one (1) source, then the agency
8481 must submit the procurement of the personal or professional
8482 service to an advertised competitive bid or selection process. No
8483 action taken by the Public Procurement Review Board in this appeal
8484 process shall be valid unless approved by a majority of the
8485 members of the Public Procurement Review Board present and voting.

8486 (vi) The Public Procurement Review Board shall
8487 prepare and submit a quarterly report to the House of
8488 Representatives and Senate Accountability, Efficiency and
8489 Transparency Committees that details the sole source contracts
8490 presented to the Public Procurement Review Board and the reasons
8491 that the Public Procurement Review Board approved or rejected each
8492 contract. These quarterly reports shall also include the
8493 documentation and memoranda required in subsection (4) of this
8494 section. An agency that submitted a sole source contract shall be



8495 prepared to explain the sole source contract to each committee by
8496 December 15 of each year upon request by the committee;

8497 (p) Assess any fines and administrative penalties
8498 provided for in Sections 31-7-401 through 31-7-423 * * *;

8499 (q) To appoint and employ an executive director to a
8500 term of four (4) years, with the advice and consent of the Senate,
8501 and consistent with the provisions of Section 7-1-35, Mississippi
8502 Code of 1972.

8503 (3) All submissions shall be made sufficiently in advance of
8504 each monthly meeting of the Public Procurement Review Board as
8505 prescribed by the Public Procurement Review Board. If the Public
8506 Procurement Review Board rejects any contract submitted for review
8507 or approval, the Public Procurement Review Board shall clearly set
8508 out the reasons for its action, including, but not limited to, the
8509 policy that the agency has violated in its submitted contract and
8510 any corrective actions that the agency may take to amend the
8511 contract to comply with the rules and regulations of the Public
8512 Procurement Review Board.

8513 (4) All sole source contracts for personal and professional
8514 services awarded by state agencies, other than those exempted
8515 under Section 27-104-7(2)(f) and (8), whether approved by an
8516 agency head or the Public Procurement Review Board, shall contain
8517 in the procurement file a written determination for the approval,
8518 using a request form furnished by the Public Procurement Review
8519 Board. The written determination shall document the basis for the



8520 determination, including any market analysis conducted in order to
8521 ensure that the service required was practicably available from
8522 only one (1) source. A memorandum shall accompany the request
8523 form and address the following four (4) points:

8524 (a) Explanation of why this service is the only service
8525 that can meet the needs of the purchasing agency;

8526 (b) Explanation of why this vendor is the only
8527 practicably available source from which to obtain this service;

8528 (c) Explanation of why the price is considered
8529 reasonable; and

8530 (d) Description of the efforts that were made to
8531 conduct a noncompetitive negotiation to get the best possible
8532 price for the taxpayers.

8533 (5) In conjunction with the State Personnel Board, the
8534 Public Procurement Review Board shall develop and promulgate rules
8535 and regulations to define the allowable legal relationship between
8536 contract employees and the contracting departments, agencies and
8537 institutions of state government under the jurisdiction of the
8538 State Personnel Board, in compliance with the applicable rules and
8539 regulations of the federal Internal Revenue Service (IRS) for
8540 federal employment tax purposes. Under these regulations, the
8541 usual common law rules are applicable to determine and require
8542 that such worker is an independent contractor and not an employee,
8543 requiring evidence of lawful behavioral control, lawful financial
8544 control and lawful relationship of the parties. Any state



8545 department, agency or institution shall only be authorized to
8546 contract for personnel services in compliance with those
8547 regulations.

8548 (6) No member of the Public Procurement Review Board shall
8549 use his or her official authority or influence to coerce, by
8550 threat of discharge from employment, or otherwise, the purchase of
8551 commodities, the contracting for personal or professional
8552 services, or the contracting for public construction under this
8553 chapter.

8554 (7) Notwithstanding any other laws or rules to the contrary,
8555 the provisions of subsection (2) of this section shall not be
8556 applicable to the Mississippi State Port Authority at Gulfport.

8557 (8) Nothing in this section shall impair or limit the
8558 authority of the Board of Trustees of the Public Employees'
8559 Retirement System to enter into any personal or professional
8560 services contracts directly related to their constitutional
8561 obligation to manage the trust funds, including, but not limited
8562 to, actuarial, custodial banks, cash management, investment
8563 consultant and investment management contracts. Nothing in this
8564 section shall impair or limit the authority of the State Treasurer
8565 to enter into any personal or professional services contracts
8566 involving the management of trust funds, including, but not
8567 limited to, actuarial, custodial banks, cash management,
8568 investment consultant and investment management contracts.



8569 (9) Through December 31, 2024, the provisions of this
8570 section related to rental agreements or leasing of real property
8571 for the purpose of conducting agency business shall not apply to
8572 the Office of Workforce Development created in Section 37-153-7.

8573 **SECTION 122.** Section 45-1-2, Mississippi Code of 1972, is
8574 amended as follows:

8575 45-1-2. (1) The Executive Director of the Department of
8576 Public Safety shall be the Commissioner of Public Safety.

8577 (2) The Commissioner of Public Safety shall establish the
8578 organizational structure of the Department of Public Safety, which
8579 shall include the creation of any units necessary to implement the
8580 duties assigned to the department and consistent with specific
8581 requirements of law including, but not limited to:

8582 (a) Office of Public Safety Planning;

8583 (b) Office of Mississippi Highway Safety Patrol;

8584 (c) Office of Mississippi Bureau of Investigation (to
8585 be directed by a Lieutenant Colonel of the Mississippi Highway
8586 Safety Patrol);

8587 (d) Office of Forensic Laboratories, which includes the
8588 Mississippi Forensics Laboratory and the Office of the State
8589 Medical Examiner;

8590 (e) Office of Law Enforcement Officers' Training
8591 Academy;

8592 (f) Office of Support Services;



8593 (g) Office of Narcotics, which shall be known as the
8594 Bureau of Narcotics;
8595 (h) Office of Homeland Security;
8596 (i) Office of Capitol Police;
8597 (j) Office of Driver Service Bureau; and
8598 (k) Office of Commercial Transportation Enforcement
8599 Division.

8600 (3) The department shall be headed by a commissioner, who
8601 shall be appointed by * * * the Governor to a term of four (4)
8602 years. The appointment of the commissioner shall be made with the
8603 advice and consent of the Senate. The commissioner shall have, at
8604 a minimum, a bachelor's degree from an accredited college or
8605 university. All appointment procedures, vacancy provisions,
8606 interim appointment provisions and removal provisions specifically
8607 provided for in Section 7-1-35, Mississippi Code of 1972, shall be
8608 fully applicable to appointments to the Commissioner of Public
8609 Safety.

8610 (4) Notwithstanding any provision of law to the contrary,
8611 the commissioner shall appoint heads of offices, who shall serve
8612 at the pleasure of the commissioner. The commissioner shall have
8613 the authority to organize the offices established by subsection
8614 (2) of this section as deemed appropriate to carry out the
8615 responsibilities of the department. The commissioner may assign
8616 to the appropriate offices such powers and duties as deemed
8617 appropriate to carry out the department's lawful functions. The



8618 organization charts of the department shall be presented annually
8619 with the budget request of the Governor for review by the
8620 Legislature.

8621 (5) The commissioner shall appoint, from within the
8622 Department of Public Safety, a statewide safety training officer
8623 who shall serve at the pleasure of the commissioner and whose duty
8624 it shall be to perform public training for both law enforcement
8625 and private persons throughout the state concerning proper
8626 emergency response to the mentally ill, terroristic threats or
8627 acts, domestic conflict, other conflict resolution, and such other
8628 matters as the commissioner may direct.

8629 (6) The commissioner, after consultation with the
8630 Mississippi Association of Chiefs of Police and the Mississippi
8631 Sheriffs' Association, shall be responsible for establishing
8632 guidelines for response to active shooter situations and any
8633 related jurisdictional issues.

8634 (7) The commissioner shall establish within the department
8635 the Mississippi Office of Homeland Security for the purpose of
8636 seeing that the laws are faithfully executed and for the purpose
8637 of investigating cyber-related crimes and suppressing crimes of
8638 violence and acts of intimidation and terror. The commissioner is
8639 hereby authorized to employ within the Office of Homeland Security
8640 a director, investigators and other qualified personnel as he may
8641 deem necessary to make investigation of cyber-related crimes,
8642 crimes of violence and acts of terrorism or intimidation, to aid



8643 in the arrest and prosecution of persons charged with such
8644 cyber-related crimes, crimes of violence, acts of terrorism or
8645 intimidation, or threats of violence and to perform other duties
8646 as necessary to accomplish these purposes. Investigators and
8647 other law enforcement personnel employed by the commissioner shall
8648 have full power to investigate, apprehend, and arrest persons
8649 committing cyber-related crimes, acts of violence, intimidation,
8650 or terrorism anywhere in the state, and shall be vested with the
8651 power of police officers in the performance of such duties as
8652 provided herein. Such investigators and other personnel shall
8653 perform their duties under the direction of the commissioner, or
8654 his designee. The commissioner shall be authorized to offer and
8655 pay suitable rewards to other persons for aiding in such
8656 investigation and in the apprehension and conviction of persons
8657 charged with cyber-related crimes, acts of violence, or threats of
8658 violence, or intimidation, or acts of terrorism.

8659 (8) The commissioner shall establish within the Office of
8660 Homeland Security a Mississippi Analysis and Information Center
8661 (MSAIC Fusion Center) which shall be the highest priority for the
8662 allocation of available federal resources for statewide
8663 information sharing, including the deployment of personnel and
8664 connectivity with federal data systems. Subject to appropriation
8665 therefor, the Mississippi Fusion Center shall employ three (3)
8666 regional analysts dedicated to analyzing and resolving potential
8667 threats identified by the agency's statewide social media



8668 intelligence platform and the dissemination of school safety
8669 information.

8670 **SECTION 123.** Section 51-35-317, Mississippi Code of 1972, is
8671 amended as follows:

8672 51-35-317. All powers of the district shall be exercised by
8673 a board of directors, to be composed of the following:

8674 (a) In the event the proposed flood and drainage
8675 control district lies wholly within the limits of one (1)
8676 municipality, the governing authorities of said municipality shall
8677 appoint three (3) directors and the board of supervisors of the
8678 county in which said municipality lies shall appoint two (2)
8679 directors.

8680 (b) In the event the proposed flood and drainage
8681 control district is comprised of lands lying partly in a
8682 municipality and partly outside the limits of a municipality but
8683 wholly in one (1) county, the governing authorities of said
8684 municipality shall appoint three (3) directors and the board of
8685 supervisors of the county in which said municipality lies shall
8686 appoint two (2) directors. However, should the assessed valuation
8687 of land and property and improvements in said district outside the
8688 municipality, according to the last preceding tax assessment roll
8689 for county and state taxes, exceed said assessment for the land
8690 and property and improvements of the district lying within the
8691 municipality, the board of supervisors of the county in which said



8692 district lies shall appoint three (3) directors and said
8693 municipality shall appoint two (2) directors.

8694 (c) In the event the proposed flood and drainage
8695 control district is comprised of lands lying, in whole or in part,
8696 in one or more municipalities which are in existence at the time
8697 of the creation of such district, and in one or more counties and
8698 not falling within the description of paragraph (a) or (b) above,
8699 each such municipality shall appoint one (1) director and the
8700 board of supervisors of each county in which part of the lands of
8701 the proposed district lie shall appoint one (1) director. If a
8702 district is enlarged under Section 51-35-315(w), each municipality
8703 within the enlarged district with a population above one hundred
8704 thousand (100,000), according to the most recent decennial census,
8705 shall have two (2) additional directors, who shall be the
8706 emergency manager for such municipality and the emergency manager
8707 for the county in which such municipality is located. However, in
8708 the event that selection of directors in said manner results in an
8709 even number of directors, the Governor of the State of Mississippi
8710 shall appoint one (1) additional director so that there shall be
8711 an odd number of directors.

8712 (d) Each director shall take and subscribe to the oath
8713 of office required by Section 268 of the Constitution of the State
8714 of Mississippi, before a chancery clerk, that he will faithfully
8715 discharge the duties of the office, which oath shall be filed with
8716 the said clerk and by him preserved.



8717 (e) Each director shall receive a fee not to exceed
8718 such amount as set forth in Section 25-3-69 for attending each
8719 meeting of the board and for each day actually spent in attending
8720 to the necessary business of the district and shall receive
8721 reimbursement for actual expenses thus incurred upon the express
8722 authorization of the board.

8723 (f) The board of directors shall annually elect from
8724 its number a president and a vice president of the district and
8725 such other officers as in the judgment of the board are necessary.
8726 The president shall be the chief executive officer of the district
8727 and the presiding officer of the board, and shall have the same
8728 right to vote as any other director. The vice president shall
8729 perform all the duties and exercise all powers conferred by this
8730 article upon the president when the president is absent or fails
8731 or declines to act, except the president's right to vote. The
8732 board shall also appoint a secretary and a treasurer who may or
8733 may not be members of the board, and it may combine these offices.
8734 The treasurer shall give a bond in the sum of not less than Fifty
8735 Thousand Dollars (\$50,000.00), as set by the board of directors,
8736 and each director shall give a bond in the sum of not less than
8737 Ten Thousand Dollars (\$10,000.00), and the premiums on said bonds
8738 shall be an expense of the district. The condition of each such
8739 bond shall be that the treasurer or director will faithfully
8740 perform all duties of the office and account for all money which



8741 shall come into his custody as treasurer or director of the
8742 district.

8743 (g) In the event a county or municipality entitled to
8744 appoint a director or directors to the district shall not do so
8745 within twenty (20) days from the date of the order of the chancery
8746 court creating the district, the chancery court or the chancellor
8747 in vacation shall forthwith exercise the right of said county or
8748 municipality in appointing a director or directors.

8749 (h) Each director shall hold office for a period of
8750 four (4) years from the date of his appointment. However, in
8751 order to * * * ensure continuity of experience among the members
8752 of the board of directors in any district created after March 26,
8753 1981, one (1) member of the initial board of directors shall hold
8754 office for only one (1) year, one (1) member shall hold office for
8755 only two (2) years, and one (1) member shall hold office for only
8756 three (3) years, and, at the initial meeting of the board of
8757 directors, they shall determine by lot which of their members
8758 shall serve for only one (1), two (2), or three (3) years.

8759 (i) The Urban Flood Control Board, created by former
8760 Section 51-35-317, is continued and reconstituted as follows:
8761 Effective January 1, 2028, the members designated in paragraphs
8762 (a), (b) and (c) of this section shall be appointed by the
8763 Governor, with the advise and consent of the Senate, to a term of
8764 four (4) years; provided that two (2) such members shall be
8765 appointed in 2028 to a term ending December 31, 2031, and one (1)



8766 such member shall be appointed in 2030 to a term ending December
8767 31, 2033. All appointment procedures, vacancy provisions, interim
8768 appointment provisions and removal provisions specifically
8769 provided for in Section 7-1-35, Mississippi Code of 1972, shall be
8770 fully applicable to appointments to the Urban Flood Control Board.

8771 (* * *j) No person shall be disqualified from serving
8772 as a member of the board of directors by virtue of his having
8773 previously served as a director, by virtue of his holding any
8774 other office, political or otherwise, or by virtue of his not
8775 residing in or owning lands in said district.

8776 **SECTION 124.** Section 73-34-7, Mississippi Code of 1972, is
8777 amended as follows:

8778 73-34-7. (1) (a) There is hereby established a board to be
8779 known as the Mississippi Real Estate Appraisal Board, which shall
8780 consist of five (5) members.

8781 (b) The five (5) members shall be appointed by the
8782 Governor, with the advice and consent of the Senate, one (1) from
8783 each * * * Supreme Court District as such district existed on July
8784 1, 2004, and * * * two (2) from the states at large. The
8785 provisions of this paragraph (b) shall not affect persons who are
8786 members of the board as of January 1, 2023. Such member(s) shall
8787 serve out their respective terms, upon the expiration of which the
8788 provisions of this paragraph (b) shall take effect. Nothing
8789 provided herein shall be construed as prohibiting the
8790 reappointment of any member of the board.



8791 (c) The Mississippi Real Estate Appraisal Board,
8792 created by former Section 73-34-7, is continued and reconstituted
8793 as follows: Effective January 1, 2028, the members designated in
8794 paragraphs (a) and (b) of this subsection shall be appointed by
8795 the Governor, with the advise and consent of the Senate, provided
8796 that three (3) such members shall be appointed in 2028 to a term
8797 ending December 31, 2031, and two (2) such members shall be
8798 appointed in 2030 to a term ending December 31, 2033.
8799 Appointments made at the beginning of the four-year cycle shall be
8800 made to fill any member's term which actually expires that year
8801 and any member's term which expires next until the majority of the
8802 membership of the board or commission is reached. Appointments
8803 made at the beginning of the third year of the four-year cycle
8804 shall be made for the remainder of the membership positions
8805 irrespective of the time of their prior appointment. Any question
8806 regarding the order of appointments shall be determined by the
8807 Secretary of State in accordance with the specific statute. All
8808 appointment procedures, vacancy provisions, interim appointment
8809 provisions and removal provisions specifically provided for in
8810 Section 7-1-35, Mississippi Code of 1972, shall be fully
8811 applicable to appointments to the Mississippi Real Estate
8812 Appraisal Board.

8813 (* * *d) At least two (2) members shall be certified
8814 general real estate appraisers and at least two (2) members shall
8815 be certified residential real estate appraisers. Not more than



8816 two (2) positions on the board shall be filled with appointees who
8817 hold membership in the same professional appraisal organization.
8818 Each member shall serve for a term of four (4) years. Upon the
8819 expiration of a member's term, such member shall continue to serve
8820 until the appointment and qualification of a successor. No person
8821 shall be appointed as a member of the board for more than three
8822 (3) consecutive terms. The Governor may remove an appointed
8823 member for cause.

8824 (2) The board shall meet not less than twice a calendar
8825 year. Written notice shall be given to each member of the time
8826 and place of each meeting of the board at least ten (10) days
8827 prior to the scheduled date of the meeting.

8828 (3) A quorum of the board shall be three (3) voting members,
8829 and at least one (1) present member must be a licensed certified
8830 general real estate appraiser or a certified residential real
8831 estate appraiser. Appointed members of the board are entitled to
8832 mileage and actual expenses as authorized by Section 25-3-41 and
8833 per diem as provided by Section 25-3-69.

8834 (4) The board shall elect a chairman and such other officers
8835 as it deems necessary. Such officers shall serve as such for
8836 terms established by the board.

8837 **SECTION 125.** Section 73-34-9, Mississippi Code of 1972, is
8838 amended as follows:

8839 73-34-9. (1) The board shall have the following powers and
8840 duties:



8841 (a) To receive applications for licensure as a real
8842 estate appraiser and applications for registration as an appraisal
8843 management company under this chapter; to establish appropriate
8844 administrative procedures for the processing of those
8845 applications; to approve or disapprove applications for licensing
8846 or registration under this chapter; to issue licenses to qualified
8847 applicants under the provisions of this chapter; and to maintain a
8848 registry of the names and addresses of individuals who are
8849 currently licensed under this chapter.

8850 (b) To administer licensing examinations in the places
8851 and at the times as may be required to carry out its
8852 responsibilities under this chapter.

8853 (c) To collect all licensing fees required or permitted
8854 by this chapter.

8855 (d) To take appropriate action upon a decision and the
8856 related findings of fact made by the board if, after an
8857 administrative hearing, the board (i) determines that a licensed
8858 appraiser or a licensed state certified real estate appraiser
8859 under this chapter has violated the standards of appraisal
8860 practice or ethical rules established under Section 73-34-37, or
8861 has committed one or more of the acts that are prohibited by
8862 Section 73-34-35, and (ii) recommends that the license of the
8863 appraiser be suspended or revoked, that renewal be denied, or that
8864 some other disciplinary action be taken.

8865 (e) To solicit bids and enter into contracts.



8866 (f) To promote research and conduct studies relating to
8867 the profession of real estate appraising and sponsor real estate
8868 appraisal educational activities.

8869 (g) To adopt rules and regulations for the
8870 administration of this chapter that are not inconsistent with the
8871 provisions of this chapter or the Constitution and laws of
8872 Mississippi or of the United States.

8873 (h) To employ an administrator or director who shall
8874 keep a record of all proceedings, transactions, communications and
8875 official acts of the board and perform any other duties as the
8876 board may require.

8877 (i) To employ an appropriate staff to investigate
8878 allegations that licensed appraisers or licensed state certified
8879 real estate appraisers under this chapter failed to comply with
8880 the terms or provisions of this chapter.

8881 (j) To employ any other professional, clerical and
8882 technical assistance as may be necessary to properly administer
8883 the work of this chapter.

8884 (k) To be responsible for matters relating to real
8885 estate appraisal standards, real estate appraiser qualifications,
8886 testing standards and appraisal management companies and enforce
8887 the same through its disciplinary functions.

8888 (l) To hold meetings; to hold public hearings and
8889 administrative hearings; and to prepare examination specifications
8890 for licensed appraisers and licensed state certified appraisers.



8891 (m) To enable the board to carry out its
8892 responsibilities under this chapter with respect to licensing and
8893 registering, the board shall have:

8894 (i) The power to compel the attendance of
8895 witnesses;

8896 (ii) The power to require a licensed appraiser or
8897 an applicant for licensure to produce books, appraisal documents,
8898 records and other papers;

8899 (iii) The power to administer oaths; and

8900 (iv) The power to take testimony and receive
8901 evidence concerning all matters within its jurisdiction.

8902 These powers may be exercised directly by the board in such
8903 manner as the board shall determine.

8904 (n) To establish appropriate administrative procedures
8905 for disciplinary proceedings conducted under the provisions of
8906 this chapter.

8907 (o) To keep a record of its proceedings and issue an
8908 annual report of its activities.

8909 (p) To further define by rule or regulation, and with
8910 respect to each of the categories of licensed appraiser, the type
8911 of educational experience, appraisal experience and equivalent
8912 experience that will meet the statutory requirements of this
8913 chapter and of the Appraiser Qualifications Board.

8914 (q) To approve or disapprove applications for licensing
8915 or registration under this chapter.



8916 (r) To suspend or revoke licenses or registrations
8917 under the disciplinary proceedings provided for in this chapter.

8918 (s) To present an annual budget to the Mississippi
8919 Legislature for approval.

8920 (t) To implement all requirements directed by the
8921 Appraiser Qualifications Board, Appraisal Subcommittee of the
8922 Federal Financial Institutions Examination Council or their
8923 designated agent.

8924 (u) To make rules and regulations providing for an
8925 inactive license or registration status and for the reactivation
8926 thereof.

8927 (v) To make rules and regulations necessary to
8928 implement its powers and duties under this chapter.

8929 (w) To do all other things necessary to carry out the
8930 provisions of this chapter.

8931 (x) To adopt rules consistent with the provisions of
8932 this chapter which may be reasonably necessary to implement,
8933 administer, and enforce the provisions of this chapter.

8934 (y) To provide for at least one (1) member of the board
8935 to represent the appraisal management company industry.

8936 (z) To establish the standard for measuring residential
8937 properties up to four (4) family buildings as promulgated by the
8938 American National Standards Institute or as provided in the
8939 American Measurement Standard Manual. The board shall require



8940 appraisals required to use those standards to indicate on the
8941 appraisal or separately appended document which standard was used.

8942 (aa) To conduct surveys as necessary.

8943 (bb) The board is authorized to appoint and employ an
8944 executive director for a term of four (4) years, with the advice
8945 and consent of the Senate, and consistent with the provisions of
8946 Section 7-1-35, Mississippi Code of 1972.

8947 (2) The members of the board shall be immune from any civil
8948 action or criminal prosecution for initiating or assisting in any
8949 lawful investigation of the actions of, or participating in any
8950 disciplinary proceeding concerning, an appraiser licensed under
8951 this chapter, provided that the action is taken without malicious
8952 intent and in the reasonable belief that the action was taken in
8953 accordance with the powers and duties vested in the members of the
8954 board under this chapter.

8955 **SECTION 126.** Section 73-35-5, Mississippi Code of 1972, is
8956 amended as follows:

8957 73-35-5. (1) There is hereby created the Mississippi Real
8958 Estate Commission. The commission shall consist of five (5)
8959 persons, to be appointed by the Governor with the advice and
8960 consent of the Senate. Each appointee shall have been a resident
8961 and citizen of this state for at least six (6) years prior to his
8962 appointment, and his vocation for at least five (5) years shall
8963 have been that of a real estate broker. One (1) member shall be
8964 appointed for the term of one (1) year; two (2) members for terms



8965 of two (2) years; two (2) members for terms of four (4) years;
8966 thereafter, the term of the members of said commission shall be
8967 for four (4) years and until their successors are appointed and
8968 qualify. There shall be at least one (1) commissioner from
8969 each * * * Supreme Court District, as such districts are
8970 constituted as of July 1, 2002. The commissioners appointed from
8971 each of the * * * Supreme Court Districts shall be bona fide
8972 residents of the district from which each is appointed. One (1)
8973 additional commissioner shall be appointed without regard to
8974 residence in any particular * * * Supreme Court District. Members
8975 to fill vacancies shall be appointed by the Governor for the
8976 unexpired term. The Governor may remove any commissioner for
8977 cause. The State of Mississippi shall not be required to furnish
8978 office space for such commissioners. The provisions of this
8979 section shall not affect persons who are members of the Real
8980 Estate Commission as of January 1, 2002. Such members shall serve
8981 out their respective terms, upon the expiration of which the
8982 provisions of this section shall take effect. Nothing provided
8983 herein shall be construed as prohibiting the reappointment of any
8984 member of the said commission.

8985 (2) The Mississippi Real Estate Commission, created by
8986 former Section 73-35-5, is continued and reconstituted as follows:
8987 Effective January 1, 2028, the members designated in subsection
8988 (1) of this section shall be appointed by the Governor, with the
8989 advise and consent of the Senate, provided that three (3) such



8990 members shall be appointed in 2028 to a term ending December 31,
8991 2031, and two (2) such members shall be appointed in 2030 to a
8992 term ending December 31, 2033. Appointments made at the beginning
8993 of the four-year cycle shall be made to fill any member's term
8994 which actually expires that year and any member's term which
8995 expires next until the majority of the membership of the board or
8996 commission is reached. Appointments made at the beginning of the
8997 third year of the four-year cycle shall be made for the remainder
8998 of the membership positions irrespective of the time of their
8999 prior appointment. Any question regarding the order of
9000 appointments shall be determined by the Secretary of State in
9001 accordance with the specific statute. All appointment procedures,
9002 vacancy provisions, interim appointment provisions and removal
9003 provisions specifically provided for in Section 7-1-35,
9004 Mississippi Code of 1972, shall be fully applicable to
9005 appointments to the Mississippi Real Estate Commission.

9006 (* * *3) The commission shall organize by selecting from
9007 its members a chairman, and may do all things necessary and
9008 convenient for carrying into effect the provisions of this
9009 chapter, and may from time to time promulgate rules and
9010 regulations. Each member of the commission shall receive per diem
9011 as authorized in Section 25-3-69, Mississippi Code of 1972, and
9012 his actual and necessary expenses incurred in the performance of
9013 duties pertaining to his office as authorized in Section 25-3-41,
9014 Mississippi Code of 1972.



9015 (* * *4) The commission shall adopt a seal by which it
9016 shall authenticate its proceedings. Copies of all records and
9017 papers in the office of the commission, duly certified and
9018 authenticated by the seal of said commission, shall be received in
9019 evidence in all courts equally and with like effect as the
9020 original. All records kept in the office of the commission under
9021 the authority of this chapter shall be open to public inspection
9022 except pending investigative files.

9023 (5) The board is authorized to appoint an executive director
9024 for a term of four (4) years, with the advice and consent of the
9025 Senate, and consistent with the provisions of Section 7-1-35,
9026 Mississippi Code of 1972.

9027 **SECTION 127.** Section 37-33-155, Mississippi Code of 1972, is
9028 amended as follows:

9029 37-33-155. (1) There is created the State Board of
9030 Rehabilitation Services, which shall consist of two (2) appointed
9031 members and the following five (5) officials: the Executive
9032 Officer of the State Department of Health; the Executive Director
9033 of the State Department of Mental Health; the State Superintendent
9034 of Public Education, or his designee; the Director of the Division
9035 of Vocational and Technical Education of the State Department of
9036 Education; and the Executive Director of the Department of Human
9037 Services.

9038 Of the two (2) appointed members, one (1) shall be either an
9039 individual who is a client of vocational rehabilitation services



9040 or a parent of an individual who is a client of vocational
9041 rehabilitation services, and the other shall be either an
9042 individual who is visually impaired or a parent of an individual
9043 who is visually impaired. The appointed members shall be
9044 appointed by the Governor from the state at large, with one (1)
9045 appointed for a term to expire on July 1, 1994, and the other
9046 appointed for a term to expire on July 1, 1996. Upon the
9047 expiration of the initial terms, the members shall be appointed
9048 for terms of five (5) years from the expiration date of the
9049 previous term. All original and subsequent appointments shall be
9050 with the advice and consent of the Senate. An appointment to fill
9051 a vacancy, other than by expiration of a term of office, shall be
9052 made for the balance of the unexpired term. No board appointee
9053 shall be an employee or elected official of the State of
9054 Mississippi or a political subdivision thereof, or an employee of
9055 the former State Department of Rehabilitation Services before July
9056 1, 1989, or an employee of the Division of Rehabilitation Services
9057 of the Department of Human Services or any subordinate
9058 administrative unit of the division before July 1, 1991, or an
9059 employee of the State Department of Rehabilitation Services after
9060 June 30, 1991.

9061 The State Board of Rehabilitation Services, created by former
9062 Section 37-33-155, is continued and reconstituted as follows:
9063 Effective January 1, 2028, the appointed members designated in
9064 this subsection shall be appointed by the Governor, with the



9065 advise and consent of the Senate, provided that one (1) such
9066 member shall be appointed in 2028 to a term ending December 31,
9067 2031, and one (1) such member shall be appointed in 2030 to a term
9068 ending December 31, 2033. Appointments made at the beginning of
9069 the four-year cycle shall be made to fill any member's term which
9070 actually expires that year and any member's term which expires
9071 next until the majority of the membership of the board or
9072 commission is reached. Appointments made at the beginning of the
9073 third year of the four-year cycle shall be made for the remainder
9074 of the membership positions irrespective of the time of their
9075 prior appointment. Any question regarding the order of
9076 appointments shall be determined by the Secretary of State in
9077 accordance with the specific statute. All appointment procedures,
9078 vacancy provisions, interim appointment provisions and removal
9079 provisions specifically provided for in Section 7-1-35,
9080 Mississippi Code of 1972, shall be fully applicable to
9081 appointments to the State Board of Rehabilitation Services.

9082 (2) The board shall elect a chairperson from its membership
9083 at the first meeting of the original board members and every two
9084 (2) years thereafter on July 15 of the year. A majority of the
9085 membership of the board shall constitute a quorum for the
9086 transaction of any business, and the board shall meet at least
9087 quarterly and hold other meetings as are necessary for the purpose
9088 of conducting required business. All meetings of the board shall



9089 be called by the chairperson, except the first meeting of the
9090 original board members, which shall be called by the Governor.

9091 (3) The appointed members of the board shall be compensated
9092 at a per diem rate as authorized by Section 25-3-69, plus actual
9093 and necessary expenses as authorized by Section 25-3-41. Members
9094 of the board appointed before July 1, 1991, shall be paid
9095 compensation and expenses under this subsection from funds
9096 available to the Division of Rehabilitation Services of the
9097 Department of Human Services.

9098 **SECTION 128.** Section 37-33-159, Mississippi Code of 1972, is
9099 amended as follows:

9100 37-33-159. The State Board of Rehabilitation Services shall
9101 appoint, with the advice and consent of the Senate, an Executive
9102 Director of the State Department of Rehabilitation Services, in
9103 accordance with standards established by the State Personnel Board
9104 and on the basis of his education, training, experience and
9105 demonstrated ability. The executive director shall serve a term
9106 of four (4) years, consistent with the provisions of Section
9107 7-1-35, Mississippi Code of 1972. The executive director shall
9108 serve as secretary and executive officer of the board, and he
9109 shall serve at the will and pleasure of the board. The salary of
9110 the executive director shall be set by the board, subject to the
9111 approval of the State Personnel Board, and shall be provided for
9112 out of any funds made available for such purpose by the
9113 Legislature, the federal government or other gifts or grants. The



9114 executive director shall be responsible to the board for the
9115 proper administration of the programs of rehabilitation provided
9116 under this chapter in conformity with the policies adopted by the
9117 board and shall be responsible for appointing directors of offices
9118 and any necessary supervisors, assistants and employees. The
9119 salary and compensation of such employees shall be subject to the
9120 rules and regulations adopted and promulgated by the State
9121 Personnel Board as created under Section 25-9-101 et seq.

9122 **SECTION 129.** Section 25-58-21, Mississippi Code of 1972, is
9123 amended as follows:

9124 25-58-21. (1) There is established the Mississippi
9125 Coordinating Council for Remote Sensing and Geographic Information
9126 Systems, hereinafter referred to as the "council." The council
9127 shall set and assure enforcement of policies and standards to make
9128 it easier for remote sensing and geographic information system
9129 users around the state to share information and to facilitate
9130 cost-sharing arrangements to reduce the costs of acquiring remote
9131 sensing and geographic information system data. The council shall
9132 not oversee or regulate the activities of higher education
9133 entities where it relates to the fields of teaching or research;
9134 however, the council shall be informed of these activities for the
9135 purpose of coordinating these higher education activities with
9136 other public remote sensing and GIS initiatives to achieve the
9137 maximum benefit for the State of Mississippi and its taxpayers.
9138 The council's responsibilities include, but are not limited to:



9139 (a) Coordination of remote sensing and geographic
9140 information system activities within Mississippi;

9141 (b) Establishing policies and standards to guide
9142 Mississippi Department of Information Technology Services (MDITS)
9143 in the review and approval of state and local government
9144 procurement of both hardware and software development relating to
9145 remote sensing and geographic information systems;

9146 (c) Oversight of MDITS' implementation of these
9147 responsibilities;

9148 (d) Preparing a plan, with proposed state funding
9149 priorities, for Mississippi's remote sensing and geographic
9150 information system activities, including development, operation
9151 and maintenance of the Mississippi Digital Earth Model;

9152 (e) Oversight of the Mississippi Department of
9153 Environmental Quality's development and maintenance of the
9154 Mississippi Digital Earth Model, including establishing policies
9155 and standards for the procurement of remote sensing and geographic
9156 information system data by state and local governmental entities
9157 and establishing the order in which the seven (7) core data layers
9158 shall be developed;

9159 (f) Designating Mississippi's official representative
9160 to the National States Geographic Information Council and to any
9161 other national or regional remote sensing or geographical
9162 information system organizations on which Mississippi has an
9163 official seat;



9164 (g) Establishing and designating the members of an
9165 advisory committee made up of policy level officials from major
9166 state, local, regional and federal agencies, including, but not
9167 limited to, the National Association of Space Administration, the
9168 Mississippi Institute for Forestry Inventory, the Mississippi
9169 Department of Wildlife, Fisheries and Parks, the Mississippi
9170 Public Utilities Staff, the Department of Marine Resources, the
9171 county E911 coordinator, the State Health Officer, the
9172 Commissioner of Agriculture and Commerce, the * * * Department of
9173 Revenue, the Council of Consulting Engineers and the Mississippi
9174 Band of Choctaw Indians, as well as members of the private sector;

9175 (h) Creating a staff level technical users committee,
9176 in which any public or private sector entity in Mississippi
9177 interested in remote sensing and geographic information may be
9178 allowed to participate;

9179 (i) Coordinating with the * * * Department of Revenue
9180 to assure that state and local governmental entities do not have
9181 to comply with two (2) sets of requirements imposed by different
9182 organizations.

9183 (2) The Mississippi Coordinating Council for Remote Sensing
9184 and Geographic Information Systems will be composed of the
9185 following members:

9186 (a) The Executive Director of the Mississippi
9187 Department of Environmental Quality;



9188 (b) The Executive Director of the Mississippi
9189 Department of Information Technology Services;
9190 (c) The Executive Director of the Mississippi
9191 Department of Transportation;
9192 (d) The Executive Director of the Mississippi Emergency
9193 Management Agency;
9194 (e) The Executive Director of the Mississippi
9195 Development Authority;
9196 (f) The Secretary of State;
9197 (g) The Executive Director of the Mississippi Forestry
9198 Commission;
9199 (h) The Director of the Mississippi State Board of
9200 Registered Professional Geologists;
9201 (i) A representative from the Institutions of Higher
9202 Learning, appointed by the Commissioner of the Institutions of
9203 Higher Learning;
9204 (j) One (1) mayor, serving a municipality, appointed by
9205 the Executive Director of the Mississippi Municipal League;
9206 (k) The Executive Director of the Mississippi Municipal
9207 League or his designee who will serve as the member;
9208 (l) One (1) county supervisor appointed by the
9209 Executive Director of the Mississippi Association of Supervisors;
9210 (m) The Executive Director of the Mississippi
9211 Association of Supervisors or his designee who will serve as the
9212 member;



9213 (n) A member of the Tax Assessors/Collectors
9214 Association or the executive director of the association, to be
9215 appointed by the president of that association;

9216 (o) A representative of the Planning and Development
9217 Districts, appointed by the Governor;

9218 (p) A Senator, as a nonvoting member, appointed by the
9219 Lieutenant Governor;

9220 (q) A Representative, as a nonvoting member, appointed
9221 by the Speaker of the House;

9222 (r) A county surveyor who is a member of the
9223 Mississippi Association of Professional Surveyors, appointed by
9224 the president of the association; and

9225 The members listed in paragraphs (a) through (g) may appoint
9226 a designee, but the designee must be the head of an office,
9227 bureau, division or branch within the member's agency.

9228 The members of the council shall serve for a term concurrent
9229 with their service as an elected or appointed official or
9230 concurrent with the term of the appointing official.

9231 The Mississippi Coordinating Council for Remote Sensing and
9232 Geographic Information Systems, created by former Section
9233 25-58-21, is continued and reconstituted as follows: Effective
9234 January 1, 2028, the appointed members of the council designated
9235 in paragraphs (a) through (r) of this subsection shall be
9236 appointed by the Governor, with the advise and consent of the
9237 Senate, provided that four (4) such members shall be appointed in



9238 2028 to a term ending December 31, 2031, and four (4) such members
9239 shall be appointed in 2030 to a term ending December 31, 2033.
9240 Appointments made at the beginning of the four-year cycle shall be
9241 made to fill any member's term which actually expires that year
9242 and any member's term which expires next until the majority of the
9243 membership of the board or commission is reached. Appointments
9244 made at the beginning of the third year of the four-year cycle
9245 shall be made for the remainder of the membership positions
9246 irrespective of the time of their prior appointment. Any question
9247 regarding the order of appointments shall be determined by the
9248 Secretary of State in accordance with the specific statute. All
9249 appointment procedures, vacancy provisions, interim appointment
9250 provisions and removal provisions specifically provided for in
9251 Section 7-1-35, Mississippi Code of 1972, shall be fully
9252 applicable to appointments to the Mississippi Coordinating Council
9253 for Remote Sensing and Geographic Information Systems.

9254 The Executive Director of the Department of Environmental
9255 Quality shall serve as council chair and the Executive Director of
9256 Information Technology Services as vice chair for the first two
9257 (2) years. After the first two (2) years, the council shall elect
9258 from its members a chair and vice chair, for terms to be specified
9259 by the council.

9260 With regard to the designee chosen by the Executive Director
9261 of the Mississippi Municipal League or the Executive Director of
9262 the Mississippi Association of Supervisors, the designee shall



9263 become a permanent member of the council for a term concurrent
9264 with the term of the appointing executive director.

9265 (3) At the direction of the chairman of the council and
9266 contingent upon the availability of sufficient funds, each member
9267 may receive reimbursement for reasonable expenses, including
9268 travel expenses in accordance with rates established pursuant to
9269 Section 25-3-41, incurred in attending meetings of the council.
9270 Any member of the council who is also a state employee may not
9271 receive per diem compensation for attending meetings of the * * *
9272 council, but may be reimbursed in accordance with Section 25-3-41
9273 for mileage and actual expenses incurred in the performance of the
9274 duties, if authorized by vote, at a meeting of the council, which
9275 action must be recorded in the official minutes of the meeting.
9276 Legislative members of the council will be paid from the
9277 contingent expense funds of their respective houses in the same
9278 amounts as provided for committee meetings when the Legislature is
9279 not in session.

9280 (4) The council may accept money from any source, public or
9281 private, to be expended in implementing the duties under this
9282 section.

9283 (5) The council may utilize staff employed by the agencies
9284 affected by this section and any other assistance made available
9285 to it.

9286 **SECTION 130.** Section 73-59-21, Mississippi Code of 1972, is
9287 amended as follows:



9288 73-59-21. (1) There is hereby created the Standing
9289 Committee on Residential Builders and Remodelers which shall be
9290 subordinate to the State Board of Contractors as set forth in
9291 Section 31-3-3. The standing committee shall be composed of the
9292 two (2) residential builders who serve as members of the State
9293 Board of Contractors and three (3) additional residential builders
9294 as defined in Section 73-59-1 to be appointed by the Governor.
9295 The terms of the ex officio members shall be concurrent with their
9296 terms as members of the State Board of Contractors. The initial
9297 terms of the three (3) additional residential builders on the
9298 Standing Committee on Residential Builders and Remodelers shall be
9299 one (1), three (3) and five (5) years, respectively, beginning
9300 July 1, 2000. Upon the expiration of the initial term of any
9301 member not serving ex officio, his or her successor shall be
9302 appointed for a term of five (5) years.

9303 (2) The Governor shall appoint one (1) of the two (2) ex
9304 officio members as Chairman of the Standing Committee on
9305 Residential Builders and Remodelers. The Executive Director of
9306 the State Board of Contractors as set forth in Section 31-3-11
9307 shall serve as secretary of the standing committee. The standing
9308 committee shall meet no less than once per quarter of each year at
9309 a date and time to be set by its chairman upon at least five (5)
9310 business days' notice by regular mail. The members of the
9311 standing committee shall be entitled to receive a per diem as
9312 provided in Section 31-3-9.



9313 (3) The Standing Committee on Residential Builders and
9314 Remodelers, created by former Section 73-59-21, is continued and
9315 reconstituted as follows: Effective January 1, 2028, the
9316 appointed members of the council designated in subsections (1) and
9317 (2) of this section shall be appointed by the Governor, with the
9318 advise and consent of the Senate, provided that three (3) such
9319 members shall be appointed in 2028 to a term ending December 31,
9320 2031, and two (2) such members shall be appointed in 2030 to a
9321 term ending December 31, 2033. Appointments made at the beginning
9322 of the four-year cycle shall be made to fill any member's term
9323 which actually expires that year and any member's term which
9324 expires next until the majority of the membership of the board or
9325 commission is reached. Appointments made at the beginning of the
9326 third year of the four-year cycle shall be made for the remainder
9327 of the membership positions irrespective of the time of their
9328 prior appointment. Any question regarding the order of
9329 appointments shall be determined by the Secretary of State in
9330 accordance with the specific statute. All appointment procedures,
9331 vacancy provisions, interim appointment provisions and removal
9332 provisions specifically provided for in Section 7-1-35,
9333 Mississippi Code of 1972, shall be fully applicable to
9334 appointments to the Standing Committee on Residential Builders and
9335 Remodelers.

9336 (4) Three (3) members of the Standing Committee on
9337 Residential Builders and Remodelers shall constitute a quorum and



9338 a majority vote of those present and voting at any meeting shall
9339 be necessary to transact business.

9340 (* * *5) The Standing Committee on Residential Builders and
9341 Remodelers shall have the power to make recommendations to the
9342 State Board of Contractors pertaining to all duties set forth in
9343 Sections 73-59-11 and 73-59-13. The standing committee shall have
9344 only the power to make recommendations to the State Board of
9345 Contractors and the State Board of Contractors shall have the
9346 power and authority to accept or reject any recommendation made by
9347 the standing committee. Hearings regarding residential builders
9348 and remodelers shall be exclusively under the jurisdiction of the
9349 Standing Committee on Residential Builders and Remodelers.

9350 **SECTION 131.** Section 27-3-1, Mississippi Code of 1972, is
9351 amended as follows:

9352 27-3-1. (1) There is hereby created a Department of
9353 Revenue, the head of which shall be the Commissioner of Revenue,
9354 who shall be appointed by the Governor, with the advice and
9355 consent of the Senate. Each term of office of the Commissioner of
9356 Revenue shall be for six (6) years, or until his successor shall
9357 be appointed and qualified. The Governor shall include in his
9358 appointment, the expiration date of the appointment. Vacancies
9359 shall be filled by the Governor for the unexpired portion of the
9360 term in which the vacancy occurs.

9361 (2) Effective July 1, 2028, the Commissioner of Revenue
9362 shall be appointed by the Governor, with the advise and consent of



9363 the Senate, to a term of four (4) years. All appointment
9364 procedures, vacancy provisions, interim appointment provisions and
9365 removal provisions specifically provided for in Section 7-1-35,
9366 Mississippi Code of 1972, shall be fully applicable to appointment
9367 of the commissioner.

9368 (3) The Commissioner of Revenue shall be a qualified
9369 elector, shall have at least a bachelor's degree from an
9370 accredited college or university, and shall possess a special
9371 knowledge of taxation and revenue as pertaining to the State of
9372 Mississippi. The Commissioner of Revenue shall be full-time and
9373 shall not be actively engaged in any other business or occupation.

9374 (* * *4) The Commissioner of Revenue shall, before entering
9375 upon the discharge of the duties of his office, take and subscribe
9376 to the oath of office prescribed by the Constitution, shall file
9377 the oath in the Office of the Secretary of State, and shall
9378 execute a bond in some surety company authorized to do business in
9379 the state, to be approved by the Governor, and filed in the Office
9380 of the Secretary of State in the penal sum of Two Hundred Fifty
9381 Thousand Dollars (\$250,000.00), conditioned for the faithful and
9382 impartial discharge of the duties of his office. The premium on
9383 the bond shall be paid as provided by law out of funds
9384 appropriated to the Department of Revenue.

9385 (* * *5) The Commissioner of Revenue is not subject to
9386 removal from office other than by impeachment or by removal from
9387 office as provided for under Section 25-5-1, except that in



9388 addition to impeachment and removal, the Commissioner of Revenue
9389 may also be removed from office for a criminal conviction for
9390 violating the Internal Revenue Code.

9391 **SECTION 132.** Section 69-10-2, Mississippi Code of 1972, is
9392 amended as follows:

9393 69-10-2. (1) The Mississippi Rice Promotion Board is
9394 created, to be composed of twelve (12) members to be appointed by
9395 the Governor to serve terms of four (4) years, as hereinafter
9396 provided. All of the twelve (12) members of the board shall be
9397 producers of rice in the State of Mississippi. Within ten (10)
9398 days following March 9, 1995, the Mississippi Farm Bureau
9399 Federation, Inc., the Mississippi Rice Council for Market
9400 Development and the Delta Council shall each submit the names of
9401 six (6) rice producers to the Governor, and he shall appoint four
9402 (4) members from the nominees of each organization to serve on the
9403 board on rotating four-year terms. The original board shall be
9404 appointed with members of each of the aforementioned organizations
9405 appointed as follows: one (1) for one (1) year, one (1) for two
9406 (2) years, one (1) for three (3) years and one (1) for four (4)
9407 years. Each year thereafter, not less than thirty (30) days
9408 before the expiration of the terms of expiring board members, the
9409 aforementioned organizations shall submit the names of four (4)
9410 nominees to the Governor and succeeding boards shall be appointed
9411 by the Governor in the same manner, giving equal representation to



9412 each organization. Vacancies which occur shall be filled in the
9413 same manner as the original appointments were made.

9414 (2) The Mississippi Rice Promotion Board, created by former
9415 Section 69-10-2, is continued and reconstituted as follows:
9416 Effective January 1, 2028, the appointed members of the council
9417 designated in subsection (1) of this section shall be appointed by
9418 the Governor, with the advise and consent of the Senate, provided
9419 that six (6) such members shall be appointed in 2028 to a term
9420 ending December 31, 2031, and six (6) such members shall be
9421 appointed in 2030 to a term ending December 31, 2033.
9422 Appointments made at the beginning of the four-year cycle shall be
9423 made to fill any member's term which actually expires that year
9424 and any member's term which expires next until the majority of the
9425 membership of the board or commission is reached. Appointments
9426 made at the beginning of the third year of the four-year cycle
9427 shall be made for the remainder of the membership positions
9428 irrespective of the time of their prior appointment. Any question
9429 regarding the order of appointments shall be determined by the
9430 Secretary of State in accordance with the specific statute. All
9431 appointment procedures, vacancy provisions, interim appointment
9432 provisions and removal provisions specifically provided for in
9433 Section 7-1-35, Mississippi Code of 1972, shall be fully
9434 applicable to appointments to the Mississippi Rice Promotion
9435 Board.



9436 (* * *3) The members of the board shall meet and organize
9437 immediately after their appointment, and shall elect a chairman,
9438 vice chairman and secretary-treasurer from the membership of the
9439 board, whose duties shall be those customarily exercised by such
9440 officers or specifically designated by the board. The chairman,
9441 vice chairman and secretary-treasurer shall be bonded in an amount
9442 not less than Twenty Thousand Dollars (\$20,000.00). The cost of
9443 the bonds shall be paid from the funds received under the
9444 provisions of Section 69-10-1 et seq. Such bond shall be a
9445 security for any illegal act of such member of the board and
9446 recovery thereon may be had by the state for any injury by such
9447 illegal act of such member. The board may establish rules and
9448 regulations for its own government and the administration of the
9449 affairs of the board.

9450 **SECTION 133.** Section 55-5-53, Mississippi Code of 1972, is
9451 amended as follows:

9452 55-5-53. (1) The commission shall be composed of ten (10)
9453 members, of whom two (2) shall be residents of DeSoto, Tunica and
9454 Coahoma Counties; two (2) shall be residents of Bolivar and
9455 Washington Counties; two (2) shall be residents of Sharkey,
9456 Issaquena and Warren Counties; two (2) shall be residents of
9457 Claiborne and Jefferson Counties; and two (2) shall be residents
9458 of Adams and Wilkinson Counties. On the original commission, two
9459 (2) members shall be appointed for terms of one (1), two (2),
9460 three (3), four (4) and five (5) years, each. All successor



9461 members shall be appointed for terms of five (5) years, except for
9462 members appointed to fill an unexpired term. Immediately upon
9463 making any appointment to the commission, the Governor shall
9464 notify the Mississippi River Parkway Commission, referred to as
9465 the National Commission in Sections 55-5-51 through 55-5-63,
9466 giving the names and addresses of the member or members appointed.

9467 (2) The Mississippi River Parkway Commission, created by
9468 former Section 55-5-53, is continued and reconstituted as follows:
9469 Effective January 1, 2028, the appointed members of the council
9470 designated in subsection (1) of this section shall be appointed by
9471 the Governor to four-year terms, with the advise and consent of
9472 the Senate, provided that five (5) such members shall be appointed
9473 in 2028 to a term ending December 31, 2031, and five (5) such
9474 members shall be appointed in 2030 to a term ending December 31,
9475 2033. Appointments made at the beginning of the four-year cycle
9476 shall be made to fill any member's term which actually expires
9477 that year and any member's term which expires next until the
9478 majority of the membership of the board or commission is reached.
9479 Appointments made at the beginning of the third year of the
9480 four-year cycle shall be made for the remainder of the membership
9481 positions irrespective of the time of their prior appointment.
9482 Any question regarding the order of appointments shall be
9483 determined by the Secretary of State in accordance with the
9484 specific statute. All appointment procedures, vacancy provisions,
9485 interim appointment provisions and removal provisions specifically



9486 provided for in Section 7-1-35, Mississippi Code of 1972, shall be
9487 fully applicable to appointments to the Mississippi River Parkway
9488 Commission.

9489 **SECTION 134.** Section 49-17-45, Mississippi Code of 1972, is
9490 amended as follows:

9491 49-17-45. (1) The Mississippi Commission on Environmental
9492 Quality, acting through the Department of Environmental Quality,
9493 shall establish and administer, in accordance with the federal
9494 Clean Air Act, the Mississippi Small Business Stationary Source
9495 Technical and Environmental Compliance Assistance Program
9496 (PROGRAM).

9497 (2) There is created the Mississippi Small Business
9498 Compliance Advisory Panel. The Mississippi Small Business
9499 Compliance Advisory Panel shall consist of the following members,
9500 the term of each to be concurrent with the term of the appointing
9501 official of that member:

9502 (a) One (1) member representing the Air Pollution
9503 Control Program of the Department of Environmental Quality;

9504 (b) Two (2) members who are not owners or
9505 representatives of owners of a small business, appointed by the
9506 Governor;

9507 (c) Two (2) members who each shall be the owner or
9508 representatives of an owner of a small business, appointed by the
9509 Speaker of the House of Representatives; and



9510 (d) Two (2) members who each shall be the owner or
9511 representatives of an owner of a small business, appointed by the
9512 Lieutenant Governor.

9513 (3) The Mississippi Small Business Compliance Advisory
9514 Panel, created by former Section 49-17-45, is continued and
9515 reconstituted as follows: Effective January 1, 2028, the
9516 appointed members of the panel designated in subsection (1) of
9517 this section shall be appointed by the Governor to a term of
9518 office of four (4) years, with the advise and consent of the
9519 Senate, provided that four (4) such members shall be appointed in
9520 2028 to a term ending December 31, 2031, and three (3) such
9521 members shall be appointed in 2030 to a term ending December 31,
9522 2033. Appointments made at the beginning of the four-year cycle
9523 shall be made to fill any member's term which actually expires
9524 that year and any member's term which expires next until the
9525 majority of the membership of the board or commission is reached.
9526 Appointments made at the beginning of the third year of the
9527 four-year cycle shall be made for the remainder of the membership
9528 positions irrespective of the time of their prior appointment.
9529 Any question regarding the order of appointments shall be
9530 determined by the Secretary of State in accordance with the
9531 specific statute. All appointment procedures, vacancy provisions,
9532 interim appointment provisions and removal provisions specifically
9533 provided for in Section 7-1-35, Mississippi Code of 1972, shall be



9534 fully applicable to appointments to the Mississippi Small Business
9535 Compliance Advisory Panel.

9536 (4) The panel shall elect one (1) member to serve as
9537 chairman. The panel shall meet at the call of the chairman at
9538 Jackson, Mississippi, or such other places within the state
9539 designated by the panel; however, the panel shall not meet more
9540 than four (4) times during a calendar year.

9541 (* * *5) Members of the Mississippi Small Business
9542 Compliance Advisory Panel shall serve without salary, but each
9543 shall be entitled to receive per diem as provided in Section
9544 25-3-69 and his actual travel and hotel expenses incurred while in
9545 the performance of his duties as a member of the committee in
9546 accordance with Section 25-3-41. Per diem and expenses shall be
9547 paid on an itemized statement approved by the State Fiscal Officer
9548 from fees collected under Section 49-17-30.

9549 (* * *6) The Mississippi Small Business Compliance Advisory
9550 Panel shall:

9551 (a) Render advisory opinions concerning:

9552 (i) The effectiveness of the Small Business
9553 Stationary Source Technical and Environmental Compliance
9554 Assistance Program;

9555 (ii) Difficulties encountered; and

9556 (iii) Degree and severity of enforcement;

9557 (b) Make periodic reports to the Administrator of the
9558 United States Environmental Protection Agency concerning the



9559 compliance of the State Small Business Stationary Source Technical
9560 and Environmental Compliance Assistance Program with the
9561 requirements of the federal Paperwork Reduction Act, the federal
9562 Regulatory Flexibility Act, and the federal Equal Access to
9563 Justice Act;

9564 (c) Review information for small business stationary
9565 sources to * * * ensure such information is understandable by the
9566 layperson; and

9567 (d) Have the Small Business Stationary Source Technical
9568 and Environmental Compliance Assistance Program serve as the
9569 secretariat for the development and dissemination of such reports
9570 and advisory opinions.

9571 **SECTION 135.** Section 25-43-4.103, Mississippi Code of 1972,
9572 is amended as follows:

9573 25-43-4.103. (1) There is established a Small Business
9574 Regulatory Review Committee.

9575 (2) The duties of the committee shall be to:

9576 (a) Provide agencies with input regarding proposed
9577 permanent rules which may have an economic impact upon small
9578 business and for which a notice of intended action is published by
9579 the Secretary of State on or after July 1, 2012;

9580 (b) Review any rule promulgated by a state agency for
9581 which notice has been given by the agency to the committee that
9582 the proposed rule has or may have an economic effect upon small



9583 business and make recommendations to the agency and or the
9584 Legislature regarding the need for a rule or legislation;

9585 (c) Petition an agency to amend, revise * * * or revoke
9586 an existing regulation based on an economic impact on small
9587 business; and

9588 (d) Advise and assist agencies in complying with the
9589 provisions of and performing any and all acts and duties set forth
9590 and authorized in the Mississippi Small Business Regulatory
9591 Flexibility Act.

9592 (3) The committee is assigned to the Mississippi Development
9593 Authority for administrative purposes only. The department shall
9594 act as a coordinator for the committee, and shall not be required
9595 to provide legal counsel for the committee.

9596 (4) The committee shall consist of twelve (12) members,
9597 appointed as follows:

9598 (a) Four (4) members to be appointed by the Governor,
9599 one (1) of whom shall be the Executive Director of the Mississippi
9600 Development Authority, or his designee;

9601 (b) Four (4) members to be appointed by the Lieutenant
9602 Governor, two (2) of whom may be State Senators who own small
9603 businesses; and

9604 (c) Four (4) members to be appointed by the Speaker of
9605 the House of Representatives, two (2) of whom may be State
9606 Representatives who own small businesses.



9607 Any legislative member appointed to the committee shall serve
9608 as an ex officio, nonvoting member.

9609 (5) The appointing authorities shall appoint members of the
9610 committee for which no qualifications are specified under
9611 subsection (4) from:

9612 (a) Lists of nominees, which may include small business
9613 owners, association representatives and small business regulatory
9614 advisors who have legal or accounting experience, submitted by the
9615 following business organizations:

9616 (i) National Federation of Independent Business;

9617 (ii) Mississippi Manufacturers Association;

9618 (iii) Mississippi Retail Association;

9619 (iv) Mississippi Petroleum Marketers and
9620 Convenience Stores Association;

9621 (v) Mississippi Minority Contractors Association;

9622 (vi) Mississippi Economic Council;

9623 (vii) Mississippi Farm Bureau Federation; and

9624 (viii) Any local chamber of commerce; and/or

9625 (b) Small business owners or operators not affiliated
9626 with or nominated by the business organizations listed in
9627 paragraph (a) of this subsection.

9628 (6) Appointments to the committee shall be representative of
9629 a variety of small businesses in this state. Except as otherwise
9630 provided in this section, appointed members shall be either



9631 current or former owners or principal officers of a small
9632 business.

9633 (7) The initial appointments to the committee shall be made
9634 within sixty (60) days from July 1, 2012. The Mississippi
9635 Development Authority shall provide the name and address of each
9636 appointee to the Governor, Lieutenant Governor, the President Pro
9637 Tempore of the Senate, the Speaker of the House of Representatives
9638 and the Secretary of State.

9639 (8) (a) Members initially appointed to the committee shall
9640 serve for terms ending December 31, 2014. Thereafter, appointed
9641 members shall serve two-year terms that expire on December 31 of
9642 the second year.

9643 (b) The Governor shall appoint the initial chair of the
9644 committee from the appointed members for a term ending December
9645 31, 2014. Subsequent chairs of the committee shall be elected by
9646 the committee from the appointed members for two-year terms that
9647 expire on December 31 of the second year.

9648 (9) The Small Business Regulatory Review Committee, created
9649 by former Section 25-43-4.103, is continued and reconstituted as
9650 follows: Effective January 1, 2028, the appointed members of the
9651 committee designated in subsection (4) of this section shall be
9652 appointed by the Governor for a term of four (4) years, with the
9653 advise and consent of the Senate, provided that six (6) such
9654 members shall be appointed in 2028 to a term ending December 31,
9655 2031, and six (6) such members shall be appointed in 2030 to a



9656 term ending December 31, 2033. Appointments made at the beginning
9657 of the four-year cycle shall be made to fill any member's term
9658 which actually expires that year and any member's term which
9659 expires next until the majority of the membership of the board or
9660 commission is reached. Appointments made at the beginning of the
9661 third year of the four-year cycle shall be made for the remainder
9662 of the membership positions irrespective of the time of their
9663 prior appointment. Any question regarding the order of
9664 appointments shall be determined by the Secretary of State in
9665 accordance with the specific statute. All appointment procedures,
9666 vacancy provisions, interim appointment provisions and removal
9667 provisions specifically provided for in Section 7-1-35,
9668 Mississippi Code of 1972, shall be fully applicable to
9669 appointments to the Small Business Regulatory Review Committee.

9670 (10) Members of the committee shall not receive any
9671 compensation.

9672 (* * *11) The committee shall meet as determined by the
9673 chair of the committee.

9674 (* * *12) A majority of the voting members of the committee
9675 shall constitute a quorum to do business. The concurrence of a
9676 majority of the members of the committee present and voting shall
9677 be necessary to make any action of the committee valid.

9678 **SECTION 136.** Section 73-53-8, Mississippi Code of 1972, is
9679 amended as follows:



9680 73-53-8. (1) There is created the Board of Examiners for
9681 Social Workers and Marriage and Family Therapists to license and
9682 regulate social workers and marriage and family therapists. The
9683 board shall be composed of ten (10) members, six (6) of which
9684 shall be social workers and four (4) of which shall be marriage
9685 and family therapists.

9686 (2) Of the social worker members of the board, two (2) must
9687 be licensed social workers, and four (4) must be licensed master
9688 social workers or licensed certified social workers or a
9689 combination thereof. The marriage and family therapist members of
9690 the board must be licensed marriage and family therapists. For at
9691 least two (2) years immediately preceding his or her appointment,
9692 each marriage and family therapist appointee must have been
9693 actively engaged as a marriage and family therapist in rendering
9694 professional services in marriage and family therapy, or in the
9695 education and training of master's, doctoral or post-doctoral
9696 students of marriage and family therapy, or in marriage and family
9697 therapy research, and during the two (2) years preceding his or
9698 her appointment, must have spent the majority of the time devoted
9699 to that activity in this state. The initial marriage and family
9700 therapist appointees shall be deemed to be and shall become
9701 licensed practicing marriage and family therapists immediately
9702 upon their appointment and qualification as members of the board.
9703 All subsequent marriage and family therapist appointees to the



9704 board must be licensed marriage and family therapists before their
9705 appointment.

9706 (3) The Governor shall appoint six (6) members of the board,
9707 four (4) of which shall be social workers and two (2) of which
9708 shall be marriage and family therapists, and the Lieutenant
9709 Governor shall appoint four (4) members of the board, two (2) of
9710 which shall be social workers and two (2) of which shall be
9711 marriage and family therapists. Social worker members of the
9712 board shall be appointed from nominations submitted by the
9713 Mississippi Chapter of the National Association of Social Workers,
9714 and marriage and family therapist members of the board shall be
9715 appointed from nominations submitted by the Mississippi
9716 Association for Marriage and Family Therapy. All appointments
9717 shall be made with the advice and consent of the Senate.

9718 (4) The initial appointments to the board shall be made as
9719 follows: The Governor shall appoint one (1) social worker member
9720 for a term that expires on June 30, 1999, one (1) social worker
9721 member for a term that expires on June 30, 2001, two (2) social
9722 worker members for terms that expire on June 30, 2002, one (1)
9723 marriage and family therapist member for a term that expires on
9724 June 30, 1998, and one (1) marriage and family therapist member
9725 for a term that expires on June 30, 2000. The Lieutenant Governor
9726 shall appoint one (1) social worker member for a term that expires
9727 on June 30, 1998, one (1) social worker member for a term that
9728 expires on June 30, 2000, one (1) marriage and family therapist



9729 member for a term that expires on June 30, 1999, and one (1)
9730 marriage and family therapist member of the board for a term that
9731 expires on June 30, 2001. After the expiration of the initial
9732 terms, all subsequent appointments shall be made by the original
9733 appointing authorities for terms of four (4) years from the
9734 expiration date of the previous term. Upon the expiration of his
9735 or her term of office, a board member shall continue to serve
9736 until his or her successor has been appointed and has qualified.
9737 No person may be appointed more than once to fill an unexpired
9738 term or more than two (2) consecutive full terms.

9739 (5) Any vacancy on the board before the expiration of a term
9740 shall be filled by appointment of the original appointing
9741 authority for the remainder of the unexpired term. Appointments
9742 to fill vacancies shall be made from nominations submitted by the
9743 appropriate organization as specified in subsection (2) of this
9744 section for the position being filled.

9745 (6) The Board of Examiners for Social Workers and Marriage
9746 and Family Therapists, created by former Section 73-53-8, is
9747 continued and reconstituted as follows: Effective January 1,
9748 2028, the appointed members of the board designated in subsections
9749 (1) through (4) of this section shall be appointed by the Governor
9750 for a term of office of four (4) years, with the advise and
9751 consent of the Senate, provided that five (5) such members shall
9752 be appointed in 2028 to a term ending December 31, 2031, and five
9753 (5) such members shall be appointed in 2030 to a term ending



9754 December 31, 2033. Appointments made at the beginning of the
9755 four-year cycle shall be made to fill any member's term which
9756 actually expires that year and any member's term which expires
9757 next until the majority of the membership of the board or
9758 commission is reached. Appointments made at the beginning of the
9759 third year of the four-year cycle shall be made for the remainder
9760 of the membership positions irrespective of the time of their
9761 prior appointment. Any question regarding the order of
9762 appointments shall be determined by the Secretary of State in
9763 accordance with the specific statute. All appointment procedures,
9764 vacancy provisions, interim appointment provisions and removal
9765 provisions specifically provided for in Section 7-1-35,
9766 Mississippi Code of 1972, shall be fully applicable to
9767 appointments to the Board of Examiners for Social Workers and
9768 Marriage and Family Therapists.

9769 (7) The appointing authorities shall give due regard to
9770 geographic distribution, race and sex in making all appointments
9771 to the board.

9772 (* * *8) The board shall select one (1) of its members to
9773 serve as chairman during the term of his or her appointment to the
9774 board. No person may serve as chairman for more than four (4)
9775 years. The board may remove any member of the board or the
9776 chairman from his or her position as chairman for (a) malfeasance
9777 in office, or (b) conviction of a felony or a crime of moral
9778 turpitude while in office, or (c) failure to attend three (3)



9779 consecutive board meetings. However, no member may be removed
9780 until after a public hearing of the charges against him or her,
9781 and at least thirty (30) days' prior written notice to the accused
9782 member of the charges against him or her and of the date fixed for
9783 such hearing. No board member shall participate in any matter
9784 before the board in which he has a pecuniary interest, personal
9785 bias or other similar conflict of interest.

9786 (* * *9) Board members shall receive no compensation for
9787 their services, but shall be reimbursed for their actual and
9788 necessary expenses incurred in the performance of official board
9789 business as provided in Section 25-3-41.

9790 (* * *10) Four (4) social worker members and three (3)
9791 marriage and family therapist members of the board shall
9792 constitute a quorum of the board. In making its decisions and
9793 taking actions affecting the members of one (1) of the professions
9794 regulated by the board, the board shall consider the
9795 recommendations of the board members who are members of that
9796 profession. If the board is unable to have a quorum present at a
9797 regularly scheduled meeting location, the board may allow other
9798 members to participate in the meeting by telephone or other
9799 electronic means. In the case of an administrative hearing, when
9800 recusals from the process are necessary, a quorum may consist of a
9801 simple majority of six (6) members.

9802 (* * *11) The principal office of the board shall be in the
9803 City of Jackson, but the board may act and exercise all of its



9804 powers at any other place. The board shall adopt an official
9805 seal, which shall be judicially noticed and which shall be affixed
9806 to all licenses issued by the board.

9807 (* * *12) The board is authorized to appoint an executive
9808 director for a term of four (4) years, with the advice and consent
9809 of the Senate, and consistent with the provisions of Section
9810 7-1-35, Mississippi Code of 1972. The board is authorized to
9811 employ, subject to the approval of the State Personnel Board, an
9812 executive director and such attorneys, experts and other employees
9813 as it may, from time to time, find necessary for the proper
9814 performance of its duties and for which the necessary funds are
9815 available, and to set the salary of the executive director,
9816 subject to the approval of the State Personnel Board.

9817 (* * *13) The board, by a majority vote, from time to time,
9818 may make such provisions as it deems appropriate to authorize the
9819 performance by any board member or members, employee or other
9820 agent of the board of any function given the board in this chapter
9821 or Sections 73-54-1 through 73-54-39.

9822 **SECTION 137.** Section 69-9-3, Mississippi Code of 1972, is
9823 amended as follows:

9824 69-9-3. (1) The Mississippi Soybean Promotion Board is
9825 hereby created, to be composed of twelve (12) members to be
9826 appointed by the Governor to serve terms of three (3) years, as
9827 hereinafter provided. All of the twelve (12) members of the board
9828 shall be producers of soybeans in the State of Mississippi.



9829 Within ten (10) days following June 1, 1970, each of the following
9830 organizations, namely, Mississippi Farm Bureau Federation, Inc.,
9831 Mississippi Feed and Grain Association, Mississippi Soybean
9832 Association and Delta Council shall submit the names of six (6)
9833 soybean producers to the Governor, and he shall appoint three (3)
9834 members from the nominees of each organization to serve on the
9835 board on rotating three-year terms. The original board shall be
9836 appointed with members of each of the aforementioned organizations
9837 appointed as follows: one (1) for one (1) year, one (1) for two
9838 (2) years, and one (1) for three (3) years. Each year thereafter,
9839 not less than thirty (30) days prior to the expiration of the
9840 terms of expiring board members, the aforementioned organizations
9841 shall submit the names of three (3) nominees to the Governor and
9842 succeeding boards shall be appointed by the Governor in the same
9843 manner, giving equal representation to each organization.
9844 Vacancies which occur shall be filled in the same manner as the
9845 original appointments were made.

9846 (2) The Mississippi Soybean Promotion Board created by
9847 former Section 69-9-3, is continued and reconstituted as follows:
9848 Effective January 1, 2028, the appointed members of the board
9849 designated in subsection (1) of this section shall be appointed by
9850 the Governor to a term of office of four (4) years, with the
9851 advise and consent of the Senate, provided that six (6) such
9852 members shall be appointed in 2028 to a term ending December 31,
9853 2031, and six (6) such members shall be appointed in 2030 to a



9854 term ending December 31, 2033. Appointments made at the beginning
9855 of the four-year cycle shall be made to fill any member's term
9856 which actually expires that year and any member's term which
9857 expires next until the majority of the membership of the board or
9858 commission is reached. Appointments made at the beginning of the
9859 third year of the four-year cycle shall be made for the remainder
9860 of the membership positions irrespective of the time of their
9861 prior appointment. Any question regarding the order of
9862 appointments shall be determined by the Secretary of State in
9863 accordance with the specific statute. All appointment procedures,
9864 vacancy provisions, interim appointment provisions and removal
9865 provisions specifically provided for in Section 7-1-35,
9866 Mississippi Code of 1972, shall be fully applicable to
9867 appointments to the Mississippi Soybean Promotion Board.

9868 (* * *3) The members of the board shall meet and organize
9869 immediately after their appointment, and shall elect a chairman,
9870 vice chairman and secretary-treasurer from the membership of the
9871 board, whose duties shall be those customarily exercised by such
9872 officers or specifically designated by the board. The chairman,
9873 vice chairman and secretary-treasurer shall be bonded in an amount
9874 not less than Twenty Thousand Dollars (\$20,000.00). The cost of
9875 said bonds shall be paid from the funds received under the
9876 provisions of this chapter. Such bond shall be a security for any
9877 illegal act of such member of the board and recovery thereon may
9878 be had by the state for any injury by such illegal act of such



9879 member. The board may establish rules and regulations for its own
9880 government and the administration of the affairs of the board.

9881 **SECTION 138.** Section 65-9-9, Mississippi Code of 1972, is
9882 amended as follows:

9883 65-9-9. The State Aid Engineer shall be appointed by the
9884 Governor for a term of two (2) years, subject to removal pursuant
9885 to Section 25-9-101 et seq. by the Governor at any time; provided,
9886 however, upon the expiration of the term of the State Aid Engineer
9887 serving on July 1, 1985, the State Aid Engineer shall be appointed
9888 by the Governor for a term of four (4) years. The State Aid
9889 Engineer shall be a registered engineer with at least eight (8)
9890 years' experience as a county road or highway engineer and a
9891 thorough knowledge of rural road problems. He shall be paid a
9892 salary equal to that paid assistant chief engineers of the
9893 Mississippi Department of Transportation as established by the
9894 department's personnel and merit system, plus travel expenses
9895 actually incurred by him in the discharge of his duties; and he
9896 shall, each month, make a detailed report to the Governor of such
9897 expenses. He shall be authorized to employ assistant state aid
9898 engineers, together with such other engineers, employees, and
9899 other assistants as may be necessary to carry out the terms of
9900 this chapter, all of whom may be removed at any time by the State
9901 Aid Engineer. The compensation of all such engineers, employees,
9902 and assistants shall be comparable to the salaries of like
9903 employees of the Mississippi Department of Transportation.



9904 Effective July 1, 2028, the State Aid Engineer designated in
9905 this section shall be appointed by the Governor to a term of
9906 office of four (4) years, with the advise and consent of the
9907 Senate. All appointment procedures, vacancy provisions, interim
9908 appointment provisions and removal provisions specifically
9909 provided for in Section 7-1-35, Mississippi Code of 1972, shall be
9910 fully applicable to appointments of the State Aid Engineer.

9911 The State Aid Engineer, before entering upon the discharge of
9912 his duties, shall give bond in the sum of Twenty-five Thousand
9913 Dollars (\$25,000.00) in some surety company authorized to do
9914 business in this state, which bond shall be conditioned for the
9915 faithful performance of his duties; and likewise each assistant
9916 state aid engineer shall give bond in the sum of Ten Thousand
9917 Dollars (\$10,000.00) conditioned for the faithful performance of
9918 his duties. The State Aid Engineer is hereby authorized to
9919 require other assistants who are charged with responsible duties
9920 to likewise give bond in amounts not to exceed Ten Thousand
9921 Dollars (\$10,000.00) each, conditioned for the faithful
9922 performance of their duties.

9923 The salaries of the State Aid Engineer and his assistants and
9924 of all other employees of the Office of State Aid Road
9925 Construction, and all other expenses incurred by the Office of
9926 State Aid Road Construction in carrying out the provisions of this
9927 chapter, including the premiums of bonds of the State Aid
9928 Engineer, assistant state aid engineers, and other assistants,



9929 shall be paid from the State Aid Road Fund in the State Treasury
9930 prior to allocation to the several counties, by requisition drawn
9931 by the State Aid Engineer directed to the Department of Finance
9932 and Administration, which will issue its warrant to the State
9933 Treasurer in the sum and for the purpose stated in the
9934 requisition. The State Aid Engineer shall, each month, make a
9935 detailed report to the Governor of all expenditures so made.

9936 **SECTION 139.** Section 27-4-1, Mississippi Code of 1972, is
9937 amended as follows:

9938 27-4-1. (1) The Board of Tax Appeals is established as an
9939 independent agency which shall not in any way be subject to the
9940 supervision or control of the Department of Revenue.

9941 (2) The Board of Tax Appeals shall consist of three (3)
9942 members: a chairman and two (2) associate members. Except as
9943 provided in subsection (5) of this section, the chairman and
9944 associate members shall be appointed by the Governor with the
9945 advice and consent of the Senate. Each member of the board shall
9946 be a qualified elector, shall have at least a bachelor's degree
9947 from an accredited college or university, and shall possess a
9948 special knowledge of taxation and revenue in the State of
9949 Mississippi. The members of the Board of Tax Appeals, while
9950 holding office, shall not engage in any other occupation or
9951 business interfering with or inconsistent with their official
9952 duties on the board.



9953 (3) The initial term of the Chairman of the Board of Tax
9954 Appeals shall begin on July 1, 2010, and expire on June 30, 2016.
9955 The initial term of one (1) associate member of the board shall
9956 expire June 30, 2012. The initial term of the other associate
9957 member shall expire June 30, 2014. Upon the expiration of the
9958 initial terms, the term of office of each member shall be for six
9959 (6) years, or until his successor is appointed and qualified. The
9960 Governor shall include in his appointment of the chairman and
9961 associate members the expiration date of each appointment.
9962 Vacancies shall be filled by the Governor for the unexpired
9963 portion of the term in which the vacancy occurs.

9964 (4) The Board of Tax Appeals, created by former Section
9965 27-4-1, is continued and reconstituted as follows: Effective
9966 January 1, 2028, the appointed members of the board designated in
9967 subsections (2) and (3) of this section shall be appointed by the
9968 Governor to a term of office of four (4) years, with the advise
9969 and consent of the Senate, provided that two (2) such members
9970 shall be appointed in 2028 to a term ending December 31, 2031, and
9971 one (1) such member shall be appointed in 2030 to a term ending
9972 December 31, 2033. Appointments made at the beginning of the
9973 four-year cycle shall be made to fill any member's term which
9974 actually expires that year and any member's term which expires
9975 next until the majority of the membership of the board or
9976 commission is reached. Appointments made at the beginning of the
9977 third year of the four-year cycle shall be made for the remainder



9978 of the membership positions irrespective of the time of their
9979 prior appointment. Any question regarding the order of
9980 appointments shall be determined by the Secretary of State in
9981 accordance with the specific statute. All appointment procedures,
9982 vacancy provisions, interim appointment provisions and removal
9983 provisions specifically provided for in Section 7-1-35,
9984 Mississippi Code of 1972, shall be fully applicable to
9985 appointments to the Board of Tax Appeals.

9986 (* * *5) No person appointed by the Governor to the Board
9987 of Tax Appeals shall be eligible to take office unless his name
9988 shall have been submitted to the Mississippi Senate for its advice
9989 and consent at least thirty (30) days prior to the scheduled
9990 adjournment of the regular session of the Legislature being held
9991 in the calendar year in which the term of the office of the
9992 incumbent shall expire; however, if for any reason an appointment
9993 is not given the advice and consent of the Mississippi Senate
9994 prior to the adjournment of such regular session, the Governor may
9995 submit another appointment at any time to the Mississippi Senate
9996 for its advice and consent at a regular or extraordinary session
9997 of the Legislature. The foregoing prohibition shall not apply
9998 when a vacancy shall occur by death or resignation of the
9999 incumbent.

10000 (* * *6) On July 1, 2010, the Associate Commissioner of the
10001 State Tax Commission whose appointment as associate commissioner
10002 has an expiration date of June 30, 2012, shall fill the position



10003 of the associate member of the Board of Tax Appeals whose term
10004 expires on June 30, 2012. On July 1, 2010, the Associate
10005 Commissioner of the State Tax Commission whose appointment as
10006 associate commissioner has an expiration date of June 30, 2014,
10007 shall fill the position of the associate member of the Board of
10008 Tax Appeals whose term expires on June 30, 2014. This change of
10009 positions from an Associate Commissioner of the State Tax
10010 Commission to an associate member of the Board of Tax Appeals
10011 shall be treated as a continuation of the same appointment without
10012 the need for an additional appointment by the Governor or the
10013 advice and consent of the Senate.

10014 (* * *7) Each member of the Board of Tax Appeals shall,
10015 before entering upon the discharge of the duties of his office,
10016 take and subscribe to the oath of office prescribed by the
10017 Constitution and shall file the oath in the Office of the
10018 Secretary of State, and each member, including the chairman, shall
10019 execute a bond in some surety company authorized to do business in
10020 the state, to be approved by the Governor, and filed in the Office
10021 of the Secretary of State in the penal sum of Fifty Thousand
10022 Dollars (\$50,000.00), conditioned for the faithful and impartial
10023 discharge of the duties of his office. The premium on the bonds
10024 shall be paid as provided by law out of funds appropriated to the
10025 Board of Tax Appeals.

10026 (* * *8) The members of the Board of Tax Appeals are * * *
10027 subject to removal from office * * * by impeachment or by removal



10028 from office as provided for under Section 25-5-1, * * * or the
10029 provisions in Section 7-1-35 and a member of the Board of Tax
10030 Appeals may also be removed from office for a criminal conviction
10031 for violating the Internal Revenue Code.

10032 (* * *9) It is the duty of the Department of Finance and
10033 Administration to provide suitable and adequate quarters and
10034 equipment for the Board of Tax Appeals, for the executive director
10035 and employees of the board and for filing their records, books and
10036 papers.

10037 (9) The members of the Board of Tax Appeals shall receive an
10038 annual salary fixed by the State Personnel Board. The actual
10039 traveling expenses of the board members, the executive director of
10040 the board and the employees of the board incurred in the
10041 performance of their official duties shall be allowed, and such
10042 salaries and expenses shall be payable out of funds appropriated
10043 for the expenses of the Board of Tax Appeals.

10044 **SECTION 140.** Section 51-27-1, Mississippi Code of 1972, is
10045 amended as follows:

10046 51-27-1. (1) The Governor, on behalf of this state, is
10047 hereby authorized to execute a Compact in substantially the
10048 following form with the State of Alabama; and the Legislature
10049 hereby signifies in advance its approval and ratification of such
10050 Compact, which Compact is as follows:

10051 TOMBIGBEE-TENNESSEE WATERWAY DEVELOPMENT COMPACT



10052 Article I. The purpose of this Compact is to promote the
10053 development of a navigable waterway connecting the Tennessee and
10054 Tombigbee Rivers by way of the east fork of the Tombigbee River
10055 and Mackeys and Yellow Creeks so as to provide a nine-foot
10056 navigable channel from the junction of the Tombigbee and Warrior
10057 Rivers at Demopolis in the State of Alabama to the junction of
10058 Yellow Creek with the Tennessee River at Pickwick Pool in the
10059 State of Mississippi, and to establish a joint interstate
10060 authority to assist in these efforts.

10061 Article II. This Compact shall become effective immediately
10062 as to the states ratifying it whenever the States of Alabama and
10063 Mississippi have ratified it and Congress has given consent
10064 thereto. Any state not mentioned in this article which is
10065 contiguous with any member state may become a party to this
10066 Compact, subject to approval by the Legislature of each of the
10067 member states.

10068 Article III. The states which are parties to this Compact
10069 (hereinafter referred to as "party states") do hereby establish
10070 and create a joint agency which shall be known as the
10071 Tennessee-Tombigbee Waterway Development Authority (hereinafter
10072 referred to as the "authority"). The membership of such authority
10073 shall consist of the Governor of each party state and five (5)
10074 other citizens of each party state, to be appointed by the
10075 Governor thereof. Each appointive member of the authority shall
10076 be a citizen of that state who is interested in the promotion and



10077 development of waterways and water transportation. The appointive
10078 members of the authority shall serve for terms of four (4) years
10079 each. Vacancies on the authority shall be filled by appointment
10080 by the Governor for the unexpired portion of the term. The
10081 members of the authority shall not be compensated, but each shall
10082 be entitled to actual expenses incurred in attending meetings, or
10083 incurred otherwise in the performance of his duties as a member of
10084 the authority. The members of the authority shall hold regular
10085 quarterly meetings and such special meetings as its business may
10086 require. They shall choose annually a chairman and vice chairman
10087 from among their members, and the chairmanship shall rotate each
10088 year among the party states in order of their acceptance of this
10089 Compact. The secretary of the authority (hereinafter provided
10090 for) shall notify each member in writing of all meetings of the
10091 authority in such a manner and under such rules and regulations as
10092 the authority may prescribe. The authority shall adopt rules and
10093 regulations for the transaction of its business; and the secretary
10094 shall keep a record of all its business and shall furnish a copy
10095 thereof to each member of the authority. It shall be the duty of
10096 the authority, in general, to promote, encourage * * * and
10097 coordinate the efforts of the party states to secure the
10098 development of the Tennessee-Tombigbee Waterway. Toward this end,
10099 the authority shall have power to hold hearings; to conduct
10100 studies and surveys of all problems, benefits * * * and other
10101 matters associated with the development of the Tennessee-Tombigbee



10102 Waterway, and to make reports thereon; to acquire, by gift or
10103 otherwise, and hold and dispose of such money and property as may
10104 be provided for the proper performance of their function; to
10105 cooperate with other public or private groups, whether local,
10106 state, regional * * * or national, having an interest in waterways
10107 development; to formulate and execute plans and policies for
10108 emphasizing the purpose of this Compact before the Congress of the
10109 United States and other appropriate officers and agencies of the
10110 United States; and to exercise such other powers as may be
10111 appropriate to enable it to accomplish its functions and duties in
10112 connection with the development of the Tennessee-Tombigbee
10113 Waterway and to carry out the purposes of this Compact.

10114 The Tennessee-Tombigbee Waterway Development Authority,
10115 created by former Section 51-27-1, is continued and reconstituted
10116 as follows: Effective January 1, 2028, the appointed members of
10117 the board designated from Mississippi shall be appointed by the
10118 Governor to terms of office of four (4) years, with the advise and
10119 consent of the Senate, provided that one-half (1/2) of such
10120 members shall be appointed in 2028 to a term ending December 31,
10121 2031, and one-half (1/2) of such members shall be appointed in
10122 2030 to a term ending December 31, 2033. Appointments made at the
10123 beginning of the four-year cycle shall be made to fill any
10124 member's term which actually expires that year and any member's
10125 term which expires next until the majority of the membership of
10126 the board or commission is reached. Appointments made at the



10127 beginning of the third year of the four-year cycle shall be made
10128 for the remainder of the membership positions irrespective of the
10129 time of their prior appointment. Any question regarding the order
10130 of appointments shall be determined by the Secretary of State in
10131 accordance with the specific statute. All appointment procedures,
10132 vacancy provisions, interim appointment provisions and removal
10133 provisions specifically provided for in Section 7-1-35,
10134 Mississippi Code of 1972, shall be fully applicable to
10135 appointments to the Tennessee-Tombigbee Waterway Development
10136 Authority.

10137 Article IV. The authority shall appoint a secretary, who
10138 shall be a person familiar with the nature, procedures, and
10139 significance of inland waterways development and the
10140 informational, educational, and publicity methods of stimulating
10141 general interest in such developments, and who shall be the
10142 compact administrator. His term of office shall be at the
10143 pleasure of the authority and he shall receive such compensation
10144 as the authority shall prescribe. He shall maintain custody of
10145 the authority's books, records, and papers, which he shall keep at
10146 the office of the authority, and he shall perform all functions
10147 and duties, and exercise all powers and authorities, that may be
10148 delegated to him by the authority.

10149 Article V. Each party state agrees that, when authorized by
10150 its legislature, it will from time to time make available and pay
10151 over to the authority such funds as may be required for the



10152 establishment and operation of the authority. The contribution of
10153 each party state shall be in the proportion that its population
10154 bears to the total population of the states which are parties
10155 hereto, as shown by the most recent official report of the United
10156 States Bureau of the Census, or upon such other basis as may be
10157 agreed upon.

10158 Article VI. Nothing in this Compact shall be construed so as
10159 to conflict with any existing statute, or to limit the powers of
10160 any party state, or to repeal or prevent legislation, or to
10161 authorize or permit curtailment or diminution of any other
10162 waterway project, or to affect any existing or future cooperative
10163 arrangement or relationship between any federal agency and a party
10164 state.

10165 Article VII. This Compact shall continue in force and remain
10166 binding upon each party state until the Legislature or Governor of
10167 each or either state takes action to withdraw therefrom; provided
10168 that such withdrawal shall not become effective until six (6)
10169 months after the date of the action taken by the Legislature or
10170 Governor. Notice of such action shall be given to the other party
10171 state or states by the Secretary of State of the party state which
10172 takes such action.

10173 (2) There is hereby granted to the Governor, to the members
10174 of the authority for Mississippi, and to the Compact administrator
10175 all the powers provided for in said Compact and in this section.
10176 All officers of the State of Mississippi are hereby authorized and



10177 directed to do all things falling within their respective
10178 jurisdictions which are necessary or incidental to carrying out
10179 the purpose of said Compact.

10180 **SECTION 141.** Section 41-113-9, Mississippi Code of 1972, is
10181 amended as follows:

10182 41-113-9. (1) There is created the Mississippi Tobacco
10183 Control Advisory Council, which shall consist of thirteen (13)
10184 members. The thirteen (13) members of the advisory council shall
10185 consist of the following:

10186 (a) Four (4) members appointed by the Governor, with
10187 one (1) member from a list of three (3) physicians recommended by
10188 the Mississippi State Medical Association, one (1) member from a
10189 list of three (3) individuals recommended by the Mississippi
10190 Chapter of the American Heart Association, and two (2) individuals
10191 who are not affiliated with the tobacco industry who possess
10192 knowledge, skill * * * and prior experience in scientifically
10193 proven smoking prevention, reduction and cessation programs,
10194 health care services or preventive health measures;

10195 (b) Two (2) members appointed by the Lieutenant
10196 Governor, with one (1) member from a list of three (3) nurses
10197 recommended by the Mississippi Nurses' Association, and one (1)
10198 member from a list of three (3) individuals recommended by the
10199 Mississippi Chapter of the American Lung Association;

10200 (c) Two (2) members approved by the Speaker of the
10201 House of Representatives, with one (1) member from a list of three



10202 (3) social workers recommended by the Mississippi Chapter of the
10203 National Association of Social Workers (NASW), and one (1) member
10204 from a list of three (3) individuals recommended by the
10205 Mississippi Chapter of the American Cancer Society;

10206 (d) The Attorney General, or his or her designee;

10207 (e) The State Superintendent of Public Education, or
10208 his or her designee;

10209 (f) The Vice-Chancellor of Health Affairs of the
10210 University of Mississippi Medical Center, or his or her designee;

10211 (g) The Dean of the College of Health at the University
10212 of Southern Mississippi, or his or her designee; and

10213 (h) The Administrator of the School of Health Sciences
10214 of the College of Public Service at Jackson State University, or
10215 his or her designee.

10216 (2) The Lieutenant Governor shall appoint one (1) member of
10217 the Senate and the Speaker of the House shall appoint one (1)
10218 Representative to attend meetings of the Tobacco Control Advisory
10219 Council.

10220 (3) For those members that are required to be appointed from
10221 lists of individuals recommended by certain nominating groups, if
10222 none of the recommended names are acceptable to the appointing
10223 official, then the nominating group shall submit another list of
10224 three (3) different individuals until an acceptable individual is
10225 submitted to the appointing official.



10226 (4) The members who are state officials or university
10227 officials shall serve as members for as long as they hold the
10228 designated office or university position. The appointed members
10229 shall serve for terms that are concurrent with the terms of the
10230 appointing officials, or until their successors are appointed and
10231 qualified.

10232 (5) Any vacancy in an appointed member position shall be
10233 filled within thirty (30) days of the vacancy by the original
10234 appointing official, and the individual appointed to fill the
10235 vacancy shall meet the same qualifications as required for the
10236 former member.

10237 (6) The initial appointments to the advisory council shall
10238 be made not later than forty-five (45) days after March 30, 2007,
10239 and the first meeting of the advisory council shall be held within
10240 sixty (60) days after March 30, 2007, at a time, date and location
10241 specified by the State Board of Health.

10242 (7) The Mississippi Tobacco Control Advisory Council,
10243 created by former Section 41-113-9, is continued and reconstituted
10244 as follows: Effective January 1, 2028, the appointed members of
10245 the council designated in subsections (1) and (2) of this section
10246 shall be appointed by the Governor to terms of office of four (4)
10247 years, with the advise and consent of the Senate, provided that
10248 seven (7) such members shall be appointed in 2028 to a term ending
10249 December 31, 2031, and six (6) such members shall be appointed in
10250 2030 to a term ending December 31, 2033. Appointments made at the



10251 beginning of the four-year cycle shall be made to fill any
10252 member's term which actually expires that year and any member's
10253 term which expires next until the majority of the membership of
10254 the board or commission is reached. Appointments made at the
10255 beginning of the third year of the four-year cycle shall be made
10256 for the remainder of the membership positions irrespective of the
10257 time of their prior appointment. Any question regarding the order
10258 of appointments shall be determined by the Secretary of State in
10259 accordance with the specific statute. All appointment procedures,
10260 vacancy provisions, interim appointment provisions and removal
10261 provisions specifically provided for in Section 7-1-35,
10262 Mississippi Code of 1972, shall be fully applicable to
10263 appointments to the Mississippi Tobacco Control Advisory Council.

10264 (8) The advisory council shall annually elect a chairman
10265 from among its members. The advisory council shall meet at least
10266 quarterly. A quorum for meetings of the advisory council shall be
10267 a majority of the voting members of the advisory council. The
10268 members of the advisory council shall receive the per diem
10269 compensation provided under Section 25-3-69 plus expense
10270 reimbursement as provided under Section 25-3-41 for attending
10271 meetings and necessary business of the advisory council.

10272 (* * *9) The Mississippi Tobacco Advisory Council shall
10273 advise and make recommendations to the State Board of Health
10274 regarding rules and regulations promulgated pursuant to this
10275 program.



10276 **SECTION 142.** Section 51-13-105, Mississippi Code of 1972, is
10277 amended as follows:

10278 51-13-105. All powers of the district shall be exercised by
10279 a board of directors, to be composed of the following:

10280 (a) Each member of the Tombigbee Valley Authority as
10281 created by virtue of Sections 51-13-1 through 51-13-9, whose
10282 county becomes a part of the Tombigbee River Valley Water
10283 Management District shall be a member of the Board of Directors of
10284 the Tombigbee River Valley Water Management District, and each
10285 state-at-large member of the Tombigbee Valley Authority shall
10286 become a member of the Board of Directors of the Tombigbee River
10287 Valley Water Management District when one or more entire counties
10288 become members of the Tombigbee River Valley Water Management
10289 District. Such directors shall serve on this board during their
10290 term of office on the Tombigbee Valley Authority. In addition,
10291 the board of supervisors of each county within the Tombigbee River
10292 Basin which elects to become a member of the district shall
10293 appoint one (1) board member to serve for a term of four (4) years
10294 or until his successor is named. The Governor shall appoint one
10295 (1) member from each county added to the Tombigbee River Valley
10296 Water Management District which county is not now a member of the
10297 Tombigbee Valley Authority, and such member shall serve for a
10298 four-year term or until his successor is appointed.

10299 (b) The Department of Environmental Quality, the
10300 Department of Wildlife, Fisheries and Parks, the Forestry



10301 Commission, and the State Board of Health of the State of
10302 Mississippi shall each appoint one (1) director from that
10303 department to serve on the Board of Directors of the Tombigbee
10304 River Valley Water Management District, to serve at the pleasure
10305 of the entity appointing him but not to exceed four-year terms.

10306 (c) The Board of Directors of the Tombigbee River
10307 Valley Water Management District, created by former Section
10308 51-13-105, is continued and reconstituted as follows: Effective
10309 January 1, 2028, the appointed members of the board designated in
10310 subsections (1) and (2) of this section shall be appointed by the
10311 Governor to a term of office of four (4) years, with the advise
10312 and consent of the Senate, provided that two (2) such members
10313 shall be appointed in 2028 to a term ending December 31, 2031, and
10314 two (2) such members shall be appointed in 2030 to a term ending
10315 December 31, 2033. Appointments made at the beginning of the
10316 four-year cycle shall be made to fill any member's term which
10317 actually expires that year and any member's term which expires
10318 next until the majority of the membership of the board or
10319 commission is reached. Appointments made at the beginning of the
10320 third year of the four-year cycle shall be made for the remainder
10321 of the membership positions irrespective of the time of their
10322 prior appointment. Any question regarding the order of
10323 appointments shall be determined by the Secretary of State in
10324 accordance with the specific statute. All appointment procedures,
10325 vacancy provisions, interim appointment provisions and removal



10326 provisions specifically provided for in Section 7-1-35,
10327 Mississippi Code of 1972, shall be fully applicable to
10328 appointments to the Board of Directors of the Tombigbee River
10329 Valley Water Management District.

10330 (* * *d) Each director shall take and subscribe to the
10331 general oath of office required by Section 268 of the Constitution
10332 of the State of Mississippi before a chancery clerk that he will
10333 faithfully discharge the duties of the office, which oath shall be
10334 filed with the said clerk and by him preserved.

10335 (* * *e) Each director shall receive compensation at a
10336 per diem rate as provided in Section 25-3-69 for each day or
10337 fraction thereof spent in actual discharge of his official duties
10338 and shall be reimbursed for mileage and actual expenses incurred
10339 in the performance of his official duties in accordance with the
10340 requirements of Section 25-3-41.

10341 (* * *f) The board of directors shall annually elect
10342 from its number a president and a vice president of the district
10343 and such other officers as in the judgment of the board are
10344 necessary. The president shall be the chief executive officer of
10345 the district and the presiding officer of the board, and shall
10346 have the same right to vote as any other director. The vice
10347 president shall perform all duties and exercise all powers
10348 conferred by this article upon the president when the president is
10349 absent or fails or declines to act, except the president's right
10350 to vote. The board shall also appoint a secretary and a treasurer



10351 who may or may not be members of the board, and it may combine
10352 those offices. The treasurer shall give bond in the sum of not
10353 less than Fifty Thousand Dollars (\$50,000.00) as set by the board
10354 of directors, and each director shall give bond in the sum of not
10355 less than Ten Thousand Dollars (\$10,000.00) with sureties
10356 qualified to do business in this state, and the premiums on said
10357 bonds shall be an expense of the district. The condition of each
10358 such bond shall be that the treasurer or director will faithfully
10359 perform all duties of his office and account for all money or
10360 other assets which shall come into his custody as treasurer or
10361 director of the district.

10362 **SECTION 143.** Section 11-46-18, Mississippi Code of 1972, is
10363 amended as follows:

10364 11-46-18. (1) There is created a board which shall be known
10365 as the Mississippi Tort Claims Board. The board shall consist of
10366 seven (7) members as follows:

10367 (a) The Governor, subject to the advice and consent of
10368 the Senate, shall appoint one (1) member * * * to a term of office
10369 of four (4) years, who shall serve as chairman of the board.

10370 (b) The Director of the Department of Environmental
10371 Quality or a designee.

10372 (c) The Commissioner of Insurance or a designee.

10373 (d) The Director of the Department of Finance and
10374 Administration or a designee shall be a member of the board, shall



10375 serve as the executive director to the board, and shall be
10376 authorized to conduct the administrative affairs of the board.

10377 (e) The Attorney General or a designee.

10378 (f) The Commissioner of Public Safety or a designee.

10379 (g) The State Treasurer or a designee.

10380 (2) All appointment procedures, vacancy provisions, interim
10381 appointment provisions and removal provisions specifically
10382 provided for in Section 7-1-35, Mississippi Code of 1972, shall be
10383 fully applicable to any appointments to the Mississippi Tort
10384 Claims Board.

10385 (3) The member of the board appointed by the Governor shall
10386 receive per diem as provided by Section 25-3-69 and reimbursement
10387 of travel expenses as provided in Section 25-3-41 for expenses
10388 incurred in carrying out his duties as a member of the Mississippi
10389 Tort Claims Board.

10390 (* * *4) The board, by majority vote, shall determine the
10391 place and time of its meetings and shall spread the same on its
10392 minutes. A majority of the members shall constitute a quorum, and
10393 final action of the board shall require the affirmative vote of a
10394 majority of those present and voting. The board shall elect a
10395 vice chairman who shall preside in the absence or incapacity of
10396 the chairman and such other officers as it deems necessary and as
10397 established by its rules of order. Extraordinary meetings may be
10398 held upon call of the chairman or upon petition of any four (4)
10399 members of the board should the chairman refuse to call a meeting.



10400 The initial meeting of the board shall convene upon call of the
10401 chairman.

10402 (* * *5) The Lieutenant Governor may designate one (1)
10403 Senator and the Speaker of the House of Representatives may
10404 designate one (1) Representative to attend any meeting of the Tort
10405 Claims Board. The appointing authorities may designate alternate
10406 members from their respective houses to serve when the regular
10407 designees are unable to attend such meetings of the board. Such
10408 legislative designees shall have no jurisdiction or vote on any
10409 matter within the jurisdiction of the board. For attending
10410 meetings of the board, such legislators shall receive per diem and
10411 expenses which shall be paid from the contingent expense funds of
10412 their respective houses in the same amounts as provided for
10413 committee meetings when the Legislature is not in session;
10414 however, no per diem and expenses for attending meetings of the
10415 board will be paid while the Legislature is in session. No per
10416 diem and expenses will be paid, except for attending meetings of
10417 the board, without prior approval of the proper committee in their
10418 respective houses.

10419 (* * *6) If a member of the board appoints a designee to
10420 attend meetings of the board on the member's behalf, the member
10421 must inform the chairman of the board in writing of the name and
10422 contact information of the designee.



10423 (* * *7) The designee of any member of the board is
10424 authorized to take all action which the person making the
10425 designation is authorized to do under this chapter.

10426 **SECTION 144.** Section 77-13-29, Mississippi Code of 1972, is
10427 amended as follows:

10428 77-13-29. (1) There is created an Underground Facilities
10429 Damage Prevention Board for the purpose of enforcing this chapter.

10430 (2) It is the intent of the Legislature that the board and
10431 its enforcement activities not be funded by appropriations from
10432 the state budget.

10433 (3) The Pipeline Safety Division will provide
10434 administrative, investigative and legal support for the board as
10435 deemed necessary and approved by the board. The Pipeline Safety
10436 Division shall charge to the board the expenses associated with
10437 the administration, investigative and legal duties requested by
10438 the board.

10439 (4) The board shall be composed of sixteen (16) members and
10440 all board appointments shall be made on or before July 31, 2016,
10441 as follows:

10442 (a) The President of Mississippi 811, Inc., or his
10443 designee;

10444 (b) One (1) representative of the telecommunications
10445 industry, appointed by the Governor;



10446 (c) One (1) representative of the excavation, utility
10447 and/or site construction industry, appointed by the Lieutenant
10448 Governor;

10449 (d) One (1) representative of the electric power
10450 industry investor-owned utilities, appointed by the Governor;

10451 (e) One (1) representative of the Electric Power
10452 Associations of Mississippi, appointed by the Lieutenant Governor;

10453 (f) The Executive Director of the Mississippi
10454 Department of Transportation, or his designee;

10455 (g) One (1) representative of the cable industry
10456 appointed by the Governor;

10457 (h) One (1) representative of the Pipeline Safety
10458 Division, serving as an ex officio, nonvoting member;

10459 (i) One (1) representative of the natural gas or liquid
10460 transmission industry, appointed by the Lieutenant Governor;

10461 (j) One (1) representative of the natural gas or liquid
10462 distribution industry, appointed by the Lieutenant Governor;

10463 (k) The Executive Director of the Mississippi
10464 Association of Professional Surveyors, Inc., or his designee;

10465 (l) The Executive Director of the Mississippi
10466 Association of Supervisors, or his designee;

10467 (m) The Executive Director of the Mississippi Municipal
10468 League, or his designee;

10469 (n) The Executive Director of the Mississippi
10470 Homebuilders Association, or his designee;



10471 (o) The Chief Executive Officer of the Mississippi
10472 Rural Water Association, or his designee; and

10473 (p) The Executive Director of the American Council of
10474 Engineering Companies of Mississippi, or his designee.

10475 (5) The initial term of the appointed members provided in
10476 paragraphs (b) and (c) of subsection (4) shall end December 31,
10477 2017; the initial term of the appointed members provided in
10478 paragraphs (d) and (e) of subsection (4) shall end December 31,
10479 2019; and the initial term of the representatives provided in
10480 paragraphs (g), (i) and (j) of subsection (4) shall end December
10481 31, 2021. After the expiration of the initial terms, all
10482 appointed members shall serve a term of five (5) years.

10483 (6) The Underground Facilities Damage Prevention Board,
10484 created by former Section 77-13-29, is continued and reconstituted
10485 as follows: Effective January 1, 2028, the appointed members of
10486 the board designated in subsection (5)(b) through (e), (g), and
10487 (i) through (j) of this section, shall be appointed by the
10488 Governor to a term of four (4) years, with the advise and consent
10489 of the Senate, provided that four (4) such members shall be
10490 appointed in 2028 to a term ending December 31, 2031, and three
10491 (3) such members shall be appointed in 2030 to a term ending
10492 December 31, 2033. Appointments made at the beginning of the
10493 four-year cycle shall be made to fill any member's term which
10494 actually expires that year and any member's term which expires
10495 next until the majority of the membership of the board or



10496 commission is reached. Appointments made at the beginning of the
10497 third year of the four-year cycle shall be made for the remainder
10498 of the membership positions irrespective of the time of their
10499 prior appointment. Any question regarding the order of
10500 appointments shall be determined by the Secretary of State in
10501 accordance with the specific statute. All appointment procedures,
10502 vacancy provisions, interim appointment provisions and removal
10503 provisions specifically provided for in Section 7-1-35,
10504 Mississippi Code of 1972, shall be fully applicable to
10505 appointments to the Underground Facilities Damage Prevention
10506 Board.

10507 (* * *7) The Governor shall appoint the initial chairman of
10508 the board, and the initial board shall elect other officers as the
10509 board deems necessary. The board shall meet and elect a chairman
10510 and other officers every two (2) years thereafter. The staff of
10511 Mississippi 811, Inc., shall serve as staff support for the board.

10512 (* * *8) The board shall meet no less than three (3) times
10513 each year, with a date and time to be set by its chairman upon at
10514 least five (5) business days' notice provided by United States
10515 mail, electronic mail or personal delivery to every board member.

10516 (* * *9) Eight (8) members of the board shall constitute a
10517 quorum and a majority vote of those present and voting at any
10518 meeting shall be necessary to transact business.

10519 (* * *10) The members of the board shall be immune,
10520 individually and jointly, from civil liability for any act or



10521 omission done or made in the performance of their duties while
10522 serving as members of the board, but only in the absence of
10523 willful misconduct.

10524 (* * *11) The members of the board shall serve without
10525 compensation.

10526 (* * *12) The board shall elect from its membership an
10527 executive committee, which shall have the exclusive authority for
10528 levying civil penalties and taking action as described in Section
10529 77-13-27. The executive committee shall be composed of the
10530 following five (5) members of the board:

10531 (a) One (1) member appointed from subsection (4) (c) of
10532 this section;

10533 (b) One (1) member from a state agency or local
10534 government;

10535 (c) One (1) member appointed from subsection (4) (b),
10536 (d), (e), (g) or (o) of this section;

10537 (d) One (1) member appointed from subsection (4) (i) or
10538 (j) of this section; and

10539 (e) One (1) member chosen at large from the board from
10540 any paragraph of subsection (4) of this section.

10541 (* * *13) A member serving on the executive committee shall
10542 be limited to two (2) consecutive one-year terms. No executive
10543 committee member may participate in a vote on any matter in which
10544 his employer is the alleged violator or has incurred damage to its
10545 facilities as a result of the alleged violation.



10546 (* * *14) The board and the executive committee may hold
10547 meetings and vote by telephone, television, or other electronic
10548 means.

10549 **SECTION 145.** Section 49-17-422, Mississippi Code of 1972, is
10550 amended as follows:

10551 49-17-422. (1) An Underground Storage Tank (UST) Advisory
10552 Council is created to consult with the commission on all matters
10553 relating to the UST program, to conduct an independent study of
10554 the development and administration costs of the program and to
10555 conduct an annual review of administering such program. The costs
10556 to be included in the study for the program shall be those costs
10557 as provided in Section 49-17-421. The council shall include in
10558 the study the type and quantity of underground storage tanks in
10559 the state that are covered by the program. After completing a
10560 study of the needs and costs of the program, the council shall
10561 recommend an equitable fee system for the program that is based on
10562 the type and quantity of underground storage tanks. The annual
10563 review for the program shall determine if the fee system is
10564 collecting sufficient funds to meet program needs and include any
10565 recommendation by the council regarding changes to the fee system.
10566 Each annual review report shall be due January 1 of each year to
10567 the commission and the executive director of the department.

10568 (2) The UST Advisory Council shall be comprised of the
10569 following five (5) members:



10570 (a) The President of the Mississippi Petroleum
10571 Marketers and Convenience Store Association (MPMCSA) or his or her
10572 designee;

10573 (b) A member of the MPMCSA appointed by the Board of
10574 Directors of the MPMCSA for a term of four (4) years;

10575 (c) A representative appointed by the President of the
10576 Mississippi Engineering Society, experienced in the assessment and
10577 remediation of petroleum contamination, for a term of four (4)
10578 years;

10579 (d) A representative appointed by the Governor, of any
10580 company doing business in Mississippi in the installation, closure
10581 and/or testing of underground storage tanks; and

10582 (e) A representative appointed by the Lieutenant
10583 Governor, of any company doing business in Mississippi in the
10584 installation, closure and/or testing of underground storage tanks.

10585 The council members who are appointed by the Governor and
10586 Lieutenant Governor shall have terms that are concurrent with the
10587 term of the appointing official.

10588 (3) Original appointments to the UST Advisory Council must
10589 be made no later than January 1, 2019, and vacancies on the
10590 council shall be filled by appointment in the same manner as the
10591 original appointments. The council shall convene within sixty
10592 (60) days following the date of the appointment of the members,
10593 and must select from their membership a chairperson to preside
10594 over meetings and a vice chairperson to preside in the absence of



10595 the chairperson or when the chairperson is excused. The council
10596 shall adopt procedures governing the manner of conducting its
10597 business. A majority of the members constitutes a quorum to do
10598 business.

10599 (4) The Underground Storage Tank (UST) Advisory Council,
10600 created by former Section 7-1-501, is continued and reconstituted
10601 as follows: Effective January 1, 2028, the appointed members of
10602 the council designated in subsection (2)(d) and (e) of this
10603 section, shall be appointed by the Governor to terms of office of
10604 four (4) years, with the advise and consent of the Senate,
10605 provided that one (1) such member shall be appointed in 2028 to a
10606 term ending December 31, 2031, and one (1) such member shall be
10607 appointed in 2030 to a term ending December 31, 2033.

10608 Appointments made at the beginning of the four-year cycle shall be
10609 made to fill any member's term which actually expires that year
10610 and any member's term which expires next until the majority of the
10611 membership of the board or commission is reached. Appointments
10612 made at the beginning of the third year of the four-year cycle
10613 shall be made for the remainder of the membership positions
10614 irrespective of the time of their prior appointment. Any question
10615 regarding the order of appointments shall be determined by the
10616 Secretary of State in accordance with the specific statute. All
10617 appointment procedures, vacancy provisions, interim appointment
10618 provisions and removal provisions specifically provided for in
10619 Section 7-1-35, Mississippi Code of 1972, shall be fully



10620 applicable to appointments to the Underground Storage Tank (UST)
10621 Advisory Council.

10622 (5) Members of the UST Advisory Council shall serve without
10623 salary, but shall be entitled to receive a reimbursement of their
10624 actual travel and expenses, as provided in Section 25-3-41, that
10625 are incurred while performing in the scope of their duties as
10626 council members. These expenses are to be paid on an itemized
10627 statement that is approved by the State Fiscal Officer from fees
10628 collected under Section 49-17-421.

10629 (* * *6) The executive director of the department shall
10630 provide technical, clerical and other support services, including
10631 service by contract, as the council requires in the performance of
10632 its functions.

10633 **SECTION 146.** Section 7-1-501, Mississippi Code of 1972, is
10634 amended as follows:

10635 7-1-501. The Governor shall appoint as commissioners to the
10636 National Conference of Commissioners on Uniform State Laws three
10637 (3) members, in good standing, of The Mississippi Bar. In
10638 addition to the Governor's appointees, the commission on uniform
10639 state laws shall consist of the following appointed commissioners,
10640 all of whom shall be members, in good standing, of The Mississippi
10641 Bar: a member of the Senate appointed by the Lieutenant Governor;
10642 a member of the House of Representatives appointed by the Speaker
10643 of the House; any member of the bar who has been elected a life
10644 member of the conference; and the Directors of the Mississippi Law



10645 Research Institute, and the Senate and House Legislative Services
10646 Offices.

10647 The Commission on Uniform State Laws, created by former
10648 Section 7-1-501, is continued and reconstituted as follows:
10649 Effective January 1, 2028, the appointed members of the commission
10650 designated in this section, shall be appointed by the Governor to
10651 terms of office of four (4) years, with the advise and consent of
10652 the Senate, provided that two (2) such members shall be appointed
10653 in 2028 to a term ending December 31, 2031, and two (2) such
10654 members shall be appointed in 2030 to a term ending December 31,
10655 2033. Appointments made at the beginning of the four-year cycle
10656 shall be made to fill any member's term which actually expires
10657 that year and any member's term which expires next until the
10658 majority of the membership of the board or commission is reached.
10659 Appointments made at the beginning of the third year of the
10660 four-year cycle shall be made for the remainder of the membership
10661 positions irrespective of the time of their prior appointment.
10662 Any question regarding the order of appointments shall be
10663 determined by the Secretary of State in accordance with the
10664 specific statute. All appointment procedures, vacancy provisions,
10665 interim appointment provisions and removal provisions specifically
10666 provided for in Section 7-1-35, Mississippi Code of 1972, shall be
10667 fully applicable to appointments to the Commission on Uniform
10668 State Laws.



10669 The commissioners so appointed shall confer and act with the
10670 commissioners of other states and territories in the formulation
10671 of uniform laws on all subjects. The commissioners shall prepare
10672 a report on their recommendations to be submitted to the
10673 Legislature for its consideration for adoption.

10674 **SECTION 147.** Section 7-1-503, Mississippi Code of 1972, is
10675 amended as follows:

10676 7-1-503. Two (2) associate members of the National
10677 Conference of Commissioners on Uniform State Laws, all of whom
10678 shall be members, in good standing, of The Mississippi Bar, shall
10679 be appointed, with the advice and consent of the Senate, to act in
10680 accordance with the constitution and bylaws of the conference as
10681 follows:

10682 (a) The Lieutenant Governor shall appoint one (1)
10683 associate member from the staff of the Senate; and

10684 (b) The Speaker of the House of Representatives shall
10685 appoint one (1) associate member from the staff of the House.

10686 **SECTION 148.** Section 35-1-1, Mississippi Code of 1972, is
10687 amended as follows:

10688 35-1-1. (1) (a) There is hereby created a State Veterans
10689 Affairs Board, which may also be referred to as the "Mississippi
10690 Veterans Affairs," to consist of seven (7) members, to be
10691 appointed by the Governor, one (1) from each congressional
10692 district as they existed on January 1, 1952, of the State of
10693 Mississippi. One (1) shall be appointed for one (1) year, another



10694 for two (2) years, another for three (3) years, another for four
10695 (4) years, another for five (5) years, another for six (6) years,
10696 and another for seven (7) years, thus staggered. At the end of
10697 such term for each of said seven (7) members, a successor shall be
10698 appointed for a term of seven (7) years, thus providing for seven
10699 (7) members, one (1) of whom shall be appointed each year. In the
10700 event of death, resignation or removal of a member of the board,
10701 such person appointed to fill the vacancy shall be a legal
10702 resident of the congressional district in which the vacancy shall
10703 occur, and shall serve for the remainder of the term to which such
10704 member was appointed. Members of the board shall be veterans of
10705 any war or police action in which the Armed Forces of the United
10706 States have been, are, or shall be committed for action, who have
10707 been honorably discharged or honorably released.

10708 (b) From and after May 14, 1992, terms of all members
10709 then serving on the State Veterans Affairs Board shall terminate,
10710 and the board shall be reconstituted as follows: The board shall
10711 consist of seven (7) members. All members shall be appointed by
10712 the Governor, with the advice and consent of the Senate. One (1)
10713 member shall be appointed from each congressional district as such
10714 districts existed on March 1, 1992, and two (2) members shall be
10715 appointed from the state at large. Of the initial congressional
10716 district appointees to the board, one (1) shall serve for a term
10717 of one (1) year, one (1) for a term of two (2) years, one (1) for
10718 a term of three (3) years, one (1) for a term of four (4) years



10719 and one (1) for a term of five (5) years. Of the initial at-large
10720 appointees, one (1) (who shall be that person appointed in January
10721 1992 from the First Congressional District under the provisions of
10722 paragraph (a) of this subsection) shall serve for a term of three
10723 (3) years and one (1) (who shall be that person appointed in
10724 January 1992 from the Seventh Congressional District under the
10725 provisions of paragraph (a) of this subsection) shall serve for a
10726 term of five (5) years. All appointees after the initial
10727 appointees shall serve for terms of five (5) years each. In the
10728 event of death, resignation or removal of a member of the board,
10729 the vacancy shall be filled by appointment of the Governor, with
10730 the advice and consent of the Senate, from the congressional
10731 district in which the vacancy occurs, for the length of the
10732 unexpired term only. Members of the board shall be honorably
10733 discharged or released veterans of any war or police action in
10734 which the Armed Forces of the United States have been, are, or
10735 shall be committed for action. No state/department commander of
10736 any federally recognized veterans organization, no national
10737 officer of any federally recognized veterans organization and no
10738 member of the Mississippi Council of Veterans Organizations shall
10739 be eligible for appointment to the board until the expiration of a
10740 period of three (3) years after the termination of their service
10741 in such disqualifying positions.

10742 The Mississippi State Veterans Affairs Board, created by
10743 former Section 35-1-1, is continued and reconstituted as follows:



10744 Effective January 1, 2028, the appointed members of the board
10745 designated in this section, shall be appointed by the Governor to
10746 terms of office of four (4) years, with the advise and consent of
10747 the Senate, provided that four (4) such members shall be appointed
10748 in 2028 to a term ending December 31, 2031, and three (3) such
10749 members shall be appointed in 2030 to a term ending December 31,
10750 2033. At least one (1) appointed member shall be from each
10751 Supreme Court District as they exist at the time of appointment.
10752 Appointments made at the beginning of the four-year cycle shall be
10753 made to fill any member's term which actually expires that year
10754 and any member's term which expires next until the majority of the
10755 membership of the board or commission is reached. Appointments
10756 made at the beginning of the third year of the four-year cycle
10757 shall be made for the remainder of the membership positions
10758 irrespective of the time of their prior appointment. Any question
10759 regarding the order of appointments shall be determined by the
10760 Secretary of State in accordance with the specific statute. All
10761 appointment procedures, vacancy provisions, interim appointment
10762 provisions and removal provisions specifically provided for in
10763 Section 7-1-35, Mississippi Code of 1972, shall be fully
10764 applicable to appointments to the Mississippi Council of Veterans
10765 Organizations.

10766 (2) Members of the board shall annually elect as chairman
10767 one of their * * * members and another member as vice chairman.
10768 Members of the board shall hold regular monthly meetings and such



10769 other meetings as may be called by the chairman or the vice
10770 chairman in his absence.

10771 (3) Beginning July 1, 2019, any reference in this code to
10772 the State Veterans Affairs Board shall also mean the Mississippi
10773 Veterans Affairs.

10774 **SECTION 149.** Section 35-1-3, Mississippi Code of 1972, is
10775 amended as follows:

10776 35-1-3. The State Veterans Affairs Board shall
10777 appoint, * * * with the advice and consent of the Senate, an
10778 executive director, (who shall also serve as Executive Secretary
10779 of the State Veterans Affairs Board), a deputy director,
10780 individuals to manage each of the agency's major functional areas
10781 and individuals to manage each of the state veterans homes. The
10782 executive director shall serve for a term of four (4) years,
10783 consistent with the provisions of Section 7-1-35, Mississippi Code
10784 of 1972. The executive director and deputy director shall be a
10785 currently serving member or honorably discharged or honorably
10786 released veteran of any active or reserve component branch of the
10787 Armed Forces of the United States. The board may establish
10788 additional minimum qualifications for agency positions.

10789 **SECTION 150.** Section 35-7-7, Mississippi Code of 1972, is
10790 amended as follows:

10791 35-7-7. The administration of the provisions hereof is
10792 vested in a Veterans' Home Purchase Board consisting of six (6)
10793 members who shall be appointed, or reappointed, by the Governor,



10794 with the advice and consent of the Senate. Members appointed to
10795 the board shall be veterans of either World War II, the Korean
10796 Conflict, the Southeast Asia Conflict, the Persian Gulf Conflict
10797 or have served in active duty for at least one hundred eighty
10798 (180) days during a time of war or a conflict in which a campaign
10799 ribbon or medal was issued and shall possess a background in
10800 business, banking, real estate or the legal profession which
10801 enables them to carry out the duties of the board. No
10802 state/department commander of any federally recognized veterans
10803 organization, no national officer of any federally recognized
10804 veterans organization and no member of the Mississippi Council of
10805 Veterans Organizations shall be eligible for appointment to the
10806 board until the expiration of a period of three (3) years after
10807 the termination of his service in such disqualifying positions.
10808 Appointments shall be staggered, with each Governor appointing or
10809 reappointing two (2) members in the first year of his
10810 administration * * *, one (1) member in the second year, two (2)
10811 members in the third year, and one (1) member in the fourth year.
10812 Appointments for terms that expire in 1988 shall be made as
10813 follows: one (1) shall be made for a term ending on July 1, 1989;
10814 one (1) shall be made for a term ending on July 1, 1991; and two
10815 (2) shall be made for a term ending on July 1, 1992. Persons
10816 appointed to succeed the two (2) members whose terms expired in
10817 1986, or any such member holding over after 1986 because no
10818 successor was appointed, shall serve until July 1, 1990. After



10819 the expiration of the foregoing terms, all appointments shall be
10820 for a term of four (4) years from the expiration date of the
10821 previous term. From and after July 1, 1988, one (1) appointee
10822 shall be selected from each of the five (5) congressional
10823 districts of this state as such districts are composed on May 1,
10824 1987, and one (1) appointee shall be selected from the state at
10825 large. Any vacancy occurring during a term shall be filled by
10826 appointment of a member for the unexpired portion of the term.

10827 The Veterans' Home Purchase Board, created by former Section
10828 35-7-7, is continued and reconstituted as follows: Effective
10829 January 1, 2028, the appointed members of the board designated in
10830 this section, shall be appointed by the Governor to terms of
10831 office of four (4) years, with the advise and consent of the
10832 Senate, provided that three (3) such members shall be appointed in
10833 2028 to a term ending December 31, 2031, and three (3) such
10834 members shall be appointed in 2030 to a term ending December 31,
10835 2033. Appointments made at the beginning of the four-year cycle
10836 shall be made to fill any member's term which actually expires
10837 that year and any member's term which expires next until the
10838 majority of the membership of the board or commission is reached.
10839 Appointments made at the beginning of the third year of the
10840 four-year cycle shall be made for the remainder of the membership
10841 positions irrespective of the time of their prior appointment.
10842 Any question regarding the order of appointments shall be
10843 determined by the Secretary of State in accordance with the



10844 specific statute. At least one (1) appointed member shall be from
10845 each Supreme Court District as they exist at the time of
10846 appointment. All appointment procedures, vacancy provisions,
10847 interim appointment provisions and removal provisions specifically
10848 provided for in Section 7-1-35, Mississippi Code of 1972, shall be
10849 fully applicable to appointments to the Veterans' Home Purchase
10850 Board.

10851 The board is hereby authorized and empowered to make and
10852 promulgate such reasonable rules and regulations under this
10853 chapter as it shall deem to be necessary or advisable and to
10854 enforce the same. The board shall have authority to render the
10855 final decision on the purchase application process, approval of
10856 purchases, funding of purchase commitments, servicing loans and
10857 default, property security, management, resale, release from
10858 security, and all other matters relating to the purchases and
10859 loans made under this law. The board shall likewise, by an order
10860 spread on its minutes, elect a chairman and vice chairman to serve
10861 for one-year terms, and all such officers are eligible to succeed
10862 themselves in such offices. The chairman may appoint a
10863 three-member loan committee from the membership of the board and
10864 shall specify the conditions, responsibilities and authority of
10865 such committee.

10866 Each member of the board and his successor shall be
10867 reimbursed all of his actual and necessary traveling and other
10868 expenses incurred in the attendance of the meetings of the board



10869 or in the performance of other duties in connection with the
10870 business of the board as provided for state officers and employees
10871 in Section 25-3-41, and shall be allowed a per diem as provided in
10872 Section 25-3-69 for such attendance; provided that the number of
10873 days per diem shall not exceed sixty-six (66) days for the
10874 chairman and fifty (50) days for other members of the board during
10875 any one (1) fiscal year. The above limitation of days per year
10876 shall not apply to board members appointed on a full-time basis to
10877 the loan committee.

10878 The board is authorized to appoint an executive director for
10879 a term of four (4) years, with the advice and consent of the
10880 Senate, and consistent with the provisions of Section 7-1-35,
10881 Mississippi Code of 1972. The director, or other executive
10882 officer employed by the board, shall execute a surety bond in the
10883 sum of One Hundred Thousand Dollars (\$100,000.00), conditioned
10884 upon the faithful performance of his duties and upon his
10885 accounting for all monies coming into his hands; and each employee
10886 handling funds shall execute a like bond in the sum of Fifteen
10887 Thousand Dollars (\$15,000.00), and the premiums thereon shall be
10888 paid from the funds provided for administering this chapter.

10889 The board may designate one (1) of its employees as the
10890 acting director or executive officer by a vote of the majority of
10891 the members of the board, officially recorded in the minutes of a
10892 regular or special meeting, and such acting director shall be
10893 vested with all the authority conferred upon the director by the



10894 provisions of this chapter * * *. The acting director, when so
10895 designated, will be required to furnish surety bond in the same
10896 amount and under the same conditions as the director. The purpose
10897 of this provision is to designate an executive officer during any
10898 temporary illness, absence or incapacity of the regularly
10899 designated director.

10900 The board may designate one (1) of its employees by a vote of
10901 the majority of the members of the board, officially recorded in
10902 the minutes of a regular or special meeting, to be authorized to
10903 sign a Deed of Conveyance or other closing documents necessary as
10904 to not delay the closing or settlement of a home purchase during
10905 the absence or unavailability of the director.

10906 The board may select and employ such expert, technical and
10907 clerical assistance as in its judgment may be necessary in the
10908 proper administration of said board and fix the salaries of such
10909 employees.

10910 The board is empowered to employ auditors and accountants to
10911 examine the books, accounts and records of the board if it so
10912 desires, and the board is also authorized to employ legal counsel
10913 if it deems such a course necessary in the proper administration
10914 of its affairs.

10915 **SECTION 151.** Section 73-39-55, Mississippi Code of 1972, is
10916 amended as follows:

10917 73-39-55. (1) A Board of Veterinary Medicine shall be
10918 appointed by the Governor and shall consist of five (5) licensed



10919 veterinarians, with at least one (1) member from each of the
10920 Supreme Court districts of the state and not more than two (2)
10921 members from the same Supreme Court district. All members of the
10922 Board of Veterinary Medicine shall be veterinarians who have
10923 practiced in this state for a period of not less than five (5)
10924 years and shall be graduates of a school of veterinary medicine
10925 recognized by the American Veterinary Medical Association.
10926 Appointments shall be for a five-year term or to fill an unexpired
10927 term. The Governor shall fill all vacancies on the board as they
10928 shall occur by appointment from a list of three (3) eligible
10929 veterinarians submitted by the Mississippi Veterinary Medical
10930 Association for each vacancy. If the vacancy to be filled is
10931 caused by expiration of the term, death, resignation or inability
10932 to serve as a board member whose residence is in a Supreme Court
10933 district having two (2) members on the board, the Mississippi
10934 Veterinary Medical Association shall submit six (6) names: three
10935 (3) from the Supreme Court district in which the former board
10936 member resided and three (3) from the Supreme Court district which
10937 had only one (1) member on the board, and the Governor shall fill
10938 the vacancy by appointment of one (1) of the six (6) nominees.
10939 All appointments shall be with the advice and consent of the
10940 Senate.

10941 Members of the board serving on the predecessor board under
10942 Section 73-39-5 on July 1, 2005, may continue as members of the
10943 board until the expiration of the term for which they were



10944 appointed. Vacancies due to death, resignation or removal shall
10945 be filled for the remainder of the unexpired term in the same
10946 manner as regular appointments.

10947 (a) A licensed veterinarian shall be qualified to serve
10948 as a member of the board if he has been licensed to practice
10949 veterinary medicine in this state for the five (5) years
10950 immediately preceding the time of his appointment.

10951 (b) Each member of the board shall be paid in
10952 accordance with Section 25-3-69 for each day or substantial
10953 portion thereof if he is engaged in the work of the board, in
10954 addition to such reimbursement for travel and other expenses as is
10955 allowed under Section 25-3-41.

10956 The Board of Veterinary Medicine, created by former Section
10957 73-39-55, is continued and reconstituted as follows: Effective
10958 January 1, 2028, the appointed members of the board designated in
10959 this section, shall be appointed by the Governor to terms of
10960 office of four (4) years, with the advise and consent of the
10961 Senate, provided that three (3) such members shall be appointed in
10962 2028 to a term ending December 31, 2031, and two (2) such members
10963 shall be appointed in 2030 to a term ending December 31, 2033.
10964 Appointments made at the beginning of the four-year cycle shall be
10965 made to fill any member's term which actually expires that year
10966 and any member's term which expires next until the majority of the
10967 membership of the board or commission is reached. Appointments
10968 made at the beginning of the third year of the four-year cycle



10969 shall be made for the remainder of the membership positions
10970 irrespective of the time of their prior appointment. Any question
10971 regarding the order of appointments shall be determined by the
10972 Secretary of State in accordance with the specific statute. All
10973 appointment procedures, vacancy provisions, interim appointment
10974 provisions and removal provisions specifically provided for in
10975 Section 7-1-35, Mississippi Code of 1972, shall be fully
10976 applicable to appointments to the Board of Veterinary Medicine.

10977 (2) The board shall meet at least once each year at the time
10978 and place fixed by rule of the board. Other necessary meetings
10979 may be called by the board by giving notice as may be required by
10980 rule. Except as may otherwise be provided, a majority of the
10981 board constitutes a quorum. Meetings shall be open and public
10982 except that the board may meet in closed session to prepare,
10983 approve, administer or grade examinations or to deliberate the
10984 qualification of an applicant for license or the disposition of a
10985 proceeding to discipline a licensed veterinarian in accordance
10986 with Section 25-41-7.

10987 (3) The board annually shall elect officers from its
10988 membership as may be prescribed by rule. Officers of the board
10989 serve for terms of one (1) year and until a successor is elected,
10990 without limitation on the number of terms an officer may serve.
10991 The duties of officers shall be prescribed by rule.

10992 (4) The board is authorized to appoint an executive director
10993 for a term of four (4) years, with the advice and consent of the



10994 Senate, and consistent with the provisions of Section 7-1-35,
10995 Mississippi Code of 1972.

10996 **SECTION 152.** Section 43-55-5, Mississippi Code of 1972, is
10997 amended as follows:

10998 43-55-5. (1) Members of the Commission for Volunteer
10999 Service shall be appointed by the Governor. The commission shall
11000 consist of no fewer than fifteen (15) and no more than twenty-five
11001 (25) members.

11002 (2) The commission members shall include as voting members,
11003 except as otherwise indicated, at least one (1) of each of the
11004 following:

11005 (a) An individual with expertise in the educational,
11006 training, and developmental needs of youth, particularly
11007 disadvantaged youth.

11008 (b) An individual with experience in promoting service
11009 and volunteerism among older adults.

11010 (c) A representative of a community-based agency.

11011 (d) The superintendent of the State Department of
11012 Education, or his or her designee.

11013 (e) A representative of local government.

11014 (f) A representative of local labor organizations.

11015 (g) A representative of business.

11016 (h) An individual between the ages of sixteen (16) and
11017 twenty-five (25) who is a participant or supervisor in a program
11018 as defined in Section 101 of Title I, 42 USCS 12511.



11019 (i) A representative of a national service program
11020 described in Section 122(a) of Title I, 42 USCS 12572.

11021 (j) The employee of the corporation designated under
11022 Section 195 of Title I, 42 USCS 12651f, as the representative of
11023 the corporation in this state, as a nonvoting member.

11024 (3) In addition to the members described in subsection (2),
11025 the commission may include as voting members any of the following:

11026 (a) Local educators.

11027 (b) Experts in the delivery of human, educational,
11028 environmental, or public safety services to communities and
11029 persons.

11030 (c) Representative of Native American tribes.

11031 (d) Out-of-school youth or other at-risk youth.

11032 (e) Representatives of entities that receive assistance
11033 under the Domestic Volunteer Service Act of 1973, Public Law
11034 93-113, 87 Stat. 394.

11035 (f) A member of the Board of Trustees of State
11036 Institutions of Higher Learning.

11037 (4) Not more than twenty-five percent (25%) of the voting
11038 commission members shall be officers or employees of this state.
11039 The Governor may appoint additional officers or employees of state
11040 agencies operating community service, youth service, education,
11041 social service, senior service, and job training programs, as
11042 nonvoting, ex officio members of the commission.



11043 (5) The Governor shall ensure, to the maximum extent
11044 possible, that the commission membership is diverse with respect
11045 to race, ethnicity, age, gender * * * and disability
11046 characteristics.

11047 (6) Except as provided in this subsection, members of the
11048 commission shall serve for staggered three-year terms expiring on
11049 October 1. The members constituting the Mississippi Commission
11050 for Volunteer Service under Executive Order No. 1994-742 on March
11051 28, 1996, shall serve on the commission for the remainder of the
11052 terms for which they were appointed. Of the additional members,
11053 the Governor shall appoint one-third (1/3) of the initial members
11054 for a term of one (1) year; one-third (1/3) for a term of two (2)
11055 years; and one-third (1/3) for a term of three (3) years.
11056 Following expiration of these initial terms, all appointments
11057 shall be for three-year renewable terms. Members of the
11058 commission may not serve more than two (2) consecutive terms.

11059 (7) A vacancy on the commission shall be filled in the same
11060 manner as the original appointments, and any member so appointed
11061 shall serve during the remainder of the term for which the vacancy
11062 occurred. The vacancy shall not affect the power of the remaining
11063 commission members to execute the duties of the commission.

11064 (8) The Commission for Volunteer Service, created by former
11065 Section 43-55-5, is continued and reconstituted as follows:
11066 Effective January 1, 2028, the appointed members of the commission
11067 designated in this section, shall be appointed by the Governor to



11068 terms of office of four (4) years, with the advise and consent of
11069 the Senate, provided that at least eight (8) such members shall be
11070 appointed in 2028 to a term ending December 31, 2031, and seven
11071 (7) such members shall be appointed in 2030 to a term ending
11072 December 31, 2033. Appointments made at the beginning of the
11073 four-year cycle shall be made to fill any member's term which
11074 actually expires that year and any member's term which expires
11075 next until the majority of the membership of the board or
11076 commission is reached. Appointments made at the beginning of the
11077 third year of the four-year cycle shall be made for the remainder
11078 of the membership positions irrespective of the time of their
11079 prior appointment. Any question regarding the order of
11080 appointments shall be determined by the Secretary of State in
11081 accordance with the specific statute. All appointment procedures,
11082 vacancy provisions, interim appointment provisions and removal
11083 provisions specifically provided for in Section 7-1-35,
11084 Mississippi Code of 1972, shall be fully applicable to
11085 appointments to the Commission for Volunteer Service.

11086 **SECTION 153.** Section 35-3-24, Mississippi Code of 1972, is
11087 amended as follows:

11088 35-3-24. There is hereby created a War Veterans Memorial
11089 Commission, which is hereby charged with the duty of carrying out
11090 the provisions as hereinafter set forth, and it shall be referred
11091 to in the succeeding sections hereof as the "commission." The
11092 commission shall consist of seven (7) commissioners, one (1)



11093 member each from the American Legion, the Veterans of Foreign
11094 Wars, Disabled American Veterans, American Ex-Prisoners of War,
11095 Veterans of World War I, Sons of Confederate Veterans, and the
11096 Mississippi National Guard. The commissioners shall be appointed
11097 by the Governor on the recommendation of the state executive
11098 governing body of each respective organization entitled to a
11099 member of the commission. The initial terms of the members shall
11100 be as follows, to be designated by the Governor at the time of
11101 appointment: (a) two (2) members shall be appointed for terms of
11102 two (2) years each; (b) two (2) members for terms of four (4)
11103 years each; (c) two (2) members for terms of six (6) years each;
11104 and (d) the member from the American Ex-Prisoners of War for a
11105 term of four (4) years. Thereafter, each term shall be for six
11106 (6) years or until a successor in office has been appointed and
11107 qualified. In the event of any vacancy on the commission, the
11108 Governor shall, within thirty (30) days, designate a successor in
11109 the same manner as the original appointment was made. No member
11110 of either branch of the Legislature nor any state officer or
11111 employee shall serve on the commission.

11112 The War Veterans Memorial Commission, created by former
11113 Section 35-3-24, is continued and reconstituted as follows:
11114 Effective January 1, 2028, the appointed members of the commission
11115 designated in this section, shall be appointed by the Governor to
11116 terms of office of four (4) years, with the advise and consent of
11117 the Senate, provided that four (4) such members shall be appointed



11118 in 2028 to a term ending December 31, 2031, and three (3) such
11119 members shall be appointed in 2030 to a term ending December 31,
11120 2033. Appointments made at the beginning of the four-year cycle
11121 shall be made to fill any member's term which actually expires
11122 that year and any member's term which expires next until the
11123 majority of the membership of the board or commission is reached.
11124 Appointments made at the beginning of the third year of the
11125 four-year cycle shall be made for the remainder of the membership
11126 positions irrespective of the time of their prior appointment.
11127 Any question regarding the order of appointments shall be
11128 determined by the Secretary of State in accordance with the
11129 specific statute. All appointment procedures, vacancy provisions,
11130 interim appointment provisions and removal provisions specifically
11131 provided for in Section 7-1-35, Mississippi Code of 1972, shall be
11132 fully applicable to appointments to the War Veterans Memorial
11133 Commission.

11134 **SECTION 154.** Section 59-7-125, Mississippi Code of 1972, is
11135 amended as follows:

11136 59-7-125. (1) All improvements constructed by the board of
11137 supervisors under the provisions of this article shall be operated
11138 and maintained by a port commission composed of five (5) residents
11139 of such county who shall be qualified electors therein. Such
11140 commission shall have jurisdiction over the port, terminals,
11141 harbors and passes leading thereto, and all vessels, boats and
11142 wharves, common carriers, and public utilities therein, using the



11143 same, within their respective counties. Such port commission
11144 shall be appointed as follows: one (1) member shall be appointed
11145 by the Governor, two (2) shall be appointed by the board of
11146 supervisors of the county, and two (2) shall be appointed by the
11147 governing body of the municipality which is the county seat of
11148 such county in such cases where the county seat of such county
11149 is * * * situated on or adjacent to such port facilities,
11150 otherwise, four (4) members shall be appointed by the board of
11151 supervisors. A county and a municipality may by joint resolution
11152 dissolve a port commission created under this section which is
11153 governed by a commission with two (2) commissioners appointed by
11154 each. The joint resolution must provide that the municipality
11155 relinquishes its duties and obligations related to the port, and
11156 that the county assumes all duties and obligations related to the
11157 port. Any commission so dissolved shall be reconstituted to
11158 consist of five (5) members, one (1) member appointed from each
11159 supervisor district. The board of supervisors shall provide for
11160 staggered terms in its order providing for the appointment of the
11161 reconstituted port commission. Before entering upon the duties of
11162 the office, each of such commissioners shall take and subscribe to
11163 the oath of office required by Section 268 of the Constitution of
11164 the State of Mississippi, and shall give bond, to be approved by
11165 the board of supervisors, in the sum of Five Thousand Dollars
11166 (\$5,000.00), conditioned upon the faithful performance of their
11167 duties. Such bond shall be made payable to the county and in case



11168 of breach thereof, suit may be brought on the relation of the
11169 county for the benefit of such port commission. Such
11170 commissioners shall hold office for a term of four (4) years from
11171 the date of their appointment and qualification and until their
11172 successor or successors shall be appointed and qualified as set
11173 out herein. Three (3) members of the Port Commission shall be
11174 necessary to constitute a quorum for the conducting of business.

11175 (2) The Port Commission, created by former Section 59-7-125,
11176 is continued and reconstituted as follows: Effective January 1,
11177 2028, the appointed members of the commission designated in this
11178 section, shall be appointed by the Governor to terms of office of
11179 four (4) years, with the advise and consent of the Senate,
11180 provided that three (3) such members shall be appointed in 2028 to
11181 a term ending December 31, 2031, and two (2) such members shall be
11182 appointed in 2030 to a term ending December 31, 2033.
11183 Appointments made at the beginning of the four-year cycle shall be
11184 made to fill any member's term which actually expires that year
11185 and any member's term which expires next until the majority of the
11186 membership of the board or commission is reached. Appointments
11187 made at the beginning of the third year of the four-year cycle
11188 shall be made for the remainder of the membership positions
11189 irrespective of the time of their prior appointment. Any question
11190 regarding the order of appointments shall be determined by the
11191 Secretary of State in accordance with the specific statute. All
11192 appointment procedures, vacancy provisions, interim appointment



11193 provisions and removal provisions specifically provided for in
11194 Section 7-1-35, Mississippi Code of 1972, shall be fully
11195 applicable to appointments to the Port Commission.

11196 (* * *3) The members of the board of supervisors shall be
11197 ex officio members of the Port Commission, but no bond shall be
11198 required of them in such capacity; provided, however, the members
11199 of the board of supervisors shall be nonvoting members of the Port
11200 Commission and shall not be included or counted for the
11201 determination of a quorum for conducting of business by the Port
11202 Commission unless and until the board of supervisors of a
11203 particular county, by order entered on its minutes, expressly
11204 provides that the members of the board of supervisors shall be
11205 voting members of the Port Commission and the number of members
11206 required for a quorum to conduct business of the Port Commission,
11207 but in no event shall the number required for a quorum to conduct
11208 business of the Port Commission be less than three (3).

11209 (* * *4) All actions heretofore taken by the various Port
11210 Commissions at which at least three (3) members were present and
11211 which would otherwise have been legal actions except for the
11212 absence of a legal quorum being present and voting are hereby
11213 ratified, confirmed and approved.

11214 (5) The commission is authorized to appoint an executive
11215 director for a term of four (4) years, with the advice and consent
11216 of the Senate, and consistent with the provisions of Section
11217 7-1-35, Mississippi Code of 1972.



11218 **SECTION 155.** Section 49-4-4, Mississippi Code of 1972, is
11219 amended as follows:

11220 49-4-4. (1) There is hereby created the Mississippi
11221 Commission on Wildlife, Fisheries and Parks, to be composed of
11222 five (5) persons appointed by the Governor, with the advice and
11223 consent of the Senate, for a term of five (5) years. One (1)
11224 person shall be appointed from each congressional district. The
11225 initial terms of the members shall be one (1), two (2), three (3),
11226 four (4) and five (5) years, respectively. Thereafter, all terms
11227 shall be for five (5) years. An appointment to fill a vacancy
11228 which arises for reasons other than by expiration of a term of
11229 office shall be made from the respective congressional district
11230 for the unexpired term only.

11231 The Mississippi Commission on Wildlife, Fisheries and Parks,
11232 created by former Section 49-4-4, is continued and reconstituted
11233 as follows: Effective January 1, 2028, the appointed members of
11234 the commission designated in this section, shall be appointed by
11235 the Governor to terms of office of four (4) years, with the advise
11236 and consent of the Senate, provided that three (3) such members
11237 shall be appointed in 2028 to a term ending December 31, 2031, and
11238 two (2) such members shall be appointed in 2030 to a term ending
11239 December 31, 2033. Appointments made at the beginning of the
11240 four-year cycle shall be made to fill any member's term which
11241 actually expires that year and any member's term which expires
11242 next until the majority of the membership of the board or



11243 commission is reached. Appointments made at the beginning of the
11244 third year of the four-year cycle shall be made for the remainder
11245 of the membership positions irrespective of the time of their
11246 prior appointment. Any question regarding the order of
11247 appointments shall be determined by the Secretary of State in
11248 accordance with the specific statute. At least one (1) appointed
11249 member shall be from each Supreme Court District as they exist at
11250 the time of appointment. All appointment procedures, vacancy
11251 provisions, interim appointment provisions and removal provisions
11252 specifically provided for in Section 7-1-35, Mississippi Code of
11253 1972, shall be fully applicable to appointments to the Mississippi
11254 Commission on Wildlife, Fisheries and Parks.

11255 (2) The commission shall elect from its membership a
11256 chairman who shall preside over meetings and a vice chairman who
11257 shall preside in the absence of the chairman or when the chairman
11258 shall be excused.

11259 (3) The commission shall adopt rules and regulations
11260 governing times and places for meetings and governing the manner
11261 of conducting its business. Each member of the commission shall
11262 take the oath prescribed by Section 268 of the Mississippi
11263 Constitution, and shall enter into bond in the amount of Thirty
11264 Thousand Dollars (\$30,000.00) to be approved by the Secretary of
11265 State, conditioned according to law, and payable to the State of
11266 Mississippi before assuming the duties of office. Any member who
11267 shall not attend three (3) consecutive regular meetings of the



11268 commission shall be subject to removal by a majority vote of the
11269 commission members.

11270 (4) The members of the commission shall receive no annual
11271 salary but shall receive per diem compensation as authorized by
11272 law for each day devoted to the discharge of official duties and
11273 shall be entitled to reimbursement for all actual and necessary
11274 expenses incurred in the discharge of their duties, including
11275 mileage as authorized by law.

11276 The commission shall be composed of persons with a
11277 demonstrated history of involvement in at least one (1) of the
11278 matters of jurisdiction of the commission and whose employment and
11279 activities are not in conflict. All of the commissioners shall be
11280 an active outdoorsman holding a resident hunting or fishing
11281 license in at least five (5) of the ten (10) years preceding
11282 appointment. A member shall not have a record of conviction of
11283 violation of fish or game laws and regulations within five (5)
11284 years preceding appointment or a record of any felony conviction.

11285 (5) The commission shall have the power to adopt, amend and
11286 repeal such regulations and rules as may be necessary for the
11287 operation of the department.

11288 (6) The commission shall have the power and authority to
11289 issue all licenses and permits under the jurisdiction of the
11290 department.

11291 (7) In the furtherance of its duties and responsibilities,
11292 the commission may conduct hearings, gather testimony and perform



11293 other functions required to carry out its powers and duties as
11294 prescribed by statute.

11295 (8) The commission shall have all power for conserving,
11296 managing and developing wildlife and fishery resources except for
11297 saltwater aquatic life and marine resources under the jurisdiction
11298 of the Mississippi Commission on Marine Resources.

11299 **SECTION 156.** Section 49-4-6, Mississippi Code of 1972, is
11300 amended as follows:

11301 49-4-6. (1) There is hereby created the Mississippi
11302 Department of Wildlife, Fisheries and Parks, whose principal
11303 office shall be located in Jackson, Mississippi.

11304 (2) The department shall be headed by an executive director
11305 who shall be appointed by the Governor. The commission shall
11306 submit to the Governor three (3) qualified nominees for the
11307 position of executive director. The Governor shall appoint the
11308 executive director from the list of qualified nominees submitted
11309 with the advice and consent of the Senate. The executive director
11310 shall serve for a term of four (4) years, consistent with the
11311 provisions of Section 7-1-35, Mississippi Code of 1972. The
11312 executive director may assign those powers and duties as deemed
11313 appropriate to carry out the department's lawful functions. Upon
11314 recommendation by the Governor to the commission, the executive
11315 director may be removed from office only by both a majority vote
11316 of the membership of the commission and the Governor's approval of
11317 the removal. To remove the executive director the commission must



11318 determine on sound evidence that there is good cause for removal
11319 such as willful dereliction in carrying out the duties of
11320 executive director, obvious malfeasance in his actions as
11321 executive director or conviction of any criminal act. After the
11322 determination is made by the commission that the executive
11323 director should be removed from office, the commission shall
11324 notify the Governor of its determination and the Governor must
11325 approve that determination before the executive director is
11326 actually removed from office.

11327 (3) The executive director shall appoint heads, who will
11328 serve at the pleasure of the executive director.

11329 (4) The executive director shall have the authority to
11330 organize the department as deemed appropriate to carry out the
11331 responsibilities of the department. The organizational charts of
11332 the department shall be presented annually with the budget request
11333 of the Governor for review by the Legislature.

11334 (5) The executive director shall develop and implement a
11335 merit promotion system for all sworn law enforcement officers.
11336 Promotion to higher rank shall be based on an individual's merit
11337 and length of service. The executive director shall implement the
11338 merit promotion system before July 1, 1995.

11339 **SECTION 157.** Section 83-34-7, Mississippi Code of 1972, is
11340 amended as follows:

11341 83-34-7. (1) The Board of Directors of the Mississippi
11342 Insurance Underwriting Association as presently constituted shall



11343 serve as the temporary board of directors of the association.
11344 Such temporary board of directors shall prepare and submit a plan
11345 of operation in accordance with Section 83-34-13 and shall serve
11346 until the permanent board of directors shall take office in
11347 accordance with the plan of operation. The permanent board shall
11348 consist of five (5) representatives of the members to be appointed
11349 by the temporary board of directors subject to the approval of the
11350 commissioner and three (3) agents from the coast area to be
11351 appointed by the commissioner. The terms of the members of the
11352 board of directors in place before March 22, 2007, shall expire on
11353 March 22, 2007, and such persons shall cease to serve on the board
11354 and shall relinquish all power and control of the association.

11355 (2) (a) From and after March 22, 2007, the board of
11356 directors of the association shall consist of the following:

11357 (i) The State Treasurer;

11358 (ii) Five (5) of the assessable insurer companies,
11359 three (3) to be appointed by the commissioner, one (1) to be
11360 appointed by the Governor, and one (1) to be appointed by the
11361 Lieutenant Governor; each such assessable insurer appointed shall
11362 designate a representative knowledgeable in the matters of the
11363 association and authorize such representative to act and vote on
11364 its behalf;

11365 (iii) Three (3) agents with no less than ten (10)
11366 years' experience in the property and casualty industry, two (2)
11367 of whom are residents in the coast area, and one (1) of whom is



11368 not a resident of the coast area; one (1) such coast area agent to
11369 be appointed by the Governor, one (1) such coast area agent to be
11370 appointed by the Lieutenant Governor, and the noncoast area agent
11371 to be appointed by the commissioner; and

11372 (iv) Two (2) business leaders who have been
11373 residents of the coast area for no less than ten (10) years and
11374 who have no less than ten (10) years' experience in management of
11375 a business, one (1) to be appointed by the Governor, and one (1)
11376 to be appointed by the Lieutenant Governor.

11377 (b) Except for the State Treasurer, the board members
11378 shall serve three-year terms with each term beginning on January
11379 1, and the initial terms shall be staggered in the following
11380 manner:

11381 (i) The initial term for three (3) of the
11382 assessable insurers shall begin on March 22, 2007, and expire on
11383 December 31, 2010, thereafter to be appointed for three-year
11384 terms;

11385 (ii) The initial term for one (1) of the
11386 assessable insurers shall begin on March 22, 2007, and expire on
11387 December 31, 2009, thereafter to be appointed for three-year
11388 terms;

11389 (iii) The initial term for one (1) of the
11390 assessable insurers shall begin on March 22, 2007, and expire on
11391 December 31, 2008, thereafter to be appointed for three-year
11392 terms;



11393 (iv) The initial term for one (1) of the agents
11394 shall begin on March 22, 2007, and expire on December 31, 2010,
11395 thereafter to be appointed for three-year terms;

11396 (v) The initial term for one (1) of the agents
11397 shall begin on March 22, 2007, and expire on December 31, 2009,
11398 thereafter to be appointed for three-year terms;

11399 (vi) The initial term for one (1) of the agents
11400 shall begin on March 22, 2007, and expire on December 31, 2008,
11401 thereafter to be appointed for three-year terms;

11402 (vii) The initial term for one (1) of the business
11403 leaders shall begin on March 22, 2007, and expire on December 31,
11404 2010, thereafter to be appointed for three-year terms;

11405 (viii) The initial term for one (1) of the
11406 business leaders shall begin on March 22, 2007, and expire on
11407 December 31, 2008, thereafter to be appointed for three-year
11408 terms.

11409 (3) On or before March 22, 2007, the appropriate public
11410 official shall make such appointments and request such
11411 resignations from the existing board as are appropriate to comply
11412 with this section.

11413 (4) The Board of Directors of the Mississippi Insurance
11414 Underwriting Association, created by former Section 83-34-7, is
11415 continued and reconstituted as follows: Effective January 1,
11416 2028, the appointed members of the board designated in this
11417 section, shall be appointed by the Governor to terms of office of



11418 four (4) years, with the advise and consent of the Senate,
11419 provided that five (5) such members shall be appointed in 2028 to
11420 a term ending December 31, 2031, and five (5) such members shall
11421 be appointed in 2030 to a term ending December 31, 2033.
11422 Appointments made at the beginning of the four-year cycle shall be
11423 made to fill any member's term which actually expires that year
11424 and any member's term which expires next until the majority of the
11425 membership of the board or commission is reached. Appointments
11426 made at the beginning of the third year of the four-year cycle
11427 shall be made for the remainder of the membership positions
11428 irrespective of the time of their prior appointment. Any question
11429 regarding the order of appointments shall be determined by the
11430 Secretary of State in accordance with the specific statute. All
11431 appointment procedures, vacancy provisions, interim appointment
11432 provisions and removal provisions specifically provided for in
11433 Section 7-1-35, Mississippi Code of 1972, shall be fully
11434 applicable to appointments to the Board of Directors of the
11435 Mississippi Insurance Underwriting Association.

11436 (5) The board shall be staffed by as many employees as it
11437 deems necessary.

11438 (* * *6) The board of directors has the power to act and
11439 make binding decisions on behalf of the association on all issues.

11440 **SECTION 158.** Section 43-59-3, Mississippi Code of 1972, is
11441 amended as follows:



11442 43-59-3. (1) There is created the Mississippi Commission on
11443 the Status of Women. The commission shall be nonpartisan, and
11444 shall be composed of thirteen (13) members to be appointed, with
11445 the advice and consent of the Senate, as follows:

11446 (a) Four (4) members shall be appointed by the
11447 Governor, including a current or former food stamps recipient and
11448 a single parent;

11449 (b) Three (3) members shall be appointed by the
11450 Lieutenant Governor, including a current or former college
11451 educator with expertise in women's issues;

11452 (c) Three (3) members shall be appointed by the Speaker
11453 of the House of Representatives, including a health care
11454 professional knowledgeable in women's health issues; and

11455 (d) Three (3) members shall be appointed by the
11456 Attorney General, including a law professor or lawyer with
11457 expertise in women's issues.

11458 (2) The members of the commission shall be women and men of
11459 recognized ability and achievement who are representative of the
11460 ethnic, geographic, socioeconomic and cultural diversity of the
11461 population of this state, and who have a proven record of efforts
11462 to improve the status of women. The initial term of office of one
11463 (1) member appointed by the Governor shall expire on June 30,
11464 2002. The initial terms of office of the remaining members shall
11465 be fixed by the appointing authorities so that the term of office
11466 of one (1) member appointed by each appointing authority expires



11467 on June 30, 2003, the term of office of one (1) member appointed
11468 by each expires on June 30, 2004, and the terms of office of the
11469 remaining three (3) members expires on June 30, 2005. After the
11470 expiration of the initial terms, the terms of office of all
11471 members shall be four (4) years each, from the expiration date of
11472 the previous term. A member may not serve for more than two (2)
11473 consecutive terms. All vacancies shall be filled by the
11474 appointing authority for the unexpired term.

11475 (3) The Mississippi Commission on the Status of Women,
11476 created by former Section 43-59-3, is continued and reconstituted
11477 as follows: Effective January 1, 2028, the appointed members of
11478 the commission designated in subsections (1) and (2) of this
11479 section, shall be appointed by the Governor to terms of office of
11480 four (4) years, with the advise and consent of the Senate,
11481 provided that seven (7) such members shall be appointed in 2028 to
11482 a term ending December 31, 2031, and six (6) such members shall be
11483 appointed in 2030 to a term ending December 31, 2033.
11484 Appointments made at the beginning of the four-year cycle shall be
11485 made to fill any member's term which actually expires that year
11486 and any member's term which expires next until the majority of the
11487 membership of the board or commission is reached. Appointments
11488 made at the beginning of the third year of the four-year cycle
11489 shall be made for the remainder of the membership positions
11490 irrespective of the time of their prior appointment. Any question
11491 regarding the order of appointments shall be determined by the



11492 Secretary of State in accordance with the specific statute. All
11493 appointment procedures, vacancy provisions, interim appointment
11494 provisions and removal provisions specifically provided for in
11495 Section 7-1-35, Mississippi Code of 1972, shall be fully
11496 applicable to appointments to the Mississippi Commission on the
11497 Status of Women.

11498 (4) The commission shall organize by electing a chair, vice
11499 chair and secretary from among its members for terms of two (2)
11500 years each. Any member is eligible for successive elections to
11501 office.

11502 (* * * 5) A majority of the members of the commission shall
11503 constitute a quorum for transacting business.

11504 (* * * 6) Members of the commission may be reimbursed for
11505 expenses as provided in Section 25-3-41, and may receive per diem
11506 as provided in Section 25-3-69.

11507 (* * * 7) The * * * Governor shall notify the individuals
11508 after * * * he has made * * * his appointments. The Governor then
11509 shall designate a place and time for the initial organizational
11510 meeting of the commission, which meeting must be before October 1,
11511 2001.

11512 **SECTION 159.** Section 71-3-85, Mississippi Code of 1972, is
11513 amended as follows:

11514 71-3-85. (1) There is hereby created a commission to be
11515 known as the * * * Workers' Compensation Commission, consisting of
11516 three (3) members, who shall devote their entire time to the



11517 duties of the office. The Governor shall appoint the members of
11518 the commission, by and with the consent of the Mississippi State
11519 Senate, one (1) for a term of two (2) years, one (1) for a term of
11520 four (4) years, and one (1) for a term of six (6) years. Upon the
11521 expiration of each term as above set forth, the Governor shall
11522 appoint a successor for a term of six (6) years, and thereafter
11523 the term of office of each commissioner shall be for six (6)
11524 years. One (1) member shall be a person who by reason of his
11525 previous vocation or affiliation can be classed as a
11526 representative of employers, and one (1) member shall be a person
11527 who by reason of his previous vocation or affiliation can be
11528 classed as a representative of employees. One (1) member shall be
11529 an attorney-at-law of recognized ability with at least five (5)
11530 years' active practice in Mississippi prior to his appointment.
11531 The Governor shall designate the chairman of the commission, whose
11532 term of chairman shall run concurrently with his appointment as a
11533 commissioner.

11534 The Workers' Compensation Commission, created by former
11535 Section 71-3-85, is continued and reconstituted as follows:
11536 Effective January 1, 2028, the appointed members of the commission
11537 designated in this section, shall be appointed by the Governor to
11538 terms of office of four (4) years, with the advise and consent of
11539 the Senate, provided that two (2) such members shall be appointed
11540 in 2028 to a term ending December 31, 2031, and one (1) such
11541 member shall be appointed in 2030 to a term ending December 31,



11542 2033. Appointments made at the beginning of the four-year cycle
11543 shall be made to fill any member's term which actually expires
11544 that year and any member's term which expires next until the
11545 majority of the membership of the board or commission is reached.
11546 Appointments made at the beginning of the third year of the
11547 four-year cycle shall be made for the remainder of the membership
11548 positions irrespective of the time of their prior appointment.
11549 Any question regarding the order of appointments shall be
11550 determined by the Secretary of State in accordance with the
11551 specific statute. All appointment procedures, vacancy provisions,
11552 interim appointment provisions and removal provisions specifically
11553 provided for in Section 7-1-35, Mississippi Code of 1972, shall be
11554 fully applicable to appointments to the Workers' Compensation
11555 Commission.

11556 The chairman shall be the administrative head of the
11557 commission and shall have the final authority in all matters
11558 relating to assignment of cases for hearing and trial and the
11559 administrative work of the commission and its employees, except in
11560 the promulgation of rules and regulations wherein the commission
11561 shall act as a body, and in the trial and determination of cases
11562 as otherwise provided.

11563 Upon the expiration of the term of a commissioner, he shall
11564 continue to serve until his successor has been appointed. Because
11565 cumulative experience is conspicuously essential to the proper
11566 administration of a * * * Workers' Compensation Law, it is



11567 declared to be in the public interest to continue * * * Workers'
11568 Compensation Commissioners in office as long as efficiency is
11569 demonstrated. A commissioner may be removed for cause prior to
11570 the expiration of his term, but shall be furnished a written copy
11571 of the charges against him and shall be accorded a public hearing.

11572 Each member of the commission and each administrative law
11573 judge shall receive an annual salary fixed by the Legislature.

11574 (2) A vacancy in the commission, if there remain two (2)
11575 members of it, shall not impair the authority of such two (2)
11576 members to act. In case of illness or continued absence for other
11577 reasons, the same authority of such two (2) members shall apply.

11578 (3) The commission shall have the powers and duties
11579 necessary for effecting the purposes of this chapter, including
11580 the powers of a court of record for compelling the attendance of
11581 witnesses, examining them under oath, and compelling the
11582 production of books, papers, documents and objects relevant to the
11583 determination of a claim for compensation, and the power to adopt
11584 rules and regulations and make or approve the forms relating to
11585 notices of injuries, payment of claims and other purposes. The
11586 authority of the commission and its duly authorized
11587 representatives to investigate and determine claims for
11588 compensation shall include the right to enter the premises where
11589 an injury occurred, to ascertain its causes and circumstances.

11590 (4) The office of the commission shall be situated in the
11591 City of Jackson, but hearings may be held at such places as it may



11592 deem most convenient for the proper and speedy performance of its
11593 duties. The commission is authorized, if it deems it necessary
11594 for the convenient and efficient dispatch of business, to lease
11595 office space and facilities in other than publicly owned
11596 buildings.

11597 (5) The commission shall adopt detailed rules and
11598 regulations for implementing the purposes of this chapter at
11599 hearings attended by the main parties interested. Such rules,
11600 upon adoption, shall be published and be at all reasonable times
11601 made available to the public and, if not inconsistent with law,
11602 shall be binding upon those participating in the responsibilities
11603 and benefits of the * * * Workers' Compensation Law.

11604 (6) The commission shall adopt or approve the forms required
11605 for administering the chapter, such notices of injury, application
11606 for benefits, receipts for compensation and all other forms needed
11607 to assure the orderly and prompt operation of the law, and may
11608 require the exclusive use of any or all such approved forms.

11609 **SECTION 160.** Section 37-153-7, Mississippi Code of 1972, is
11610 amended as follows:

11611 37-153-7. (1) There is created the Mississippi Office of
11612 Workforce Development and the Mississippi State Workforce
11613 Investment Board, which shall serve as the advisory board for the
11614 office. The Mississippi State Workforce Investment Board shall be
11615 composed of thirty-one (31) voting members, of which a majority
11616 shall be representatives of business and industry in accordance



11617 with the federal Workforce Innovation and Opportunity Act, or any
11618 successive acts.

11619 (2) The members of the State Workforce Investment Board
11620 shall include:

11621 (a) The Governor, or his designee;

11622 (b) Nineteen (19) members, appointed by the Governor,
11623 of whom:

11624 (i) A majority shall be representatives of
11625 businesses in the state, who:

11626 1. Are owners of businesses, chief executives
11627 or operating officers of businesses, or other business executives
11628 or employers with optimum policymaking or hiring authority, and
11629 who, in addition, may be members of a local board described in
11630 Section 3122(b)(2)(A)(i) of the federal Workforce Innovation and
11631 Opportunity Act. At least two (2) of the members appointed under
11632 this item 1. shall be small business owners, chief executives or
11633 operating officers of businesses with less than fifty (50)
11634 employees;

11635 2. Represent businesses, including small
11636 businesses, or organizations representing businesses, which
11637 provide employment opportunities that, at a minimum, include
11638 high-quality, work-relevant training and development in
11639 high-demand industry sectors or occupations in the state; and



11640 3. Are appointed from among individuals
11641 nominated by state business organizations and business trade
11642 associations;

11643 (ii) Not less than twenty percent (20%) shall
11644 consist of representatives of the workforce within the state,
11645 which:

11646 1. Includes labor organization
11647 representatives who have been nominated by state labor
11648 federations;

11649 2. Includes a labor organization member or
11650 training director from an apprenticeship program in the state,
11651 which shall be a joint labor-management apprenticeship program if
11652 such a program exists in the state;

11653 3. May include representatives of
11654 community-based organizations, including organizations serving
11655 veterans or providing or supporting competitive, integrated
11656 employment for individuals with disabilities, who have
11657 demonstrated experience and expertise in addressing employment,
11658 training or education needs of individuals with barriers to
11659 employment; and

11660 4. May include representatives of
11661 organizations, including organizations serving out-of-school
11662 youth, who have demonstrated experience or expertise in addressing
11663 the employment, training or education needs of eligible youth;



11664 (iii) The balance shall include government
11665 representatives, including the lead state officials with primary
11666 responsibility for core programs, and chief elected officials
11667 (collectively representing both cities and counties, where
11668 appropriate);

11669 (c) Two (2) representatives of businesses in the state
11670 appointed by the Lieutenant Governor;

11671 (d) Two (2) representatives of businesses in the state
11672 appointed by the Governor from a list of three (3) recommendations
11673 from the Speaker of the House; and

11674 (e) The following state officials:

11675 (i) The Executive Director of the Mississippi
11676 Department of Employment Security;

11677 (ii) The Executive Director of the Department of
11678 Rehabilitation Services;

11679 (iii) The State Superintendent of Public
11680 Education;

11681 (iv) The Executive Director of the Mississippi
11682 Development Authority;

11683 (v) The Executive Director of the Mississippi
11684 Community College Board;

11685 (vi) The President of the Community College
11686 Association; and

11687 (vii) The Commissioner of the Institutions of
11688 Higher Learning.



11689 (f) One (1) senator, appointed by the Lieutenant
11690 Governor, and one (1) representative, appointed by the Speaker of
11691 the House, shall serve on the state board in a nonvoting capacity.

11692 (g) The Governor may appoint additional members if
11693 required by the federal Workforce Innovation and Opportunity Act,
11694 or any successive acts.

11695 (h) Members of the board shall serve a term of four (4)
11696 years, and shall not serve more than three (3) consecutive terms.

11697 (i) The membership of the board shall reflect the
11698 diversity of the State of Mississippi.

11699 (j) The Governor shall designate the Chairman of the
11700 Mississippi State Workforce Investment Board from among the
11701 business and industry voting members of the board, and a quorum of
11702 the board shall consist of a majority of the voting members of the
11703 board.

11704 (k) The voting members of the board who are not state
11705 employees shall be entitled to reimbursement of their reasonable
11706 expenses in the manner and amount specified in Section 25-3-41 and
11707 shall be entitled to receive per diem compensation as authorized
11708 in Section 25-3-69.

11709 (3) Members of the state board may be recalled by their
11710 appointing authority for cause, including a felony conviction,
11711 fraudulent or dishonest acts or gross abuse of discretion, failure
11712 to meet board member qualifications, or chronic failure to attend
11713 board meetings.



11714 (4) The Mississippi Workforce Development Board, created by
11715 former Section 37-153-7, is continued and reconstituted as
11716 follows: Effective January 1, 2028, the appointed members of the
11717 board designated in subsection (3)(b), (c) and (d) of this
11718 section, shall be appointed by the Governor to terms of four (4)
11719 years, with the advise and consent of the Senate, provided that
11720 twelve (12) such members shall be appointed in 2028 to a term
11721 ending December 31, 2031, and eleven (11) such members shall be
11722 appointed in 2030 to a term ending December 31, 2033.
11723 Appointments made at the beginning of the four-year cycle shall be
11724 made to fill any member's term which actually expires that year
11725 and any member's term which expires next until the majority of the
11726 membership of the board or commission is reached. Appointments
11727 made at the beginning of the third year of the four-year cycle
11728 shall be made for the remainder of the membership positions
11729 irrespective of the time of their prior appointment. Any question
11730 regarding the order of appointments shall be determined by the
11731 Secretary of State in accordance with the specific statute. All
11732 appointment procedures, vacancy provisions, interim appointment
11733 provisions and removal provisions specifically provided for in
11734 Section 7-1-35, Mississippi Code of 1972, shall be fully
11735 applicable to appointments to the Mississippi Workforce
11736 Development Board.

11737 (5) The Mississippi Department of Employment Security shall
11738 establish limits on administrative costs for each portion of



11739 Mississippi's workforce development system consistent with the
11740 federal Workforce Investment Act or any future federal workforce
11741 legislation.

11742 (* * *6) The Mississippi State Workforce Investment Board
11743 shall have the following duties. These duties are intended to be
11744 consistent with the scope of duties provided in the federal
11745 Workforce Innovation and Opportunity Act, amendments and successor
11746 legislation to this act, and other relevant federal law:

11747 (a) Through the office, develop and submit to the
11748 Governor, Lieutenant Governor and Speaker of the House a strategic
11749 plan for an integrated state workforce development system that
11750 aligns resources and structures the system to more effectively and
11751 efficiently meet the demands of Mississippi's employers and job
11752 seekers. This plan will comply with the federal Workforce
11753 Investment Act of 1998, as amended, the federal Workforce
11754 Innovation and Opportunity Act of 2014 and amendments and
11755 successor legislation to these acts;

11756 (b) Assist the Governor, Lieutenant Governor and
11757 Speaker of the House in the development and continuous improvement
11758 of the statewide workforce investment system that shall include:

11759 (i) Development of linkages in order to assure
11760 coordination and nonduplication among programs and activities; and

11761 (ii) Review local workforce development plans that
11762 reflect the use of funds from the federal Workforce Investment
11763 Act, Workforce Innovation and Opportunity Act, the Wagner-Peyser



11764 Act and the amendment or successor legislation to the acts, and
11765 the Mississippi Comprehensive Workforce Training and Education
11766 Consolidation Act;

11767 (c) Recommend to the office the designation of local
11768 workforce investment areas as required in Section 116 of the
11769 federal Workforce Investment Act of 1998 and the Workforce
11770 Innovation and Opportunity Act of 2014. There shall be four (4)
11771 workforce investment areas that are generally aligned with the
11772 planning and development district structure in Mississippi.
11773 Planning and development districts will serve as the fiscal agents
11774 to manage Workforce Investment Act funds, oversee and support the
11775 local workforce investment boards aligned with the area and the
11776 local programs and activities as delivered by the one-stop
11777 employment and training system. The planning and development
11778 districts will perform this function through the provisions of the
11779 county cooperative service districts created under Sections
11780 19-3-101 through 19-3-115; however, planning and development
11781 districts currently performing this function under the Interlocal
11782 Cooperation Act of 1974, Sections 17-13-1 through 17-13-17, may
11783 continue to do so;

11784 (d) Assist the Governor in the development of an
11785 allocation formula for the distribution of funds for adult
11786 employment and training activities and youth activities to local
11787 workforce investment areas;



11788 (e) Recommend comprehensive, results-oriented measures
11789 that shall be applied to all of Mississippi's workforce
11790 development system programs;

11791 (f) Assist the Governor in the establishment and
11792 management of a one-stop employment and training system conforming
11793 to the requirements of the federal Workforce Investment Act of
11794 1998 and the Workforce Innovation and Opportunity Act of 2014, as
11795 amended, recommending policy for implementing the Governor's
11796 approved plan for employment and training activities and services
11797 within the state. In developing this one-stop career operating
11798 system, the Mississippi State Workforce Investment Board, in
11799 conjunction with local workforce investment boards, shall:

11800 (i) Design broad guidelines for the delivery of
11801 workforce development programs;

11802 (ii) Identify all existing delivery agencies and
11803 other resources;

11804 (iii) Define appropriate roles of the various
11805 agencies to include an analysis of service providers' strengths
11806 and weaknesses;

11807 (iv) Determine the best way to utilize the various
11808 agencies to deliver services to recipients; and

11809 (v) Develop a financial plan to support the
11810 delivery system that shall, at a minimum, include an
11811 accountability system;



11812 (g) To provide authority, in accordance with any
11813 executive order of the Governor, for developing the necessary
11814 collaboration among state agencies at the highest level for
11815 accomplishing the purposes of this article;

11816 (h) To monitor the effectiveness of the workforce
11817 development centers and WIN job centers;

11818 (i) To advise the Governor, public schools,
11819 community/junior colleges and institutions of higher learning on
11820 effective school-to-work transition policies and programs that
11821 link students moving from high school to higher education and
11822 students moving between community colleges and four-year
11823 institutions in pursuit of academic and technical skills training;

11824 (j) To work with industry to identify barriers that
11825 inhibit the delivery of quality workforce education and the
11826 responsiveness of educational institutions to the needs of
11827 industry;

11828 (k) To provide periodic assessments on effectiveness
11829 and results of the overall Mississippi comprehensive workforce
11830 development system and district councils;

11831 (l) Develop broad statewide development goals,
11832 including a goal to raise the state's labor force participation
11833 rate;

11834 (m) Perform a comprehensive review of Mississippi's
11835 workforce development efforts, including the amount spent and
11836 effectiveness of programs supported by state or federal money; and



11837 (n) To assist the Governor in carrying out any other
11838 responsibility required by the federal Workforce Investment Act of
11839 1998, as amended and the Workforce Innovation and Opportunity Act,
11840 successor legislation and amendments.

11841 (* * *7) The Mississippi State Workforce Investment Board
11842 shall coordinate all training programs and funds within its
11843 purview, consistent with the federal Workforce Investment Act,
11844 Workforce Innovation and Opportunity Act, amendments and successor
11845 legislation to these acts, and other relevant federal law.

11846 Each state agency director responsible for workforce training
11847 activities shall advise the Mississippi Office of Workforce
11848 Development and the State Workforce Investment Board of
11849 appropriate federal and state requirements. Each state agency,
11850 department and institution shall report any monies received for
11851 workforce training activities or career and technical education
11852 and a detailed itemization of how those monies were spent to the
11853 state board. The board shall compile the data and provide a
11854 report of the monies and expenditures to the Chairs of the House
11855 and Senate Appropriations Committee, the Chair of the House
11856 Workforce Development Committee and the Chair of the Senate
11857 Economic and Workforce Development Committee by October 1 of each
11858 year. Each such state agency director shall remain responsible
11859 for the actions of his agency; however, each state agency and
11860 director shall work cooperatively to fulfill the state's goals.



11861 (* * *8) The State Workforce Investment Board shall
11862 establish an executive committee, which shall consist of the
11863 following State Workforce Investment Board members:

11864 (a) The Chair of the State Workforce Investment Board;

11865 (b) Two (2) business representatives currently serving
11866 on the state board selected by the Governor;

11867 (c) The two (2) business representatives currently
11868 serving on the state board appointed by the Lieutenant Governor;

11869 (d) The two (2) business representatives currently
11870 serving on the state board appointed by the Governor from a list
11871 of three (3) recommendations from the Speaker of the House;

11872 (e) The two (2) legislators, who shall serve in a
11873 nonvoting capacity, one (1) of whom shall be appointed by the
11874 Lieutenant Governor from the membership of the Mississippi Senate
11875 and one (1) of whom shall be appointed by the Speaker of the House
11876 of Representatives from the membership of the Mississippi House of
11877 Representatives.

11878 (* * *9) Effective July 1, 2028, the executive committee
11879 shall select an Executive Director of the Office of Workforce
11880 Development to a term of four (4) years, with the advice and
11881 consent of * * * the Senate. The executive committee shall seek
11882 input from economic development organizations across the state
11883 when selecting the executive director. The executive director
11884 shall:



11885 (a) Be a person with extensive experience in
11886 development of economic, human and physical resources, and
11887 promotion of industrial and commercial development. The executive
11888 director shall have a bachelor's degree from a state-accredited
11889 institution and no less than eight (8) years of professional
11890 experience related to workforce or economic development;

11891 (b) Perform the functions necessary for the daily
11892 operation and administration of the office, with oversight from
11893 the executive committee and the State Workforce Investment Board,
11894 to fulfill the duties of the state board as described in Chapter
11895 476, Laws of 2020;

11896 (c) Hire staff needed for the performance of his or her
11897 duties under Chapter 476, Laws of 2020. The executive director,
11898 with approval from the executive committee, shall set the
11899 compensation of any hired employees from any funds made available
11900 for that purpose;

11901 (d) Enter any part of the Mississippi Community College
11902 Board, individual community and junior colleges, or other
11903 workforce training facilities operated by the state or its
11904 subdivisions;

11905 * * *

11906 (* * *e) Promulgate rules and regulations, subject to
11907 oversight by the executive committee, not inconsistent with this
11908 article, as may be necessary to enforce the provisions in Chapter
11909 476, Laws of 2020; and



11910 (* * *f) Perform any other actions he or she, in
11911 consultation with the executive committee, deems necessary to
11912 fulfill the duties under Chapter 476, Laws of 2020.

11913 (* * *10) The Office of Workforce Development and
11914 Mississippi Community College Board shall collaborate in the
11915 administration and oversight of the Mississippi Workforce
11916 Enhancement Training Fund and Mississippi Works Fund, as described
11917 in Section 71-5-353. The executive director shall maintain
11918 complete and exclusive operational control of the office's
11919 functions.

11920 (* * *11) The office shall file an annual and a quarterly
11921 report with the Governor, Secretary of State, President of the
11922 Senate, Speaker of the House, Chairman of the House Workforce
11923 Development Committee and Chairman of the Senate Economic and
11924 Workforce Development Committee. The annual report shall be filed
11925 not later than October 1 of each year regarding all funds approved
11926 by the office to be expended on workforce training during the
11927 prior calendar year. The quarterly and annual reports shall
11928 include:

11929 (a) Information on the performance of the Mississippi
11930 Workforce Enhancement Training Fund and the Mississippi Works
11931 Fund, in terms of adding value to the local and state economy, the
11932 contribution to future growth of the state economy, and movement
11933 toward state goals, including increasing the labor force
11934 participation rate;



11935 (b) With respect to specific workforce training
11936 projects:
11937 (i) The location of the training;
11938 (ii) The amount allocated to the project;
11939 (iii) The purpose of the project;
11940 (iv) The specific business entity that is the
11941 beneficiary of the project;
11942 (v) The number of employees intended to be trained
11943 and actually trained, if applicable, in the course of the project;
11944 and
11945 (vi) The types of funds used for the project;
11946 (c) With respect to the grants that have been awarded
11947 under the Mississippi K-12 Workforce Development Grant Program
11948 created in Section 37-153-221:
11949 (i) The entity that was awarded the grant;
11950 (ii) The amount allocated to the grant;
11951 (iii) The purpose of the grant; * * *
11952 (iv) How the grant has been used since it was
11953 awarded; and
11954 (d) With respect to the office's authority to select
11955 tools and resources, including necessary online platforms and
11956 similar systems in furtherance of the mission of the office:
11957 (i) The policies that the office has adopted or
11958 amended on the process for the selection of tools and resources,



11959 including necessary online platforms and similar systems in
11960 furtherance of the mission of the office;

11961 (ii) The eligible entities that the office
11962 determined may provide services, such as companies, nonprofit
11963 organizations, or other similar groups;

11964 (iii) Any tools and resources, including necessary
11965 online platforms and similar systems in furtherance of the mission
11966 of the office, that have been selected by the office; and

11967 (iv) What entity received the benefit of the tools
11968 and resources that were selected.

11969 (e) All information concerning a proposed project which
11970 is provided to the executive director shall be kept confidential.
11971 Except as provided in subsections (13) and (14), such
11972 confidentiality shall not limit disclosure under the Mississippi
11973 Public Records Act of 1983 of records describing the nature,
11974 quantity, cost or other pertinent information related to the
11975 activities of, or services performed using, the Mississippi
11976 Workforce Enhancement Training Fund or the Mississippi Works Fund.

11977 (* * *12) In addition to other powers and duties provided
11978 in this section, the Office of Workforce Development shall also
11979 have the following powers and duties:

11980 (a) Direct access to accounting and banking statements
11981 for all funds under its direction to ensure accurate and efficient
11982 management of funds and to improve internal control;



11983 (b) The ability to enter into nondisclosure agreements
11984 to effectively support economic development activities and the
11985 proprietary nature of customized training for existing and new
11986 industry;

11987 (c) To adopt and promulgate such rules and regulations
11988 as may be necessary or desirable for the purpose of implementing
11989 the Mississippi K-12 Workforce Development Grant Program created
11990 in Section 37-153-221;

11991 (d) To receive contributions, donations, gifts,
11992 bequests of money, other forms of financial assistance and
11993 property, equipment, materials or manpower from persons,
11994 foundations, trust funds, corporations, organizations and other
11995 sources, public or private, made to the office, and may expend or
11996 use the same in accordance with the conditions prescribed by the
11997 donor, provided that no such condition is contrary to any
11998 provision of law;

11999 (e) To contract with state agencies, governing
12000 authorities or economic and workforce development entities for
12001 shared programmatic efforts and support service or joint
12002 employment of personnel in order to further the office's purposes;

12003 (f) To determine, subject to appropriation, the need
12004 for and, if desired, the selection of tools and resources,
12005 including necessary online platforms and similar systems in
12006 furtherance of the mission of the office, through processes
12007 established in policies adopted by the office that are deemed to



12008 be practical, feasible and in the public interest. These
12009 processes shall outline eligible entities that may provide such
12010 services, such as companies, nonprofit organizations, or other
12011 similar groups and shall ensure the office determines metrics for
12012 success, including deliverables as required by the office;

12013 (g) To implement the career coaching program provided
12014 for in Section 37-73-3;

12015 (h) To provide career coaches with access to technology
12016 to develop customized career pathways and connect students with
12017 post-secondary and employment opportunities matching their skills
12018 and interests; and

12019 (i) To implement and oversee programs providing support
12020 to community and junior colleges for training needs that may arise
12021 when new businesses locate in Mississippi, to include providing
12022 support to existing industries that may lose employees as a result
12023 of the new business.

12024 Through December 31, 2024, the provisions of Section 27-104-7
12025 related to rental agreements or leasing of real property for the
12026 purpose of conducting agency business shall not apply to the
12027 office.

12028 (* * *13) Nothing in Chapter 476, Laws of 2020 [Senate Bill
12029 No. 2564] shall void or otherwise interrupt any contract, lease,
12030 grant or other agreement previously entered into by the State
12031 Workforce Investment Board, Mississippi Community College Board,
12032 individual community or junior colleges, or other entities.



12033 (* * *14) Any records of the office which contain client
12034 information from the Mississippi Development Authority or local
12035 economic development entities concerning development projects
12036 shall be exempt from the provisions of the Mississippi Public
12037 Records Act of 1983 for a period of two (2) years after receipt of
12038 the information by the office. Confidential client information as
12039 described in this section shall not include the information which
12040 must be disclosed by the certified applicant related to a
12041 qualified economic development project in the annual report
12042 described in Section 57-1-759.

12043 (* * *15) Confidential client information in public records
12044 held by the office shall be exempt from the provisions of the
12045 Mississippi Public Records Act of 1983 during any period of review
12046 and negotiation on a project proposal facilitated by the
12047 Mississippi Development Authority or local economic development
12048 entities and for a period of thirty (30) days after approval,
12049 disapproval or abandonment of the proposal not to exceed one (1)
12050 year.

12051 **SECTION 161.** Section 59-17-23, Mississippi Code of 1972, is
12052 amended as follows:

12053 59-17-23. Any port or harbor, or any part thereof, and all
12054 facilities, structures, lands or other improvements, leased by,
12055 acquired by or conveyed to the state shall be operated by the
12056 board acting through a State Inland Port Authority for such port
12057 or harbor, except as may be otherwise provided in this chapter.



12058 Such port authority shall be vested, in addition to the rights,
12059 powers and duties conferred hereunder, with the same jurisdiction,
12060 and the same rights, powers, and duties vested by law, in other
12061 port authorities within the state. Any conflict with other laws
12062 shall be governed by this chapter.

12063 The State Inland Port Authority shall consist of one (1)
12064 member from the county in which the port is located and one (1)
12065 member from each county that is contiguous to the county in which
12066 the port is located to be appointed for a period of four (4) years
12067 by the respective board of supervisors of each of those counties,
12068 provided each county has levied the two (2) mills required in
12069 Sections 59-17-19 and 59-17-21 and the Governor shall appoint one
12070 (1) member from each participating county outlined above of which
12071 two (2) mills has been levied, plus one (1) additional member from
12072 any one (1) of the participating counties outlined above of which
12073 two (2) mills has been levied. The initial terms by the
12074 Governor's appointees shall be staggered, one (1) member appointed
12075 for two (2) years and others by adding one (1) additional year; no
12076 term shall exceed five (5) years. The number of years to be
12077 served on regular terms shall be the same number as the number of
12078 Governor's appointees.

12079 In the event the contracting agency is any master water
12080 management district, the board shall consist of the following:
12081 one (1) member from the county in which the port is located and
12082 one (1) member from each county that is contiguous to the county



12083 in which the port is located to be appointed by the respective
12084 boards of supervisors for a period of four (4) years, and the
12085 Governor shall appoint one (1) member from each of the counties
12086 outlined above, plus one (1) additional member from any one (1) of
12087 the counties outlined above. The Governor's five (5) appointees'
12088 initial terms shall be for one (1), two (2), three (3), four (4)
12089 and five (5) years respectively, but all succeeding appointments
12090 shall be for terms of five (5) years.

12091 The Inland Port Authority, created by former Section
12092 59-17-23, is continued and reconstituted as follows: Effective
12093 January 1, 2028, the appointed members of the authority designated
12094 in this section, shall be appointed by the Governor to a term of
12095 four (4) years, with the advise and consent of the Senate,
12096 provided that one-half (1/2) of such members shall be appointed in
12097 2028 to a term ending December 31, 2031, and one-half (1/2) of
12098 such members shall be appointed in 2030 to a term ending December
12099 31, 2033. Appointments made at the beginning of the four-year
12100 cycle shall be made to fill any member's term which actually
12101 expires that year and any member's term which expires next until
12102 the majority of the membership of the board or commission is
12103 reached. Appointments made at the beginning of the third year of
12104 the four-year cycle shall be made for the remainder of the
12105 membership positions irrespective of the time of their prior
12106 appointment. Any question regarding the order of appointments
12107 shall be determined by the Secretary of State in accordance with



12108 the specific statute. All appointment procedures, vacancy
12109 provisions, interim appointment provisions and removal provisions
12110 specifically provided for in Section 7-1-35, Mississippi Code of
12111 1972, shall be fully applicable to appointments to the Inland Port
12112 Authority.

12113 **SECTION 162.** Section 77-19-5, Mississippi Code of 1972, is
12114 amended as follows:

12115 77-19-5. There is created an Office of Broadband Expansion
12116 and Accessibility of Mississippi (BEAM) within the Department of
12117 Finance and Administration for the purpose of making
12118 determinations and awards from applications for projects to
12119 provide broadband service in unserved or underserved areas using
12120 the Broadband Expansion and Accessibility of Mississippi (BEAM)
12121 Fund created pursuant to Section 77-19-7. The Executive Director
12122 of the Department of Finance and Administration shall hire a
12123 Director of BEAM to administer the office.

12124 Effective January 1, 2028, the BEAM executive director
12125 designated in this section, shall be appointed by the Governor,
12126 with the advice and consent of the Senate. The executive director
12127 shall serve for a term of four (4) years. All appointment
12128 procedures, vacancy provisions, interim appointment provisions and
12129 removal provisions specifically provided for in Section 7-1-35,
12130 Mississippi Code of 1972, shall be fully applicable to the
12131 appointed BEAM executive director.



12132 **SECTION 163.** This act shall take effect and be in force from
12133 and after July 1, 2025.

