

By: Senator(s) Sparks

To: Government Structure

SENATE BILL NO. 2799
(As Sent to Governor)

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 SECTIONS 7-1-35,
4 73-4-7, 73-4-11, 37-155-7, 37-4-3, 49-2-4, 49-2-5, 41-4-3, 41-4-7,
5 73-19-7, 73-19-9, 73-35-5, 35-7-7, 49-4-4, 49-4-6, 47-5-8, 25-4-5
6 AND 47-7-5, MISSISSIPPI CODE OF 1972, TO REVISE THE PROCEDURES AND
7 TERMS OF OFFICE FOR THE APPOINTMENTS OF MEMBERS TO CERTAIN STATE
8 BOARDS, AGENCIES, AND OTHER GOVERNMENT ENTITIES AND AUTHORITIES
9 WHICH REQUIRE SENATE CONFIRMATION; AND FOR RELATED PURPOSES.

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

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

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

14 7-1-35. (1) The Governor shall fill by appointment, with
15 the advice and consent of the Senate, all offices subject to such
16 appointment when the term of the incumbent will expire within nine
17 (9) months after the meeting of the Legislature, and also
18 vacancies in such offices occurring from any cause during the
19 session of the Senate or during the vacation of that body. All
20 such appointments to offices made in vacation shall be reported to
21 the Senate within ten (10) days after the commencement of the



22 session of that body for its advice and consent to the
23 appointment, and the vacancy shall not be filled if caused by the
24 Senate's refusal to confirm any appointment or nomination, or if
25 it * * * does not occur during the last five (5) days of the
26 session, by the appointment of the Governor in the vacation of the
27 Senate, without its concurrence. Any appointment in vacation to
28 which the Senate shall refuse to consent shall be thereby annulled
29 from that date, but the acts of the appointee prior thereto shall
30 not be affected thereby.

31 (2) The Secretary of State shall be the records repository
32 for all appointments to boards, commissions, executive directors
33 and agency directors. Appointing authorities shall notify the
34 Secretary of State prior to submitting the appointment to the
35 Senate. The Secretary of State shall send a list of the required
36 appointments to boards, commissions, executive directors and
37 agency directors whose terms are expiring or have been vacated
38 prior to the next legislative session to the appointing
39 authorities by December 15 preceding the legislative session. The
40 Secretary of State shall also compile and issue a report to the
41 Governor, Lieutenant Governor and Speaker of the House annually,
42 detailing the number of official meetings each board and
43 commission has held in the previous years.

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



46 7-1-35. (1) Unless otherwise provided by law, all
47 appointments to agencies, boards, commissions, director or
48 executive director positions whose term is expiring shall serve
49 until his or her successor is appointed and qualified, but in no
50 event shall he or she serve past the July 1 occurring after the
51 end of his term, unless he shall be reappointed by the Governor or
52 other appointing authority.

53 (2) The Secretary of State shall be the records repository
54 for all appointments to boards, commissions, executive directors
55 and agency directors. Appointing authorities shall notify the
56 Secretary of State prior to submitting the appointment to the
57 Senate. The Secretary of State shall send a list of the required
58 appointments to boards, commissions, executive directors and
59 agency directors whose terms are expiring or have been vacated
60 prior to the next legislative session to the appointing
61 authorities by December 15 preceding the legislative session. The
62 Secretary of State shall also compile and issue a report to the
63 Governor, Lieutenant Governor and Speaker of the House annually,
64 detailing the number of official meetings each board and
65 commission has held in the previous years.

66 (3) If, for any cause, a vacancy occurs in the office of an
67 appointed agency, board, or commission member, executive director
68 or director position, the appointing authority shall make an
69 appointment to fill the vacancy for the unexpired term within one
70 hundred eighty (180) days of the date the vacancy occurs.



71 (4) Interim appointments shall be allowed to serve for no
72 more than nine (9) months. No interim appointee may serve
73 consecutive interim terms. If an appointment occurs in vacation
74 of the legislative session, it shall be considered an interim
75 appointment until confirmed by the Senate.

76 (5) Unless otherwise provided by law, an appointed agency,
77 board or commission member may be removed by the Governor or other
78 appointing authority for chronic absenteeism, which shall consist
79 of more than three (3) unexcused absences in any one (1) year, and
80 such person shall not be reappointed until their original term has
81 expired. This provision is not applicable to meetings where a
82 designee has attended in place of the agency, board or commission
83 member if the attendance by a designee is authorized by law.

84 (6) All appointments to an agency, board, commission or
85 director position made in vacation of the legislative session
86 shall be reported to the Senate within ten (10) days after the
87 commencement of the next regular session of that body for its
88 advice and consent to the appointment. Any vacancy to an agency,
89 board, commission, executive director or director position shall
90 not be filled if caused by the Senate's refusal to confirm or the
91 Senate's inaction on the nomination, unless the vacancy occurs
92 during the last five (5) days of the session. Any appointment in
93 vacation of the Senate to which the Senate shall refuse to consent
94 or takes no action shall be thereby annulled from the date of sine



95 die adjournment, but the acts of the appointee prior thereto shall
96 not be affected thereby.

97 (7) Unless otherwise provided by law, all appointment
98 procedures, term of office provisions, vacancy provisions, interim
99 appointment provisions and removal provisions specifically
100 provided for in this Section 7-1-35 shall be fully applicable to
101 the appointment of agency directors by the Governor or by the
102 respective board or commission.

103 **SECTION 2.** Section 73-4-7, Mississippi Code of 1972, is
104 amended as follows:

105 73-4-7. (1) The Mississippi Auctioneer Commission is
106 created, and it shall have the authority to make such rules and
107 regulations as are reasonable and necessary for the orderly
108 regulation of the auctioneering profession and the protection of
109 the public, which rules and regulations are not inconsistent with
110 the Mississippi Constitution of 1890 and state laws. The
111 commission shall have the following powers:

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

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



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

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

124 (2) The Mississippi Auctioneer Commission shall consist of
125 five (5) members, one (1) from each * * * Mississippi Supreme
126 Court District and two (2) from the state at large, who shall be
127 appointed by the Governor, with the advice and consent of the
128 Senate. All appointees shall possess the following minimum
129 qualifications:

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

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

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

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

140 (3) * * * The Mississippi Auctioneer Commission, created by
141 former Section 73-4-7, is continued and reconstituted as follows:
142 Effective January 1, 2028, each commissioner shall be appointed by



143 the Governor, with the advice and consent of the Senate, for a
144 term of office of four (4) years, provided that three (3) such
145 members shall be appointed in 2028 to a term ending December 31,
146 2031, and two (2) such members shall be appointed in 2030 to a
147 term ending December 31, 2033. Appointments made at the beginning
148 of the four-year cycle shall be made to fill any member's term
149 which actually expires that year and any member's term which
150 expires next until the majority of the membership of the board or
151 commission is reached. Appointments made at the beginning of the
152 third year of the four-year cycle shall be made for the remainder
153 of the membership positions irrespective of the time of their
154 prior appointment. Any question regarding the order of
155 appointments shall be determined by the Secretary of State in
156 accordance with the specific statute. All appointment procedures,
157 vacancy provisions, interim appointment provisions and removal
158 provisions specifically provided for in Section 7-1-35,
159 Mississippi Code of 1972, shall be fully applicable to
160 appointments to the Mississippi Auctioneer Commission, and to the
161 position of executive director.

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

166 **SECTION 3.** Section 73-4-11, Mississippi Code of 1972, is
167 amended as follows:



168 73-4-11. (1) At the meeting to be held each January, the
169 commission shall elect from its membership a chairman and a vice
170 chairman. Each officer shall serve a term of one (1) year and
171 shall not vacate office until a successor is elected.

172 (2) The chairman shall preside at all meetings of the
173 commission.

174 (3) The vice chairman shall act as presiding officer in the
175 absence of the chairman and shall perform such other duties as the
176 chairman may direct.

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

181 (5) The executive director shall:

182 (a) Notify all members of meetings;

183 (b) Keep a record of all meetings of the commission,
184 votes taken by the commission and other proceedings, transactions,
185 communications, official acts and records of the commission; and

186 (c) Perform such other duties as the chairman directs.

187 **SECTION 4.** Section 37-155-7, Mississippi Code of 1972, is
188 amended as follows:

189 37-155-7. (1) The board of directors shall consist of
190 thirteen (13) members as follows:

191 (a) Nine (9) voting members as follows: the State
192 Treasurer; the Commissioner of Higher Education, or his designee;



193 the Executive Director of the Community and Junior College Board,
194 or his designee; the Department of Finance and Administration
195 Executive Director, or his designee; and one (1) member from
196 each * * * Mississippi Supreme Court District and two (2) from the
197 state at large to be appointed by the Governor with the advice and
198 consent of the Senate. * * * The MPACT Board of Directors,
199 created by former Section 37-155-7, is continued and reconstituted
200 as follows: Effective January 1, 2028, the appointed MPACT Board
201 members shall be appointed by the Governor, with the advice and
202 consent of the Senate, for a term of office of four (4) years,
203 provided that three (3) such members shall be appointed in 2028 to
204 a term ending December 31, 2031, and two (2) such members shall be
205 appointed in 2030 to a term ending December 31, 2033.
206 Appointments made at the beginning of the four-year cycle shall be
207 made to fill any member's term which actually expires that year
208 and any member's term which expires next until the majority of the
209 membership of the board or commission is reached. Appointments
210 made at the beginning of the third year of the four-year cycle
211 shall be made for the remainder of the membership positions
212 irrespective of the time of their prior appointment. Any question
213 regarding the order of appointments shall be determined by the
214 Secretary of State in accordance with the specific statute. All
215 appointment procedures, vacancy provisions, interim appointment
216 provisions and removal provisions specifically provided for in
217 Section 7-1-35, Mississippi Code of 1972, shall be fully



218 applicable to appointments to the MPACT Board of Directors. Ex
219 officio members of the board may be represented at official
220 meetings by their deputy, or other designee, and such designees
221 shall have full voting privileges and shall be included in the
222 determination of a quorum for conducting board business.

223 (b) Two (2) nonvoting, advisory members of the board
224 shall be appointed by each of the following officers: the
225 Lieutenant Governor and the Speaker of the House of
226 Representatives.

227 * * *

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

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

236 (* * *4) The board of directors shall annually elect one
237 (1) member to serve as chairman of the board and one (1) member to
238 serve as vice chairman. The vice chairman shall act as chairman
239 in the absence of or upon the disability of the chairman or in the
240 event of a vacancy of the office of chairman.

241 (* * *5) A majority of the currently serving members of the
242 board shall constitute a quorum for the purposes of conducting



243 business and exercising its official powers and duties. Any
244 action taken by the board shall be upon the vote of a majority of
245 the members present.

246 **SECTION 5.** Section 37-4-3, Mississippi Code of 1972, is
247 amended as follows:

248 37-4-3. (1) From and after July 1, 1986, there shall be a
249 Mississippi Community College Board which shall receive and
250 distribute funds appropriated by the Legislature for the use of
251 the public community and junior colleges and funds from federal
252 and other sources that are transmitted through the state
253 governmental organization for use by said colleges. This board
254 shall provide general coordination of the public community and
255 junior colleges, assemble reports and such other duties as may be
256 prescribed by law.

257 (2) The board shall consist of ten (10) members of which
258 none shall be an elected official. Until January 1, 2028, the
259 Governor shall appoint two (2) members from the First Mississippi
260 Congressional District, one (1) who shall serve an initial term of
261 two (2) years and one (1) who shall serve an initial term of five
262 (5) years; two (2) members from the Second Mississippi
263 Congressional District, one (1) who shall serve an initial term of
264 five (5) years and one (1) who shall serve an initial term of
265 three (3) years; and two (2) members from the Third Mississippi
266 Congressional District, one (1) who shall serve an initial term of
267 four (4) years and one (1) who shall serve an initial term of two



268 (2) years; two (2) members from the Fourth Mississippi
269 Congressional District, one (1) who shall serve an initial term of
270 three (3) years and one (1) who shall serve an initial term of
271 four (4) years; and two (2) members from the Fifth Mississippi
272 Congressional District, one (1) who shall serve an initial term of
273 five (5) years and one (1) who shall serve an initial term of two
274 (2) years. All subsequent appointments shall be for a term of six
275 (6) years and continue until their successors are appointed and
276 qualify. An appointment to fill a vacancy which arises for
277 reasons other than by expiration of a term of office shall be for
278 the unexpired term only. All members shall be appointed with the
279 advice and consent of the Senate.

280 The Mississippi Community College Board, created by former
281 Section 37-4-3, is continued and reconstituted as follows:
282 Effective January 1, 2028, the Governor shall appoint three (3)
283 members from each Mississippi Supreme Court District and one (1)
284 from the state at large. The members shall be appointed by the
285 Governor, with the advice and consent of the Senate, for a term of
286 office of four (4) years, provided that six (6) members shall be
287 appointed in 2028 to a term ending December 31, 2031, and four (4)
288 members shall be appointed in 2030 to a term ending December 31,
289 2033. Appointments made at the beginning of the four-year cycle
290 shall be made to fill any member's term which actually expires
291 that year and any member's term which expires next until the
292 majority of the membership of the board or commission is reached.



293 Appointments made at the beginning of the third year of the
294 four-year cycle shall be made for the remainder of the membership
295 positions irrespective of the time of their prior appointment.
296 Any question regarding the order of appointments shall be
297 determined by the Secretary of State in accordance with the
298 specific statute. All appointment procedures, vacancy provisions,
299 interim appointment provisions and removal provisions specifically
300 provided for in Section 7-1-35, Mississippi Code of 1972, shall be
301 fully applicable to appointments to the Mississippi Community
302 College Board, and to the position of executive director.

303 (3) There shall be a chairman and vice chairman of the
304 board, elected by and from the membership of the board; and the
305 chairman shall be the presiding officer of the board. The board
306 shall adopt rules and regulations governing times and places for
307 meetings and governing the manner of conducting its business.

308 (4) The members of the board shall receive no annual salary,
309 but shall receive per diem compensation as authorized by Section
310 25-3-69, Mississippi Code of 1972, for each day devoted to the
311 discharge of official board duties and shall be entitled to
312 reimbursement for all actual and necessary expenses incurred in
313 the discharge of their duties, including mileage as authorized by
314 Section 25-3-41, Mississippi Code of 1972.

315 (5) Effective July 1, 2028, the board shall name a director
316 for the state system of public junior and community colleges, who
317 shall serve at the will and pleasure of the board, with the advice



318 and consent of the Senate, not less than every four (4) years.
319 Such director shall be the chief executive officer of the board,
320 give direction to the board staff, carry out the policies set
321 forth by the board, and work with the presidents of the several
322 community and junior colleges to assist them in carrying out the
323 mandates of the several boards of trustees and in functioning
324 within the state system and policies established by the
325 Mississippi Community College Board. The Mississippi Community
326 College Board shall set the salary of the director of the board.
327 The Legislature shall provide adequate funds for the Mississippi
328 Community College Board, its activities and its staff.

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

331 (a) To authorize disbursements of state-appropriated
332 funds to community and junior colleges through orders in the
333 minutes of the board.

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

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

338 (d) To require community and junior colleges to supply
339 such information as the board may request and compile, publish and
340 make available such reports based thereon as the board may deem
341 advisable.



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

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

353 (g) To approve applications from community and junior
354 colleges for state funds for vocational-technical education
355 facilities.

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

358 (i) To appoint members to the Post-Secondary
359 Educational Assistance Board.

360 (j) To appoint members to the Authority for Educational
361 Television.

362 (k) To contract with other boards, commissions,
363 governmental entities, foundations, corporations or individuals
364 for programs, services, grants and awards when such are needed for
365 the operation and development of the state public community and
366 junior college system.



367 (1) To fix standards for community and junior colleges
368 to qualify for appropriations, and qualifications for community
369 and junior college teachers.

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

373 (n) To approve or disapprove of any proposed inclusion
374 within municipal corporate limits of state-owned buildings and
375 grounds of any community college or junior college and to approve
376 or disapprove of land use development, zoning requirements,
377 building codes and delivery of governmental services applicable to
378 state-owned buildings and grounds of any community college or
379 junior college. Any agreement by a local board of trustees of a
380 community college or junior college to annexation of state-owned
381 property or other conditions described in this paragraph shall be
382 void unless approved by the board and by the board of supervisors
383 of the county in which the state-owned property is located.

384 **SECTION 6.** Section 49-2-4, Mississippi Code of 1972, is
385 amended as follows:

386 49-2-4. (1) There is hereby created the Mississippi
387 Department of Environmental Quality whose offices shall be located
388 in Jackson, Mississippi.

389 (2) The department shall be headed by an executive director
390 who shall be appointed by and serve at the pleasure of the
391 Governor. The appointment of the executive director shall be made



392 with the advice and consent of the Senate, not less than every
393 four (4) years. The executive director may assign to the
394 appropriate bureaus such powers and duties as deemed appropriate
395 to carry out the department's lawful functions. The executive
396 director shall have the following minimum qualifications:

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

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

405 The executive director shall be the chief administrative
406 officer of the department.

407 **SECTION 7.** Section 49-2-5, Mississippi Code of 1972, is
408 amended as follows:

409 49-2-5. (1) There is hereby created the Mississippi
410 Commission on Environmental Quality, to be composed of seven (7)
411 persons appointed by the Governor, with the advice and consent of
412 the Senate, for a term of * * * four (4) years. * * * Two (2)
413 persons shall be appointed from each * * * Mississippi Supreme
414 Court District, and * * * one (1) member shall be appointed from
415 the state at large. * * * The Mississippi Commission on
416 Environmental Quality, created by former Section 49-2-5, is



417 continued and reconstituted as follows: Effective January 1,
418 2028, each member shall be appointed by the Governor, with the
419 advice and consent of the Senate, for a term of office of four (4)
420 years, provided that four (4) members shall be appointed in 2028
421 to as term ending December 31, 2031, and three (3) members shall
422 be appointed in 2030 to a term ending December 31, 2033.
423 Appointments made at the beginning of the four-year cycle shall be
424 made to fill any member's term which actually expires that year
425 and any member's term which expires next until the majority of the
426 membership of the board or commission is reached. Appointments
427 made at the beginning of the third year of the four-year cycle
428 shall be made for the remainder of the membership positions
429 irrespective of the time of their prior appointment. Any question
430 regarding the order of appointments shall be determined by the
431 Secretary of State in accordance with the specific statute. All
432 appointment procedures, vacancy provisions, interim appointment
433 provisions and removal provisions specifically provided for in
434 Section 7-1-35, Mississippi Code of 1972, shall be fully
435 applicable to appointments to the Mississippi Commission on
436 Environmental Quality.

437 (2) The commission shall elect from its membership a
438 chairman who shall preside over meetings and a vice chairman who
439 shall preside in the absence of the chairman or when the chairman
440 shall be excused.



441 (3) The commission shall adopt rules and regulations
442 governing times and places for meetings, and governing the manner
443 of conducting its business. Each member of the commission shall
444 take the oath prescribed by Section 268 of the Constitution and
445 shall enter into bond in the amount of Thirty Thousand Dollars
446 (\$30,000.00) to be approved by the Secretary of State, conditioned
447 according to law and payable to the State of Mississippi before
448 assuming the duties of office. * * *

449 (4) The members of the commission shall receive no annual
450 salary, but shall receive per diem compensation as authorized by
451 law for each day devoted to the discharge of official duties, and
452 shall be entitled to reimbursement for all actual and necessary
453 expenses incurred in the discharge of their duties, including
454 mileage as authorized by law.

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

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

462 (6) At least a majority of the members of the commission
463 shall represent the public interest and shall not derive any
464 significant portion of their income from persons subject to
465 permits under the federal Clean Air Act or enforcement order under



466 the federal Clean Air Act. In the event of any potential conflict
467 of interest by a member of the commission, such member shall
468 disclose the potential conflict to the other members of the
469 commission and shall recuse himself or herself from participating
470 in or voting on any matter related to such conflict of interest.

471 **SECTION 8.** Section 41-4-3, Mississippi Code of 1972, is
472 amended as follows:

473 41-4-3. (1) There is created a State Board of Mental
474 Health, referred to in this chapter as "board," consisting of nine
475 (9) members, to be appointed by the Governor, with the advice and
476 consent of the Senate, each of whom shall be a qualified
477 elector. * * * Three (3) members shall be appointed from
478 each * * * Mississippi Supreme Court District * * *. One
479 (1) * * * appointee shall be a licensed medical doctor who is a
480 psychiatrist, one (1) * * * shall hold a Ph.D. degree and be a
481 licensed clinical psychologist, one (1) * * * shall be a licensed
482 medical doctor, and one (1) of whom shall be a social worker with
483 experience in the mental health field.

484 * * *

485 The State Board of Mental Health, created by former Section
486 41-4-3, is continued and reconstituted as follows: Effective
487 January 1, 2028, each member shall be appointed by the Governor,
488 with the advice and consent of the Senate, for a term of office of
489 four (4) years, provided that five (5) members shall be appointed
490 in 2028 to a term ending December 31, 2031, and four (4) members



491 shall be appointed in 2030 to a term ending December 31, 2033.
492 Appointments made at the beginning of the four-year cycle shall be
493 made to fill any member's term which actually expires that year
494 and any member's term which expires next until the majority of the
495 membership of the board or commission is reached. Appointments
496 made at the beginning of the third year of the four-year cycle
497 shall be made for the remainder of the membership positions
498 irrespective of the time of their prior appointment. Any question
499 regarding the order of appointments shall be determined by the
500 Secretary of State in accordance with the specific statute. All
501 appointment procedures, vacancy provisions, interim appointment
502 provisions and removal provisions specifically provided for in
503 Section 7-1-35, Mississippi Code of 1972, shall be fully
504 applicable to appointments to the State Board of Mental Health.

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

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

511 (3) The board shall hold regular meetings quarterly and such
512 special meetings deemed necessary, except that no action shall be
513 taken unless there is present a quorum of at least five (5)
514 members.



515 (4) No board member may be appointed for more than two (2)
516 consecutive terms. * * *

517 **SECTION 9.** Section 41-4-7, Mississippi Code of 1972, is
518 amended as follows:

519 41-4-7. The State Board of Mental Health shall have the
520 following powers and duties:

521 (a) To appoint, with the advice and consent of the
522 Senate, a full-time Executive Director of the Department of Mental
523 Health, who shall be employed by the board and shall serve as
524 executive secretary to the board. The executive director shall
525 serve for a term of four (4) years, consistent with the provisions
526 of Section 7-1-35, Mississippi Code of 1972. The first director
527 shall be a duly licensed physician with special interest and
528 competence in psychiatry, and shall possess a minimum of three (3)
529 years' experience in clinical and administrative psychiatry.
530 Subsequent directors shall possess at least a master's degree or
531 its equivalent, and shall possess at least ten (10) years'
532 administrative experience in the field of mental health. The
533 salary of the executive director shall be determined by the board;

534 (b) To appoint a Medical Director for the Department of
535 Mental Health. The medical director shall provide clinical
536 oversight in the implementation of evidence-based and best
537 practices; provide clinical leadership in the integration of
538 mental health, intellectual disability and addiction services with
539 community partners in the public and private sectors; and provide



540 oversight regarding standards of care. The medical director shall
541 serve at the will and pleasure of the board, and will undergo an
542 annual review of job performance and future service to the
543 department;

544 (c) To establish and implement its state strategic
545 plan;

546 (d) To develop a strategic plan for the development of
547 services for persons with mental illness, persons with
548 developmental disabilities and other clients of the public mental
549 health system. Such strategic planning program shall require that
550 the board, acting through the Strategic Planning and Best
551 Practices Committee, perform the following functions respecting
552 the delivery of services:

553 (i) Establish measures for determining the
554 efficiency and effectiveness of the services specified in Section
555 41-4-1(2);

556 (ii) Conducting studies of community-based care in
557 other jurisdictions to determine which services offered in these
558 jurisdictions have the potential to provide the citizens of
559 Mississippi with more effective and efficient community-based
560 care;

561 (iii) Evaluating the efficiency and effectiveness
562 of the services specified in Section 41-4-1(2);



563 (iv) Recommending to the Legislature by January 1,
564 2014, any necessary additions, deletions or other changes
565 necessary to the services specified in Section 41-4-1(2);

566 (v) Implementing by July 1, 2012, a system of
567 performance measures for the services specified in Section
568 41-4-1(2);

569 (vi) Recommending to the Legislature any changes
570 that the department believes are necessary to the current laws
571 addressing civil commitment;

572 (vii) Conducting any other activities necessary to
573 the evaluation and study of the services specified in Section
574 41-4-1(2);

575 (viii) Assisting in conducting all necessary
576 strategic planning for the delivery of all other services of the
577 department. Such planning shall be conducted so as to produce a
578 single strategic plan for the services delivered by the public
579 mental health system and shall establish appropriate mission
580 statements, goals, objectives and performance indicators for all
581 programs and services of the public mental health system. For
582 services other than those specified in Section 41-4-1(2), the
583 committee shall recommend to the State Board of Mental Health a
584 strategic plan that the board may adopt or modify;

585 (e) To set up state plans for the purpose of
586 controlling and treating any and all forms of mental and emotional
587 illness, alcoholism, drug misuse and developmental disabilities;



588 (f) [Repealed]

589 (g) To enter into contracts with any other state or
590 federal agency, or with any private person, organization or group
591 capable of contracting, if it finds such action to be in the
592 public interest;

593 (h) To collect reasonable fees for its services;
594 however, if it is determined that a person receiving services is
595 unable to pay the total fee, the department shall collect no more
596 than the amount such person is able to pay;

597 (i) To certify, coordinate and establish minimum
598 standards and establish minimum required services, as specified in
599 Section 41-4-1(2), for regional mental health and intellectual
600 disability commissions and other community service providers for
601 community or regional programs and services in adult mental
602 health, children and youth mental health, intellectual
603 disabilities, alcoholism, drug misuse, developmental disabilities,
604 compulsive gambling, addictive disorders and related programs
605 throughout the state. Such regional mental health and
606 intellectual disability commissions and other community service
607 providers shall, on or before July 1 of each year, submit an
608 annual operational plan to the State Department of Mental Health
609 for approval or disapproval based on the minimum standards and
610 minimum required services established by the department for
611 certification and itemize the services specified in Section
612 41-4-1(2), including financial statements. As part of the annual



613 operation plan required by this paragraph (i) submitted by any
614 regional community mental health center or by any other reasonable
615 certification deemed acceptable by the department, the community
616 mental health center shall state those services specified in
617 Section 41-4-1(2) that it will provide and also those services
618 that it will not provide. If the department finds deficiencies in
619 the plan of any regional commission or community service provider
620 based on the minimum standards and minimum required services
621 established for certification, the department shall give the
622 regional commission or community service provider a six-month
623 probationary period to bring its standards and services up to the
624 established minimum standards and minimum required services. The
625 regional commission or community service provider shall develop a
626 sustainability business plan within thirty (30) days of being
627 placed on probation, which shall be signed by all commissioners
628 and shall include policies to address one or more of the
629 following: the deficiencies in programmatic services, clinical
630 service staff expectations, timely and appropriate billing,
631 processes to obtain credentialing for staff, monthly reporting
632 processes, third-party financial reporting and any other required
633 documentation as determined by the department. After the
634 six-month probationary period, if the department determines that
635 the regional commission or community service provider still does
636 not meet the minimum standards and minimum required services
637 established for certification, the department may remove the



638 certification of the commission or provider and from and after
639 July 1, 2011, the commission or provider shall be ineligible for
640 state funds from Medicaid reimbursement or other funding sources
641 for those services. However, the department shall not mandate a
642 standard or service, or decertify a regional commission or
643 community service provider for not meeting a standard or service,
644 if the standard or service does not have funding appropriated by
645 the Legislature or have a state, federal or local funding source
646 identified by the department. No county shall be required to levy
647 millage to provide a mandated standard or service above the
648 minimum rate required by Section 41-19-39. After the six-month
649 probationary period, the department may identify an appropriate
650 community service provider to provide any core services in that
651 county that are not provided by a community mental health center.
652 However, the department shall not offer reimbursement or other
653 accommodations to a community service provider of core services
654 that were not offered to the decertified community mental health
655 center for the same or similar services. The State Board of
656 Mental Health shall promulgate rules and regulations necessary to
657 implement the provisions of this paragraph (i), in accordance with
658 the Administrative Procedures Law (Section 25-43-1.101 et seq.);
659 (j) To establish and promulgate reasonable minimum
660 standards for the construction and operation of state and all
661 Department of Mental Health certified facilities, including
662 reasonable minimum standards for the admission, diagnosis, care,



663 treatment, transfer of patients and their records, and also
664 including reasonable minimum standards for providing day care,
665 outpatient care, emergency care, inpatient care and follow-up
666 care, when such care is provided for persons with mental or
667 emotional illness, an intellectual disability, alcoholism, drug
668 misuse and developmental disabilities;

669 (k) To implement best practices for all services
670 specified in Section 41-4-1(2), and to establish and implement all
671 other services delivered by the Department of Mental Health. To
672 carry out this responsibility, the board shall require the
673 department to establish a division responsible for developing best
674 practices based on a comprehensive analysis of the mental health
675 environment to determine what the best practices for each service
676 are. In developing best practices, the board shall consider the
677 cost and benefits associated with each practice with a goal of
678 implementing only those practices that are cost-effective
679 practices for service delivery. Such best practices shall be
680 utilized by the board in establishing performance standards and
681 evaluations of the community mental health centers' services
682 required by paragraph (d) of this section;

683 (l) To assist community or regional programs consistent
684 with the purposes of this chapter by making grants and contracts
685 from available funds;



686 (m) To establish and collect reasonable fees for
687 necessary inspection services incidental to certification or
688 compliance;

689 (n) To accept gifts, trusts, bequests, grants,
690 endowments or transfers of property of any kind;

691 (o) To receive monies coming to it by way of fees for
692 services or by appropriations;

693 (p) To serve as the single state agency in receiving
694 and administering any and all funds available from any source for
695 the purpose of service delivery, training, research and education
696 in regard to all forms of mental illness, intellectual
697 disabilities, alcoholism, drug misuse and developmental
698 disabilities, unless such funds are specifically designated to a
699 particular agency or institution by the federal government, the
700 Mississippi Legislature or any other grantor;

701 (q) To establish mental health holding centers for the
702 purpose of providing short-term emergency mental health treatment,
703 places for holding persons awaiting commitment proceedings or
704 awaiting placement in a state mental health facility following
705 commitment, and for diverting placement in a state mental health
706 facility. These mental health holding facilities shall be readily
707 accessible, available statewide, and be in compliance with
708 emergency services' minimum standards. They shall be
709 comprehensive and available to triage and make appropriate
710 clinical disposition, including the capability to access inpatient



711 services or less restrictive alternatives, as needed, as
712 determined by medical staff. Such facility shall have medical,
713 nursing and behavioral services available on a
714 twenty-four-hour-a-day basis. The board may provide for all or
715 part of the costs of establishing and operating the holding
716 centers in each district from such funds as may be appropriated to
717 the board for such use, and may participate in any plan or
718 agreement with any public or private entity under which the entity
719 will provide all or part of the costs of establishing and
720 operating a holding center in any district;

721 (r) To certify/license case managers, mental health
722 therapists, intellectual disability therapists, mental
723 health/intellectual disability program administrators, addiction
724 counselors and others as deemed appropriate by the board. Persons
725 already professionally licensed by another state board or agency
726 are not required to be certified/licensed under this section by
727 the Department of Mental Health. The department shall not use
728 professional titles in its certification/licensure process for
729 which there is an independent licensing procedure. Such
730 certification/licensure shall be valid only in the state mental
731 health system, in programs funded and/or certified by the
732 Department of Mental Health, and/or in programs certified/licensed
733 by the State Department of Health that are operated by the state
734 mental health system serving persons with mental illness, an



735 intellectual disability, a developmental disability or addictions,
736 and shall not be transferable;

737 (s) To develop formal mental health worker
738 qualifications for regional mental health and intellectual
739 disability commissions and other community service providers. The
740 State Personnel Board shall develop and promulgate a recommended
741 salary scale and career ladder for all regional mental
742 health/intellectual disability center therapists and case managers
743 who work directly with clients. The State Personnel Board shall
744 also develop and promulgate a career ladder for all direct care
745 workers employed by the State Department of Mental Health;

746 (t) The employees of the department shall be governed
747 by personnel merit system rules and regulations, the same as other
748 employees in state services;

749 (u) To establish such rules and regulations as may be
750 necessary in carrying out the provisions of this chapter,
751 including the establishment of a formal grievance procedure to
752 investigate and attempt to resolve consumer complaints;

753 (v) To grant easements for roads, utilities and any
754 other purpose it finds to be in the public interest;

755 (w) To survey statutory designations, building markers
756 and the names given to mental health/intellectual disability
757 facilities and proceedings in order to recommend deletion of
758 obsolete and offensive terminology relative to the mental
759 health/intellectual disability system. Based upon a



760 recommendation of the executive director, the board shall have the
761 authority to name/rename any facility operated under the auspices
762 of the Department of Mental Health for the sole purpose of
763 deleting such terminology;

764 (x) To ensure an effective case management system
765 directed at persons who have been discharged from state and
766 private psychiatric hospitals to ensure their continued well-being
767 in the community;

768 (y) To develop formal service delivery standards
769 designed to measure the quality of services delivered to community
770 clients, as well as the timeliness of services to community
771 clients provided by regional mental health/intellectual disability
772 commissions and other community services providers;

773 (z) To establish regional state offices to provide
774 mental health crisis intervention centers and services available
775 throughout the state to be utilized on a case-by-case emergency
776 basis. The regional services director, other staff and delivery
777 systems shall meet the minimum standards of the Department of
778 Mental Health;

779 (aa) To require performance contracts with community
780 mental health/intellectual disability service providers to contain
781 performance indicators to measure successful outcomes, including
782 diversion of persons from inpatient psychiatric hospitals,
783 rapid/timely response to emergency cases, client satisfaction with
784 services and other relevant performance measures;



785 (bb) To enter into interagency agreements with other
786 state agencies, school districts and other local entities as
787 determined necessary by the department to ensure that local mental
788 health service entities are fulfilling their responsibilities to
789 the overall state plan for behavioral services;

790 (cc) To establish and maintain a toll-free grievance
791 reporting telephone system for the receipt and referral for
792 investigation of all complaints by clients of state and community
793 mental health/intellectual disability facilities;

794 (dd) To establish a peer review/quality assurance
795 evaluation system that assures that appropriate assessment,
796 diagnosis and treatment is provided according to established
797 professional criteria and guidelines;

798 (ee) To develop and implement state plans for the
799 purpose of assisting with the care and treatment of persons with
800 Alzheimer's disease and other dementia. This plan shall include
801 education and training of service providers, caregivers in the
802 home setting and others who deal with persons with Alzheimer's
803 disease and other dementia, and development of adult day care,
804 family respite care and counseling programs to assist families who
805 maintain persons with Alzheimer's disease and other dementia in
806 the home setting. No agency shall be required to provide any
807 services under this section until such time as sufficient funds
808 have been appropriated or otherwise made available by the



809 Legislature specifically for the purposes of the treatment of
810 persons with Alzheimer's and other dementia;

811 (ff) Working with the advice and consent of the
812 administration of Ellisville State School, to enter into
813 negotiations with the Economic Development Authority of Jones
814 County for the purpose of negotiating the possible exchange, lease
815 or sale of lands owned by Ellisville State School to the Economic
816 Development Authority of Jones County. It is the intent of the
817 Mississippi Legislature that such negotiations shall ensure that
818 the financial interest of the persons with an intellectual
819 disability served by Ellisville State School will be held
820 paramount in the course of these negotiations. The Legislature
821 also recognizes the importance of economic development to the
822 citizens of the State of Mississippi and Jones County, and
823 encourages fairness to the Economic Development Authority of Jones
824 County. Any negotiations proposed which would result in the
825 recommendation for exchange, lease or sale of lands owned by
826 Ellisville State School must have the approval of the State Board
827 of Mental Health. The State Board of Mental Health may and has
828 the final authority as to whether or not these negotiations result
829 in the exchange, lease or sale of the properties it currently
830 holds in trust for persons with an intellectual disability served
831 at Ellisville State School.

832 If the State Board of Mental Health authorizes the sale of
833 lands owned by Ellisville State School, as provided for under this



834 paragraph (ff), the monies derived from the sale shall be placed
835 into a special fund that is created in the State Treasury to be
836 known as the "Ellisville State School Client's Trust Fund." The
837 principal of the trust fund shall remain inviolate and shall never
838 be expended. Any interest earned on the principal may be expended
839 solely for the benefits of clients served at Ellisville State
840 School. The State Treasurer shall invest the monies of the trust
841 fund in any of the investments authorized for the Mississippi
842 Prepaid Affordable College Tuition Program under Section 37-155-9,
843 and those investments shall be subject to the limitations
844 prescribed by Section 37-155-9. Unexpended amounts remaining in
845 the trust fund at the end of a fiscal year shall not lapse into
846 the State General Fund, and any interest earned on amounts in the
847 trust fund shall be deposited to the credit of the trust fund.
848 The administration of Ellisville State School may use any interest
849 earned on the principal of the trust fund, upon appropriation by
850 the Legislature, as needed for services or facilities by the
851 clients of Ellisville State School. Ellisville State School shall
852 make known to the Legislature, through the Legislative Budget
853 Committee and the respective Appropriations Committees of the
854 House and Senate, its proposed use of interest earned on the
855 principal of the trust fund for any fiscal year in which it
856 proposes to make expenditures thereof. The State Treasurer shall
857 provide Ellisville State School with an annual report on the
858 Ellisville State School Client's Trust Fund to indicate the total



859 monies in the trust fund, interest earned during the year,
860 expenses paid from the trust fund and such other related
861 information.

862 Nothing in this section shall be construed as applying to or
863 affecting mental health/intellectual disability services provided
864 by hospitals as defined in Section 41-9-3(a), and/or their
865 subsidiaries and divisions, which hospitals, subsidiaries and
866 divisions are licensed and regulated by the Mississippi State
867 Department of Health unless such hospitals, subsidiaries or
868 divisions voluntarily request certification by the Mississippi
869 State Department of Mental Health.

870 All new programs authorized under this section shall be
871 subject to the availability of funds appropriated therefor by the
872 Legislature;

873 (gg) Working with the advice and consent of the
874 administration of Boswell Regional Center, to enter into
875 negotiations with the Economic Development Authority of Simpson
876 County for the purpose of negotiating the possible exchange, lease
877 or sale of lands owned by Boswell Regional Center to the Economic
878 Development Authority of Simpson County. It is the intent of the
879 Mississippi Legislature that such negotiations shall ensure that
880 the financial interest of the persons with an intellectual
881 disability served by Boswell Regional Center will be held
882 paramount in the course of these negotiations. The Legislature
883 also recognizes the importance of economic development to the



884 citizens of the State of Mississippi and Simpson County, and
885 encourages fairness to the Economic Development Authority of
886 Simpson County. Any negotiations proposed which would result in
887 the recommendation for exchange, lease or sale of lands owned by
888 Boswell Regional Center must have the approval of the State Board
889 of Mental Health. The State Board of Mental Health may and has
890 the final authority as to whether or not these negotiations result
891 in the exchange, lease or sale of the properties it currently
892 holds in trust for persons with an intellectual disability served
893 at Boswell Regional Center. In any such exchange, lease or sale
894 of such lands owned by Boswell Regional Center, title to all
895 minerals, oil and gas on such lands shall be reserved, together
896 with the right of ingress and egress to remove same, whether such
897 provisions be included in the terms of any such exchange, lease or
898 sale or not.

899 If the State Board of Mental Health authorizes the sale of
900 lands owned by Boswell Regional Center, as provided for under this
901 paragraph (gg), the monies derived from the sale shall be placed
902 into a special fund that is created in the State Treasury to be
903 known as the "Boswell Regional Center Client's Trust Fund." The
904 principal of the trust fund shall remain inviolate and shall never
905 be expended. Any earnings on the principal may be expended solely
906 for the benefits of clients served at Boswell Regional Center.
907 The State Treasurer shall invest the monies of the trust fund in
908 any of the investments authorized for the Mississippi Prepaid



909 Affordable College Tuition Program under Section 37-155-9, and
910 those investments shall be subject to the limitations prescribed
911 by Section 37-155-9. Unexpended amounts remaining in the trust
912 fund at the end of a fiscal year shall not lapse into the State
913 General Fund, and any earnings on amounts in the trust fund shall
914 be deposited to the credit of the trust fund. The administration
915 of Boswell Regional Center may use any earnings on the principal
916 of the trust fund, upon appropriation by the Legislature, as
917 needed for services or facilities by the clients of Boswell
918 Regional Center. Boswell Regional Center shall make known to the
919 Legislature, through the Legislative Budget Committee and the
920 respective Appropriations Committees of the House and Senate, its
921 proposed use of the earnings on the principal of the trust fund
922 for any fiscal year in which it proposes to make expenditures
923 thereof. The State Treasurer shall provide Boswell Regional
924 Center with an annual report on the Boswell Regional Center
925 Client's Trust Fund to indicate the total monies in the trust
926 fund, interest and other income earned during the year, expenses
927 paid from the trust fund and such other related information.

928 Nothing in this section shall be construed as applying to or
929 affecting mental health/intellectual disability services provided
930 by hospitals as defined in Section 41-9-3(a), and/or their
931 subsidiaries and divisions, which hospitals, subsidiaries and
932 divisions are licensed and regulated by the Mississippi State
933 Department of Health unless such hospitals, subsidiaries or



934 divisions voluntarily request certification by the Mississippi
935 State Department of Mental Health.

936 All new programs authorized under this section shall be
937 subject to the availability of funds appropriated therefor by the
938 Legislature;

939 (hh) Notwithstanding any other section of the code, the
940 Board of Mental Health shall be authorized to fingerprint and
941 perform a criminal history record check on every employee or
942 volunteer. Every employee and volunteer shall provide a valid
943 current social security number and/or driver's license number
944 which shall be furnished to conduct the criminal history record
945 check. If no disqualifying record is identified at the state
946 level, fingerprints shall be forwarded to the Federal Bureau of
947 Investigation for a national criminal history record check;

948 (ii) The Department of Mental Health shall have the
949 authority for the development of a consumer friendly single point
950 of intake and referral system within its service areas for persons
951 with mental illness, an intellectual disability, developmental
952 disabilities or alcohol or substance abuse who need assistance
953 identifying or accessing appropriate services. The department
954 will develop and implement a comprehensive evaluation procedure
955 ensuring that, where appropriate, the affected person or their
956 parent or legal guardian will be involved in the assessment and
957 planning process. The department, as the point of intake and as
958 service provider, shall have the authority to determine the



959 appropriate institutional, hospital or community care setting for
960 persons who have been diagnosed with mental illness, an
961 intellectual disability, developmental disabilities and/or alcohol
962 or substance abuse, and may provide for the least restrictive
963 placement if the treating professional believes such a setting is
964 appropriate, if the person affected or their parent or legal
965 guardian wants such services, and if the department can do so with
966 a reasonable modification of the program without creating a
967 fundamental alteration of the program. The least restrictive
968 setting could be an institution, hospital or community setting,
969 based upon the needs of the affected person or their parent or
970 legal guardian;

971 (jj) To have the sole power and discretion to enter
972 into, sign, execute and deliver long-term or multiyear leases of
973 real and personal property owned by the Department of Mental
974 Health to and from other state and federal agencies and private
975 entities deemed to be in the public's best interest. Any monies
976 derived from such leases shall be deposited into the funds of the
977 Department of Mental Health for its exclusive use. Leases to
978 private entities shall be approved by the Department of Finance
979 and Administration and all leases shall be filed with the
980 Secretary of State;

981 (kk) To certify and establish minimum standards and
982 minimum required services for county facilities used for housing,
983 feeding and providing medical treatment for any person who has



984 been involuntarily ordered admitted to a treatment center by a
985 court of competent jurisdiction. The minimum standard for the
986 initial assessment of those persons being housed in county
987 facilities is for the assessment to be performed by a physician,
988 preferably a psychiatrist, or by a nurse practitioner, preferably
989 a psychiatric nurse practitioner. If the department finds
990 deficiencies in any such county facility or its provider based on
991 the minimum standards and minimum required services established
992 for certification, the department shall give the county or its
993 provider a six-month probationary period to bring its standards
994 and services up to the established minimum standards and minimum
995 required services. After the six-month probationary period, if
996 the department determines that the county or its provider still
997 does not meet the minimum standards and minimum required services,
998 the department may remove the certification of the county or
999 provider and require the county to contract with another county
1000 having a certified facility to hold those persons for that period
1001 of time pending transportation and admission to a state treatment
1002 facility. Any cost incurred by a county receiving an
1003 involuntarily committed person from a county with a decertified
1004 holding facility shall be reimbursed by the home county to the
1005 receiving county; and

1006 (11) To provide orientation training to all new
1007 commissioners of regional commissions and annual training for all
1008 commissioners with continuing education regarding the Mississippi



1009 mental health system and services as developed by the State
1010 Department of Mental Health. Training shall be provided at the
1011 expense of the department except for travel expenses which shall
1012 be paid by the regional commission.

1013 **SECTION 10.** Section 73-19-7, Mississippi Code of 1972, is
1014 amended as follows:

1015 73-19-7. The Governor, with the advice and consent of the
1016 Senate, shall appoint a State Board of Optometry, consisting of
1017 five (5) persons, citizens of Mississippi, each of whom shall be a
1018 nonmedical man or woman actually engaged in the practice of
1019 optometry for five (5) years next preceding his appointment. * * *
1020 The appointments to the board shall be made with one (1) member to
1021 be appointed from each of the * * * Mississippi Supreme Court
1022 Districts as existing on January 1, 1980 * * * and two (2) from
1023 the state at large.

1024 The State Board of Optometry, created by former Section
1025 73-19-7, is continued and reconstituted as follows: Effective
1026 January 1, 2028, each board member shall be appointed by the
1027 Governor, with the advice and consent of the Senate, for a term of
1028 office of four (4) years, provided that three (3) members shall be
1029 appointed in 2028 to a term ending December 31, 2031, and two (2)
1030 members shall be appointed in 2030 to a term ending December 31,
1031 2033. Appointments made at the beginning of the four-year cycle
1032 shall be made to fill any member's term which actually expires
1033 that year and any member's term which expires next until the



1034 majority of the membership of the board or commission is reached.
1035 Appointments made at the beginning of the third year of the
1036 four-year cycle shall be made for the remainder of the membership
1037 positions irrespective of the time of their prior appointment.
1038 Any question regarding the order of appointments shall be
1039 determined by the Secretary of State in accordance with the
1040 specific statute. All appointment procedures, vacancy provisions,
1041 interim appointment provisions and removal provisions specifically
1042 provided for in Section 7-1-35, Mississippi Code of 1972, shall be
1043 fully applicable to appointments to the State Board of Optometry.

1044 No person so appointed shall be a stockholder in or a member
1045 of the faculty or of the board of trustees of any school of
1046 optometry, or serve to exceed two (2) five-year terms.

1047 Vacancies on said board shall be filled by appointment by the
1048 Governor, with the advice and consent of the Senate, from a list
1049 of names submitted by the Mississippi Optometric Association
1050 consisting of three (3) of its members, or by appointment of any
1051 qualified member of the association.

1052 **SECTION 11.** Section 73-19-9, Mississippi Code of 1972, is
1053 amended as follows:

1054 73-19-9. The State Board of Optometry shall organize by the
1055 election from its members a president and a secretary, who shall
1056 hold their respective offices for one (1) year.

1057 It shall hold regular meetings for examination, beginning on
1058 the second week of January and July of each year, and additional



1059 meetings at such times and places as the board shall determine,
1060 said additional meetings not to exceed ten (10) meeting days
1061 annually, but the July meeting shall be held in the City of
1062 Jackson.

1063 A majority of the board shall constitute a quorum, but a less
1064 number may adjourn from time to time.

1065 The board shall make such rules and regulations as may be
1066 necessary to carry out the provisions of this chapter; however,
1067 the board shall not adopt any rule or regulation or impose any
1068 requirement regarding the licensing of optometrists that conflicts
1069 with the prohibitions in Section 73-49-3.

1070 The board is authorized to appoint an executive director for
1071 a term of four (4) years, with the advice and consent of the
1072 Senate, and consistent with the provisions of Section 7-1-35,
1073 Mississippi Code of 1972.

1074 **SECTION 12.** Section 73-35-5, Mississippi Code of 1972, is
1075 amended as follows:

1076 73-35-5. (1) There is hereby created the Mississippi Real
1077 Estate Commission. The commission shall consist of five (5)
1078 persons, to be appointed by the Governor with the advice and
1079 consent of the Senate. Each appointee shall have been a resident
1080 and citizen of this state for at least six (6) years prior to his
1081 appointment, and his vocation for at least five (5) years shall
1082 have been that of a real estate broker. One (1) member shall be
1083 appointed for the term of one (1) year; two (2) members for terms



1084 of two (2) years; two (2) members for terms of four (4) years;
1085 thereafter, the term of the members of said commission shall be
1086 for four (4) years and until their successors are appointed and
1087 qualify. There shall be * * * one (1) commissioner from
1088 each * * * Supreme Court District, as such districts are
1089 constituted * * * at the time of appointment, and two (2) from the
1090 state at large. The commissioners appointed from each of
1091 the * * * Supreme Court Districts shall be bona fide residents of
1092 the district from which each is appointed, and the commissioners
1093 appointed from the state at large shall be bona fide residents of
1094 the State of Mississippi. * * * Members to fill vacancies shall
1095 be appointed by the Governor for the unexpired term. The Governor
1096 may remove any commissioner for cause. The State of Mississippi
1097 shall not be required to furnish office space for such
1098 commissioners. The provisions of this section shall not affect
1099 persons who are members of the Real Estate Commission as of
1100 January 1, 2002. Such members shall serve out their respective
1101 terms, upon the expiration of which the provisions of this section
1102 shall take effect. Nothing provided herein shall be construed as
1103 prohibiting the reappointment of any member of the said
1104 commission.

1105 (2) The Mississippi Real Estate Commission, created by
1106 former Section 73-35-5, is continued and reconstituted as follows:
1107 Effective January 1, 2028, the members designated in subsection
1108 (1) of this section shall be appointed by the Governor, with the



1109 advice and consent of the Senate, provided that three (3) such
1110 members shall be appointed in 2028 to a term ending December 31,
1111 2031, and two (2) such members shall be appointed in 2030 to a
1112 term ending December 31, 2033. Appointments made at the beginning
1113 of the four-year cycle shall be made to fill any member's term
1114 which actually expires that year and any member's term which
1115 expires next until the majority of the membership of the board or
1116 commission is reached. Appointments made at the beginning of the
1117 third year of the four-year cycle shall be made for the remainder
1118 of the membership positions irrespective of the time of their
1119 prior appointment. Any question regarding the order of
1120 appointments shall be determined by the Secretary of State in
1121 accordance with the specific statute. All appointment procedures,
1122 vacancy provisions, interim appointment provisions and removal
1123 provisions specifically provided for in Section 7-1-35,
1124 Mississippi Code of 1972, shall be fully applicable to
1125 appointments to the Mississippi Real Estate Commission.

1126 (* * *3) The commission shall organize by selecting from
1127 its members a chairman, and may do all things necessary and
1128 convenient for carrying into effect the provisions of this
1129 chapter, and may from time to time promulgate rules and
1130 regulations. Each member of the commission shall receive per diem
1131 as authorized in Section 25-3-69, Mississippi Code of 1972, and
1132 his actual and necessary expenses incurred in the performance of



1133 duties pertaining to his office as authorized in Section 25-3-41,
1134 Mississippi Code of 1972.

1135 (* * *4) The commission shall adopt a seal by which it
1136 shall authenticate its proceedings. Copies of all records and
1137 papers in the office of the commission, duly certified and
1138 authenticated by the seal of said commission, shall be received in
1139 evidence in all courts equally and with like effect as the
1140 original. All records kept in the office of the commission under
1141 the authority of this chapter shall be open to public inspection
1142 except pending investigative files.

1143 (5) The board is authorized to appoint an executive director
1144 for a term of four (4) years, with the advice and consent of the
1145 Senate, and consistent with the provisions of Section 7-1-35,
1146 Mississippi Code of 1972.

1147 **SECTION 13.** Section 35-7-7, Mississippi Code of 1972, is
1148 amended as follows:

1149 35-7-7. The administration of the provisions hereof is
1150 vested in a Veterans' Home Purchase Board consisting of six (6)
1151 members who shall be appointed, or reappointed, by the Governor,
1152 with the advice and consent of the Senate. Members appointed to
1153 the board shall be veterans of either World War II, the Korean
1154 Conflict, the Southeast Asia Conflict, the Persian Gulf Conflict
1155 or have served in active duty for at least one hundred eighty
1156 (180) days during a time of war or a conflict in which a campaign
1157 ribbon or medal was issued and shall possess a background in



1158 business, banking, real estate or the legal profession which
1159 enables them to carry out the duties of the board. No
1160 state/department commander of any federally recognized veterans
1161 organization, no national officer of any federally recognized
1162 veterans organization and no member of the Mississippi Council of
1163 Veterans Organizations shall be eligible for appointment to the
1164 board until the expiration of a period of three (3) years after
1165 the termination of his service in such disqualifying positions.
1166 Appointments shall be staggered, with each Governor appointing or
1167 reappointing two (2) members in the first year of his
1168 administration * * *, one (1) member in the second year, two (2)
1169 members in the third year, and one (1) member in the fourth year.
1170 Appointments for terms that expire in 1988 shall be made as
1171 follows: one (1) shall be made for a term ending on July 1, 1989;
1172 one (1) shall be made for a term ending on July 1, 1991; and two
1173 (2) shall be made for a term ending on July 1, 1992. Persons
1174 appointed to succeed the two (2) members whose terms expired in
1175 1986, or any such member holding over after 1986 because no
1176 successor was appointed, shall serve until July 1, 1990. After
1177 the expiration of the foregoing terms, all appointments shall be
1178 for a term of four (4) years from the expiration date of the
1179 previous term. From and after July 1, 1988, one (1) appointee
1180 shall be selected from each of the five (5) congressional
1181 districts of this state as such districts are composed on May 1,
1182 1987, and one (1) appointee shall be selected from the state at



1183 large. Any vacancy occurring during a term shall be filled by
1184 appointment of a member for the unexpired portion of the term.

1185 The Veterans' Home Purchase Board, created by former Section
1186 35-7-7, is continued and reconstituted as follows: Effective
1187 January 1, 2028, one (1) appointed member shall be from each
1188 Supreme Court District as they exist at the time of appointment,
1189 and two (2) from the state at large. Effective January 1, 2028,
1190 the appointed members of the board designated in this section,
1191 shall be appointed by the Governor to terms of office of four (4)
1192 years, with the advice and consent of the Senate, provided that
1193 three (3) such members shall be appointed in 2028 to a term ending
1194 December 31, 2031, and three (3) such members shall be appointed
1195 in 2030 to a term ending December 31, 2033. Appointments made at
1196 the beginning of the four-year cycle shall be made to fill any
1197 member's term which actually expires that year and any member's
1198 term which expires next until the majority of the membership of
1199 the board or commission is reached. Appointments made at the
1200 beginning of the third year of the four-year cycle shall be made
1201 for the remainder of the membership positions irrespective of the
1202 time of their prior appointment. Any question regarding the order
1203 of appointments shall be determined by the Secretary of State in
1204 accordance with the specific statute. All appointment procedures,
1205 vacancy provisions, interim appointment provisions and removal
1206 provisions specifically provided for in Section 7-1-35,



1207 Mississippi Code of 1972, shall be fully applicable to
1208 appointments to the Veterans' Home Purchase Board.

1209 The board is hereby authorized and empowered to make and
1210 promulgate such reasonable rules and regulations under this
1211 chapter as it shall deem to be necessary or advisable and to
1212 enforce the same. The board shall have authority to render the
1213 final decision on the purchase application process, approval of
1214 purchases, funding of purchase commitments, servicing loans and
1215 default, property security, management, resale, release from
1216 security, and all other matters relating to the purchases and
1217 loans made under this law. The board shall likewise, by an order
1218 spread on its minutes, elect a chairman and vice chairman to serve
1219 for one-year terms, and all such officers are eligible to succeed
1220 themselves in such offices. The chairman may appoint a
1221 three-member loan committee from the membership of the board and
1222 shall specify the conditions, responsibilities and authority of
1223 such committee.

1224 Each member of the board and his successor shall be
1225 reimbursed all of his actual and necessary traveling and other
1226 expenses incurred in the attendance of the meetings of the board
1227 or in the performance of other duties in connection with the
1228 business of the board as provided for state officers and employees
1229 in Section 25-3-41, and shall be allowed a per diem as provided in
1230 Section 25-3-69 for such attendance; provided that the number of
1231 days per diem shall not exceed sixty-six (66) days for the



1232 chairman and fifty (50) days for other members of the board during
1233 any one (1) fiscal year. The above limitation of days per year
1234 shall not apply to board members appointed on a full-time basis to
1235 the loan committee.

1236 The board is authorized to appoint an executive director for
1237 a term of four (4) years, with the advice and consent of the
1238 Senate, and consistent with the provisions of Section 7-1-35,
1239 Mississippi Code of 1972. The director, or other executive
1240 officer employed by the board, shall execute a surety bond in the
1241 sum of One Hundred Thousand Dollars (\$100,000.00), conditioned
1242 upon the faithful performance of his duties and upon his
1243 accounting for all monies coming into his hands; and each employee
1244 handling funds shall execute a like bond in the sum of Fifteen
1245 Thousand Dollars (\$15,000.00), and the premiums thereon shall be
1246 paid from the funds provided for administering this chapter.

1247 The board may designate one (1) of its employees as the
1248 acting director or executive officer by a vote of the majority of
1249 the members of the board, officially recorded in the minutes of a
1250 regular or special meeting, and such acting director shall be
1251 vested with all the authority conferred upon the director by the
1252 provisions of this chapter * * *. The acting director, when so
1253 designated, will be required to furnish surety bond in the same
1254 amount and under the same conditions as the director. The purpose
1255 of this provision is to designate an executive officer during any



1256 temporary illness, absence or incapacity of the regularly
1257 designated director.

1258 The board may designate one (1) of its employees by a vote of
1259 the majority of the members of the board, officially recorded in
1260 the minutes of a regular or special meeting, to be authorized to
1261 sign a Deed of Conveyance or other closing documents necessary as
1262 to not delay the closing or settlement of a home purchase during
1263 the absence or unavailability of the director.

1264 The board may select and employ such expert, technical and
1265 clerical assistance as in its judgment may be necessary in the
1266 proper administration of said board and fix the salaries of such
1267 employees.

1268 The board is empowered to employ auditors and accountants to
1269 examine the books, accounts and records of the board if it so
1270 desires, and the board is also authorized to employ legal counsel
1271 if it deems such a course necessary in the proper administration
1272 of its affairs.

1273 **SECTION 14.** Section 49-4-4, Mississippi Code of 1972, is
1274 amended as follows:

1275 49-4-4. (1) There is hereby created the Mississippi
1276 Commission on Wildlife, Fisheries and Parks, to be composed of
1277 five (5) persons appointed by the Governor, with the advice and
1278 consent of the Senate, for a term of five (5) years. One (1)
1279 person shall be appointed from each congressional district. The
1280 initial terms of the members shall be one (1), two (2), three (3),



1281 four (4) and five (5) years, respectively. Thereafter, all terms
1282 shall be for five (5) years. An appointment to fill a vacancy
1283 which arises for reasons other than by expiration of a term of
1284 office shall be made from the respective congressional district
1285 for the unexpired term only.

1286 The Mississippi Commission on Wildlife, Fisheries and Parks,
1287 created by former Section 49-4-4, is continued and reconstituted
1288 as follows: Effective January 1, 2028, one (1) appointed member
1289 shall be from each Supreme Court District as they exist at the
1290 time of appointment, and two (2) from the state at large.
1291 Effective January 1, 2028, the appointed members of the commission
1292 designated in this section, shall be appointed by the Governor to
1293 terms of office of four (4) years, with the advice and consent of
1294 the Senate, provided that three (3) such members shall be
1295 appointed in 2028 to a term ending December 31, 2031, and two (2)
1296 such members shall be appointed in 2030 to a term ending December
1297 31, 2033. Appointments made at the beginning of the four-year
1298 cycle shall be made to fill any member's term which actually
1299 expires that year and any member's term which expires next until
1300 the majority of the membership of the board or commission is
1301 reached. Appointments made at the beginning of the third year of
1302 the four-year cycle shall be made for the remainder of the
1303 membership positions irrespective of the time of their prior
1304 appointment. Any question regarding the order of appointments
1305 shall be determined by the Secretary of State in accordance with



1306 the specific statute. All appointment procedures, vacancy
1307 provisions, interim appointment provisions and removal provisions
1308 specifically provided for in Section 7-1-35, Mississippi Code of
1309 1972, shall be fully applicable to appointments to the Mississippi
1310 Commission on Wildlife, Fisheries and Parks.

1311 (2) The commission shall elect from its membership a
1312 chairman who shall preside over meetings and a vice chairman who
1313 shall preside in the absence of the chairman or when the chairman
1314 shall be excused.

1315 (3) The commission shall adopt rules and regulations
1316 governing times and places for meetings and governing the manner
1317 of conducting its business. Each member of the commission shall
1318 take the oath prescribed by Section 268 of the Mississippi
1319 Constitution, and shall enter into bond in the amount of Thirty
1320 Thousand Dollars (\$30,000.00) to be approved by the Secretary of
1321 State, conditioned according to law, and payable to the State of
1322 Mississippi before assuming the duties of office. Any member who
1323 shall not attend three (3) consecutive regular meetings of the
1324 commission shall be subject to removal by a majority vote of the
1325 commission members.

1326 (4) The members of the commission shall receive no annual
1327 salary but shall receive per diem compensation as authorized by
1328 law for each day devoted to the discharge of official duties and
1329 shall be entitled to reimbursement for all actual and necessary



1330 expenses incurred in the discharge of their duties, including
1331 mileage as authorized by law.

1332 The commission shall be composed of persons with a
1333 demonstrated history of involvement in at least one (1) of the
1334 matters of jurisdiction of the commission and whose employment and
1335 activities are not in conflict. All of the commissioners shall be
1336 an active outdoorsman holding a resident hunting or fishing
1337 license in at least five (5) of the ten (10) years preceding
1338 appointment. A member shall not have a record of conviction of
1339 violation of fish or game laws and regulations within five (5)
1340 years preceding appointment or a record of any felony conviction.

1341 (5) The commission shall have the power to adopt, amend and
1342 repeal such regulations and rules as may be necessary for the
1343 operation of the department.

1344 (6) The commission shall have the power and authority to
1345 issue all licenses and permits under the jurisdiction of the
1346 department.

1347 (7) In the furtherance of its duties and responsibilities,
1348 the commission may conduct hearings, gather testimony and perform
1349 other functions required to carry out its powers and duties as
1350 prescribed by statute.

1351 (8) The commission shall have all power for conserving,
1352 managing and developing wildlife and fishery resources except for
1353 saltwater aquatic life and marine resources under the jurisdiction
1354 of the Mississippi Commission on Marine Resources.



1355 **SECTION 15.** Section 49-4-6, Mississippi Code of 1972, is
1356 amended as follows:

1357 49-4-6. (1) There is hereby created the Mississippi
1358 Department of Wildlife, Fisheries and Parks, whose principal
1359 office shall be located in Jackson, Mississippi.

1360 (2) The department shall be headed by an executive director
1361 who shall be appointed by the Governor. The commission shall
1362 submit to the Governor three (3) qualified nominees for the
1363 position of executive director. The Governor shall appoint the
1364 executive director from the list of qualified nominees submitted
1365 with the advice and consent of the Senate. The executive director
1366 shall serve for a term of four (4) years, consistent with the
1367 provisions of Section 7-1-35, Mississippi Code of 1972. The
1368 executive director may assign those powers and duties as deemed
1369 appropriate to carry out the department's lawful functions. Upon
1370 recommendation by the Governor to the commission, the executive
1371 director may be removed from office only by both a majority vote
1372 of the membership of the commission and the Governor's approval of
1373 the removal. To remove the executive director the commission must
1374 determine on sound evidence that there is good cause for removal
1375 such as willful dereliction in carrying out the duties of
1376 executive director, obvious malfeasance in his actions as
1377 executive director or conviction of any criminal act. After the
1378 determination is made by the commission that the executive
1379 director should be removed from office, the commission shall



1380 notify the Governor of its determination and the Governor must
1381 approve that determination before the executive director is
1382 actually removed from office.

1383 (3) The executive director shall appoint heads, who will
1384 serve at the pleasure of the executive director.

1385 (4) The executive director shall have the authority to
1386 organize the department as deemed appropriate to carry out the
1387 responsibilities of the department. The organizational charts of
1388 the department shall be presented annually with the budget request
1389 of the Governor for review by the Legislature.

1390 (5) The executive director shall develop and implement a
1391 merit promotion system for all sworn law enforcement officers.
1392 Promotion to higher rank shall be based on an individual's merit
1393 and length of service. The executive director shall implement the
1394 merit promotion system before July 1, 1995.

1395 **SECTION 16.** Section 47-5-8, Mississippi Code of 1972, is
1396 amended as follows:

1397 47-5-8. (1) There is created the Mississippi Department of
1398 Corrections, which shall be under the policy direction of the
1399 Governor. The chief administrative officer of the department
1400 shall be the Commissioner of Corrections. Effective July 1, 2028,
1401 the commissioner shall be appointed by the Governor in the manner
1402 provided in Section 47-5-24 with the advice and consent of the
1403 Senate, not less than every four (4) years. All appointment
1404 procedures specifically provided for in Section 7-1-35,



1405 Mississippi Code of 1972, shall be fully applicable to
1406 appointments to the position of Commissioner of Corrections.

1407 (2) (a) There shall be an Executive Deputy Commissioner who
1408 shall be directly responsible to the Commissioner of Corrections
1409 within the department who shall serve as the Commissioner of
1410 Corrections in the absence of the commissioner and shall assume
1411 any and all duties that the Commissioner of Corrections assigns,
1412 including, but not limited to, supervising all other deputy
1413 commissioners. The salary of the Executive Deputy Commissioner
1414 shall not exceed the salary of the Commissioner of Corrections.

1415 (b) There shall be a Division of Administration and
1416 Finance within the department, which shall have as its chief
1417 administrative officer a Deputy Commissioner for Administration
1418 and Finance who shall be appointed by the commissioner, and shall
1419 be directly responsible to the commissioner.

1420 (c) There shall be a Division of Community Corrections
1421 within the department, which shall have as its chief
1422 administrative officer a Deputy Commissioner for Community
1423 Corrections, who shall be appointed by the commissioner, and shall
1424 be directly responsible to the commissioner. The Probation and
1425 Parole Board shall continue to exercise the authority as provided
1426 by law, but after July 1, 1976, the Division of Community
1427 Corrections shall serve as the administrative agency for the
1428 Probation and Parole Board.



1429 (d) There shall be a Division of Workforce Development
1430 within the department, which shall have as its chief
1431 administrative officer a Deputy Commissioner for Workforce
1432 Development, who shall be appointed by the commissioner, and shall
1433 be directly responsible to the commissioner.

1434 (3) The department shall succeed to the exclusive control of
1435 all records, books, papers, equipment and supplies, and all lands,
1436 buildings and other real and personal property now or hereafter
1437 belonging to or assigned to the use and benefit or under the
1438 control of the Mississippi State Penitentiary and the Mississippi
1439 Probation and Parole Board, except the records of parole process
1440 and revocation and legal matters related thereto, and shall have
1441 the exercise and control of the use, distribution and disbursement
1442 of all funds, appropriations and taxes now or hereafter in
1443 possession, levied, collected or received or appropriated for the
1444 use, benefit, support and maintenance of these two (2) agencies
1445 except as otherwise provided by law, and the department shall have
1446 general supervision of all the affairs of the two (2) agencies
1447 herein named except as otherwise provided by law, and the care and
1448 conduct of all buildings and grounds, business methods and
1449 arrangements of accounts and records, the organization of the
1450 administrative plans of each institution, and all other matters
1451 incident to the proper functioning of the two (2) agencies.

1452 (4) The commissioner may lease the lands for oil, gas,
1453 mineral exploration and other purposes, and contract with other



1454 state agencies for the proper management of lands under such
1455 leases or for the provision of other services, and the proceeds
1456 thereof shall be paid into the General Fund of the state.

1457 **SECTION 17.** Section 25-4-5, Mississippi Code of 1972, is
1458 amended as follows:

1459 25-4-5. (1) There is hereby created the Mississippi Ethics
1460 Commission which shall be composed of eight (8) members, each of
1461 whom shall be a qualified elector of the State of Mississippi, of
1462 good moral character and integrity.

1463 (2) Two (2) members of the commission shall be appointed by
1464 each of the following officers in strict accordance with the above
1465 standards: the Governor, the Lieutenant Governor, the Speaker of
1466 the House of Representatives and the Chief Justice of the
1467 Mississippi Supreme Court. Not more than one (1) person appointed
1468 by each appointing authority shall be an elected official.

1469 (3) The members of the initial commission shall be appointed
1470 for terms of office expiring one (1), two (2), three (3) and four
1471 (4) years, respectively, from November 15, 1979, the members
1472 appointed by the Governor having a one-year term and a four-year
1473 term, the members appointed by the Lieutenant Governor having a
1474 two-year term and a three-year term, the members appointed by the
1475 Speaker having a three-year term and a two-year term, and the
1476 members appointed by the Chief Justice having a four-year term and
1477 a one-year term.



1478 (4) Successors to the members of the initial commission
1479 shall each be appointed for terms of four (4) years and until
1480 their successors are appointed and have been duly qualified.

1481 (5) If any of the above-listed appointing authorities should
1482 fail to make his appointment to the initial commission within
1483 forty-five (45) days after November 15, 1979, fail to fill a
1484 vacancy within forty-five (45) days after such vacancy occurs, or
1485 fail to make his appointment for a full term to the commission,
1486 then the Chief Justice of the Mississippi Supreme Court shall make
1487 such appointment; provided, however, that the term of such
1488 appointee shall be for the period prescribed for the appointment
1489 by the authority who was to have made the appointment but who
1490 failed to do so. If at any time there should be a vacancy on the
1491 commission, a successor member to serve for the unexpired term
1492 applicable to such vacancy shall be appointed by the same
1493 appointing authority as the member whose unexpired term such
1494 successor is to fill.

1495 (6) Any member of the commission who is indicted for any
1496 felony may be suspended by the commission from service on the
1497 commission. A commission member who is convicted of a misdemeanor
1498 involving moral turpitude or convicted of any felony shall be
1499 ineligible to serve and the member's position on the commission
1500 shall be vacant and subject to reappointment as for other
1501 vacancies. A registered lobbyist shall be ineligible to serve as



1502 a commission member while registered and until one (1) year after
1503 the end of such lobbying relationship that required registration.

1504 **SECTION 18.** Section 47-7-5, Mississippi Code of 1972, is
1505 amended as follows:

1506 47-7-5. (1) Effective January 1, 2028, the State Parole
1507 Board, created under former Section 47-7-5, is hereby created,
1508 continued and reconstituted and shall be composed of five (5)
1509 members, one (1) appointed from each Mississippi Supreme Court
1510 District and two (2) from the state at large. The Governor shall
1511 appoint the members to serve at the will and pleasure of the
1512 Governor, with the advice and consent of the Senate, not less than
1513 every four (4) years, provided that three (3) members shall be
1514 appointed in 2028 to a term ending December 31, 2031, and two (2)
1515 members shall be appointed in 2030 to a term ending December 31,
1516 2033. * * * Appointments made at the beginning of the four-year
1517 cycle shall be made to fill any member's term which actually
1518 expires that year and any member's term which expires next until
1519 the majority of the membership of the board or commission is
1520 reached. Appointments made at the beginning of the third year of
1521 the four-year cycle shall be made for the remainder of the
1522 membership positions irrespective of the time of their prior
1523 appointment. Any question regarding the order of appointments
1524 shall be determined by the Secretary of State in accordance with
1525 the specific statute. All appointment procedures, vacancy
1526 provisions, interim appointment provisions and removal provisions



1527 specifically provided for in Section 7-1-35, Mississippi Code of
1528 1972, shall be fully applicable to appointments to the State
1529 Parole Board. Any vacancy shall be filled by the Governor, with
1530 the advice and consent of the Senate. The Governor shall appoint
1531 a chairman of the board.

1532 (2) Any person who is appointed to serve on the board shall
1533 possess at least a bachelor's degree or a high school diploma and
1534 four (4) years' work experience. Each member shall devote his
1535 full time to the duties of his office and shall not engage in any
1536 other business or profession or hold any other public office. A
1537 member shall receive compensation or per diem in addition to his
1538 or her salary. Each member shall keep such hours and workdays as
1539 required of full-time state employees under Section 25-1-98.
1540 Individuals shall be appointed to serve on the board without
1541 reference to their political affiliations. Each board member,
1542 including the chairman, may be reimbursed for actual and necessary
1543 expenses as authorized by Section 25-3-41. Each member of the
1544 board shall complete annual training developed based on guidance
1545 from the National Institute of Corrections, the Association of
1546 Paroling Authorities International, or the American Probation and
1547 Parole Association. Each first-time appointee of the board shall,
1548 within sixty (60) days of appointment, or as soon as practical,
1549 complete training for first-time Parole Board members developed in
1550 consideration of information from the National Institute of



1551 Corrections, the Association of Paroling Authorities
1552 International, or the American Probation and Parole Association.

1553 (3) The board shall have exclusive responsibility for the
1554 granting of parole as provided by Sections 47-7-3 and 47-7-17 and
1555 shall have exclusive authority for revocation of the same. The
1556 board shall have exclusive responsibility for investigating
1557 clemency recommendations upon request of the Governor.

1558 (4) The board, its members and staff, shall be immune from
1559 civil liability for any official acts taken in good faith and in
1560 exercise of the board's legitimate governmental authority.

1561 (5) The budget of the board shall be funded through a
1562 separate line item within the general appropriation bill for the
1563 support and maintenance of the department. Employees of the
1564 department which are employed by or assigned to the board shall
1565 work under the guidance and supervision of the board. There shall
1566 be an executive secretary to the board who shall be responsible
1567 for all administrative and general accounting duties related to
1568 the board. The executive secretary shall keep and preserve all
1569 records and papers pertaining to the board.

1570 (6) The board shall have no authority or responsibility for
1571 supervision of offenders granted a release for any reason,
1572 including, but not limited to, probation, parole or executive
1573 clemency or other offenders requiring the same through interstate
1574 compact agreements. The supervision shall be provided exclusively



1575 by the staff of the Division of Community Corrections of the
1576 department.

1577 (7) (a) The Parole Board is authorized to select and place
1578 offenders in an electronic monitoring program under the conditions
1579 and criteria imposed by the Parole Board. The conditions,
1580 restrictions and requirements of Section 47-7-17 and Sections
1581 47-5-1001 through 47-5-1015 shall apply to the Parole Board and
1582 any offender placed in an electronic monitoring program by the
1583 Parole Board.

1584 (b) Any offender placed in an electronic monitoring
1585 program under this subsection shall pay the program fee provided
1586 in Section 47-5-1013. The program fees shall be deposited in the
1587 special fund created in Section 47-5-1007.

1588 (c) The department shall have absolute immunity from
1589 liability for any injury resulting from a determination by the
1590 Parole Board that an offender be placed in an electronic
1591 monitoring program.

1592 (8) (a) The Parole Board shall maintain a central registry
1593 of paroled inmates. The Parole Board shall place the following
1594 information on the registry: name, address, photograph, crime for
1595 which paroled, the date of the end of parole or flat-time date and
1596 other information deemed necessary. The Parole Board shall
1597 immediately remove information on a parolee at the end of his
1598 parole or flat-time date.



1599 (b) When a person is placed on parole, the Parole Board
1600 shall inform the parolee of the duty to report to the parole
1601 officer any change in address ten (10) days before changing
1602 address.

1603 (c) The Parole Board shall utilize an Internet website
1604 or other electronic means to release or publish the information.

1605 (d) Records maintained on the registry shall be open to
1606 law enforcement agencies and the public and shall be available no
1607 later than July 1, 2003.

1608 (9) An affirmative vote of at least four (4) members of the
1609 Parole Board shall be required to grant parole to an inmate
1610 convicted of capital murder or a sex crime.

1611 (10) This section shall stand repealed on July 1, 2025.

1612 **SECTION 19.** This act shall take effect and be in force from
1613 and after July 1, 2024; provided, however, that Section 12 which
1614 amends Section 73-35-5, Mississippi Code of 1972, shall take
1615 effect and be in force from and after its passage.

