

Senate Amendments to House Bill No. 608

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

11 **SECTION 1.** Section 73-13-5, Mississippi Code of 1972, is
12 amended as follows:
13 73-13-5. A Board of Licensure for Professional Engineers and
14 Surveyors is hereby created whose duty it shall be to administer
15 the provisions of Sections 73-13-1 through 73-13-105. The board
16 shall consist of six (6) licensed professional engineers * * * and
17 three (3) licensed professional surveyors, who are not licensed
18 professional engineers, * * * all of whom shall have the
19 qualifications required by Section 73-13-77. The members of the
20 board shall be appointed * * * by the Governor from a list of
21 nominees of licensed professional engineers and of licensed
22 professional surveyors drawn from state engineering societies or
23 councils that are affiliated with national organizations and from
24 state surveying societies or associations that are affiliated with
25 national organizations. Such societies, councils or associations
26 may provide a list of nominees for consideration no less than
27 ninety (90) days before the expiration of a board member's term.

28 The board so appointed shall have two (2) engineer members
29 from each of the three (3) state Supreme Court districts,
30 designated by district, Post 1 and Post 2, and shall serve for
31 four (4) years, or until their successors are duly appointed and
32 qualified. The surveyor members * * * shall be appointed from
33 each of the three (3) state Supreme Court districts and serve for
34 four (4) years, or until their successors are duly appointed and
35 qualified. Each member of the board shall receive a certificate
36 of appointment from the Governor, and before beginning his term of
37 office he shall file with the Secretary of State the
38 constitutional oath of office. On the expiration of the term of
39 any member, the Governor shall in the manner herein provided
40 appoint for a term of four (4) years a licensed professional
41 engineer having the qualifications required by Section 73-13-7, or
42 a licensed professional surveyor having the qualifications
43 required by Section 73-13-77 to take the place of the member of
44 the board whose term is about to expire. Each member shall hold
45 office until the expiration of the term for which such member is
46 appointed or until a successor shall have been duly appointed and
47 shall have qualified.

48 The initial members of the reconstituted board shall serve
49 terms of office as follows:

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

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

58 (c) An appointment of an engineer member serving at
59 large shall be made on July 1, 2004, and shall expire on July 1,
60 2006; and from and after July 1, 2004, this appointment shall be
61 designated as Post 3.

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

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

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

77 (g) The term of the surveyor member presently serving
78 at large, which term was set to expire on April 8, 2007, shall
79 expire on July 1, 2004; subsequent appointments shall be made from

80 the First Supreme Court District; from and after July 1, 2004,
81 this appointment shall be designated as Post 7.

82 (h) An appointment of a surveyor member shall be made
83 from the Second Supreme Court District; the appointment shall be
84 made on July 1, 2004, and shall expire on July 1, 2005; from and
85 after July 1, 2004, this appointment shall be designated as Post
86 8.

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

92 At the expiration of a term, members of the board shall be
93 appointed in the manner prescribed in this section for terms of
94 four (4) years from the expiration date of the previous terms.
95 Any vacancy on the board prior to the expiration of a term for any
96 reason, including resignation, removal, disqualification, death or
97 disability, shall be filled by appointment of the Governor in the
98 manner prescribed in this section for the balance of the unexpired
99 term. The * * * Governor shall fill such vacancies within ninety
100 (90) days after each such vacancy occurs.

101 It shall not be considered the duty of the State of
102 Mississippi to provide office space and office equipment for the
103 board herein created.

104 No member of the board shall, during the term of his office
105 or thereafter, be required to defend any action for damages in any

106 of the courts of this state where it is shown that said damage
107 followed or resulted from any of the official acts of said board
108 in the performance of its powers, duties or authority as set forth
109 in this chapter. Any such action filed shall upon motion be
110 dismissed, at the cost of the plaintiff, with prejudice.

111 **SECTION 2.** This act shall take effect and be in force from
112 and after July 1, 2025.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTION 73-13-5, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT MEMBERS OF THE BOARD OF LICENSURE FOR PROFESSIONAL
3 ENGINEERS AND SURVEYORS SHALL BE APPOINTED BY THE GOVERNOR FROM A
4 LIST OF NOMINEES DRAWN FROM STATE ENGINEERING SOCIETIES OR
5 COUNCILS THAT ARE AFFILIATED WITH NATIONAL ORGANIZATIONS AND FROM
6 STATE SURVEYING SOCIETIES OR ASSOCIATIONS THAT ARE AFFILIATED WITH
7 NATIONAL ORGANIZATIONS TO BE PROVIDED FOR CONSIDERATION NO LESS
8 THAN 90 DAYS BEFORE THE EXPIRATION OF A BOARD MEMBER'S TERM; AND
9 FOR RELATED PURPOSES.

SS26\HB608A.J

Amanda White
Secretary of the Senate