

By: Senator(s) Thames, Williamson, Dawkins,  
Bryan

To: Fees, Salaries and  
Administration

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 2262

1 AN ACT TO PROVIDE THAT FROM AND AFTER JANUARY 1, 2002,  
2 APPOINTMENTS TO CERTAIN EXECUTIVE AGENCY BOARDS AND COMMISSIONS  
3 AND THE PEER COMMITTEE SHALL BE MADE FROM THE FOUR MISSISSIPPI  
4 CONGRESSIONAL DISTRICTS ON A PHASED-IN BASIS; TO AMEND SECTIONS  
5 5-3-55, 25-53-7, 31-3-3, 35-1-1, 35-3-24, 35-7-7, 37-4-3, 37-63-3,  
6 37-101-3, 37-155-7, 39-3-101, 39-11-1, 41-3-1, 43-13-107,  
7 43-13-409, 43-55-5, 47-5-541, 47-7-5, 49-2-5, 49-4-4, 49-19-1,  
8 57-10-167, 63-17-57, 69-7-253, 69-15-2, 69-21-107, 73-1-5, 73-4-7,  
9 73-5-1, 73-6-3, 73-15-9, 73-19-7, 73-21-75, 73-30-5, 73-31-5,  
10 73-33-3, 73-34-7, 73-35-5, 73-53-8, 73-60-5, 73-63-9 AND 73-67-9,  
11 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED  
12 PURPOSES.

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

14 **PEER COMMITTEE**

15 **SECTION 1.** Section 5-3-55, Mississippi Code of 1972, is  
16 amended as follows:

17 5-3-55. The committee shall be composed of five (5) members  
18 from the Senate and five (5) members from the House of  
19 Representatives, one (1) from each of the congressional districts  
20 of the State of Mississippi, to be appointed by the Lieutenant  
21 Governor and the Speaker of the House of Representatives for a  
22 term concurrent with their term in their respective house.

23 Beginning with the 2004 Regular Session, the committee shall be  
24 composed of five (5) members from the Senate and five (5) members  
25 from the House of Representatives, one (1) from each of the four  
26 (4) Mississippi congressional districts as they currently exist  
27 and one (1) from the state at large, to be appointed by the  
28 Lieutenant Governor and the Speaker of the House for a term  
29 concurrent with their term in their respective house. No more  
30 than one (1) member shall be appointed from the same county. \* \* \*

31 The Lieutenant Governor and Speaker shall make their appointments  
32 within fifteen (15) days after the first calendar day of the



33 regular session in the first year of such four-year term. No  
34 member of the committee shall serve as a member of the Legislative  
35 Budget Committee \* \* \*. The term of each member shall be  
36 concurrent with his term of office.

37 \* \* \*

38 **MISSISSIPPI DEPARTMENT OF TECHNOLOGY SERVICES**

39 **SECTION 2.** Section 25-53-7, Mississippi Code of 1972, is  
40 amended as follows:

41 25-53-7. (1) The membership of the authority shall be  
42 composed of five (5) members to be appointed by the Governor with  
43 the advice and consent of the Senate. The initial terms of the  
44 members shall be for one (1), two (2), three (3), four (4) and  
45 five (5) years, respectively, and thereafter all terms shall be  
46 for five (5) years. The initial appointments to the reconstituted  
47 authority shall be made no later than June 30, 1984, for terms to  
48 begin on July 1, 1984. The members of the authority as  
49 constituted on January 1, 2002, whose terms have not expired shall  
50 serve the balance of their terms, after which time the membership  
51 of the authority shall be appointed as follows: There shall be  
52 appointed one (1) member of the authority from each of the four  
53 (4) Mississippi congressional districts as they currently exist  
54 and one (1) from the state at large, and the Governor shall make  
55 appointments from the congressional district having the smallest  
56 number of authority members until the membership includes one (1)  
57 member from each district as required. No more than one (1)  
58 member shall be appointed from the same county. Vacancies shall  
59 be filled in the same manner as original appointments for the  
60 unexpired portion of the term vacated. Each member of the  
61 authority shall have a minimum of four (4) years' experience in an  
62 information technology-related executive position or prior service  
63 as a member of the authority.

64 (2) Each member of the authority shall be required to  
65 furnish a surety bond in the minimum amount of Fifty Thousand



66 Dollars (\$50,000.00) to be approved by the Secretary of State,  
67 conditioned according to law and payable to the State of  
68 Mississippi, before entering upon his duties. The premiums on  
69 such bonds shall be paid from any funds available to the authority  
70 for such purpose.

71 (3) No member of the authority, nor its executive director,  
72 shall, during his term as such member or director, have any  
73 substantial beneficial interest in any corporation or other  
74 organization engaged in the information technology business either  
75 as manufacturer, supplier, lessor or otherwise. All members and  
76 the executive director shall fully disclose in writing any such  
77 beneficial interest, and such disclosure shall be entered on the  
78 minutes of the authority.

79 (4) The Lieutenant Governor may designate one (1) Senator  
80 and the Speaker of the House of Representatives may designate one  
81 (1) Representative to attend any meeting of the authority. The  
82 appointing authorities may designate an alternate member from  
83 their respective houses to serve when the regular designee is  
84 unable to attend such meetings of the authority. Such legislative  
85 designees shall have no jurisdiction or vote on any matter within  
86 the jurisdiction of the authority. For attending meetings of the  
87 authority, such legislators shall receive per diem and expenses  
88 which shall be paid from the contingent expense funds of their  
89 respective houses in the same amounts as provided for committee  
90 meetings when the Legislature is not in session; however, no per  
91 diem and expenses for attending meetings of the authority will be  
92 paid while the Legislature is in session. No per diem and  
93 expenses will be paid except for attending meetings of the  
94 authority without prior approval of the proper committee in their  
95 respective houses.

96 **STATE BOARD OF CONTRACTORS**

97 **SECTION 3.** Section 31-3-3, Mississippi Code of 1972, is  
98 amended as follows:



99           31-3-3. There is hereby created the State Board of  
100 Contractors of the State of Mississippi, which shall consist of  
101 ten (10) members who shall be appointed by the Governor. All  
102 appointments to the board after July 1, 1980, shall be made with  
103 the advice and consent of the Senate. Two (2) road contractors;  
104 two (2) building contractors; two (2) residential builders as  
105 defined in Section 73-59-1; one (1) plumbing or heating and air  
106 conditioning contractor; one (1) electrical contractor; and one  
107 (1) water and sewer contractor shall compose the board. From and  
108 after July 1, 1992, the Governor shall appoint one (1) additional  
109 member who shall be a roofing contractor and whose term of office  
110 shall be five (5) years. Each member shall be an actual resident  
111 of the State of Mississippi and must have been actually engaged in  
112 the contracting business for a period of not less than ten (10)  
113 years before appointment. The initial terms of the two (2)  
114 residential builders shall be for two (2) and four (4) years,  
115 respectively, beginning July 1, 1993.

116           Upon the expiration of the term of office of any member of  
117 the board, the Governor shall appoint a new member for a term of  
118 five (5) years, such new appointments being made so as to maintain  
119 on the board two (2) building contractors; two (2) road  
120 contractors; two (2) residential builders; one (1) plumbing or  
121 heating and air conditioning contractor; one (1) electrical  
122 contractor; and one (1) water and sewer contractor; and one (1)  
123 roofing contractor. The members of the board as constituted on  
124 January 1, 2002, whose terms have not expired shall serve the  
125 balance of their terms, after which time the membership of the  
126 board shall be appointed as follows: There shall be appointed not  
127 more than three (3) members of the board from each of the four (4)  
128 Mississippi congressional districts as they currently exist and  
129 the Governor shall make appointments from the congressional  
130 district having the smallest number of board members until the  
131 membership includes not less than two (2) members from each



132 district as required. No more than one (1) member shall be  
133 appointed from the same county. The Governor shall fill any  
134 vacancy by appointment, such appointee to serve the balance of the  
135 term of the original appointee. The Governor may remove any  
136 member of the board for misconduct, incompetency or willful  
137 neglect of duty.

138 In the event the Governor fails to appoint a member of the  
139 board within twelve (12) months of the occurrence of the vacancy,  
140 such vacancy shall be filled by majority vote of the board,  
141 subject to advice and consent of the Senate and the requirements  
142 of this section.

143 **VETERANS AFFAIRS BOARD**

144 **SECTION 4.** Section 35-1-1, Mississippi Code of 1972, is  
145 amended as follows:

146 35-1-1. (1) (a) There is hereby created a State Veterans  
147 Affairs Board, to consist of seven (7) members, to be appointed by  
148 the Governor, one (1) from each congressional district as they  
149 existed on January 1, 1952, of the State of Mississippi. One (1)  
150 shall be appointed for one (1) year, another for two (2) years,  
151 another for three (3) years, another for four (4) years, another  
152 for five (5) years, another for six (6) years, and another for  
153 seven (7) years, thus staggered. At the end of such term for each  
154 of said seven (7) members, a successor shall be appointed for a  
155 term of seven (7) years, thus providing for seven (7) members, one  
156 (1) of whom shall be appointed each year. In the event of death,  
157 resignation or removal of a member of the board, such person  
158 appointed to fill the vacancy shall be a legal resident of the  
159 congressional district in which the vacancy shall occur, and shall  
160 serve for the remainder of the term to which such member was  
161 appointed. Members of the board shall be veterans of any war or  
162 police action in which the Armed Forces of the United States have  
163 been, are, or shall be committed for action, who have been  
164 honorably discharged or honorably released.



165 (b) From and after May 14, 1992, terms of all members  
166 then serving on the State Veterans Affairs Board shall terminate,  
167 and the board shall be reconstituted as follows: The board shall  
168 consist of seven (7) members. All members shall be appointed by  
169 the Governor, with the advice and consent of the Senate. One (1)  
170 member shall be appointed from each congressional district as such  
171 districts existed on March 1, 1992, and two (2) members shall be  
172 appointed from the state at large. Of the initial congressional  
173 district appointees to the board, one (1) shall serve for a term  
174 of one (1) year, one (1) for a term of two (2) years, one (1) for  
175 a term of three (3) years, one (1) for a term of four (4) years  
176 and one (1) for a term of five (5) years. Of the initial at-large  
177 appointees, one (1) (who shall be that person appointed in January  
178 1992 from the First Congressional District under the provisions of  
179 paragraph (a) of this subsection) shall serve for a term of three  
180 (3) years and one (1) (who shall be that person appointed in  
181 January 1992 from the Seventh Congressional District under the  
182 provisions of paragraph (a) of this subsection) shall serve for a  
183 term of five (5) years. All appointees after the initial  
184 appointees shall serve for terms of five (5) years each. In the  
185 event of death, resignation or removal of a member of the board,  
186 the vacancy shall be filled by appointment of the Governor, with  
187 the advice and consent of the Senate, from the congressional  
188 district in which the vacancy occurs, for the length of the  
189 unexpired term only. Members of the board shall be honorably  
190 discharged or released veterans of any war or police action in  
191 which the Armed Forces of the United States have been, are, or  
192 shall be committed for action. No state/department commander of  
193 any federally recognized veterans organization, no national  
194 officer of any federally recognized veterans organization and no  
195 member of the Mississippi Council of Veterans Organizations shall  
196 be eligible for appointment to the board until the expiration of a  
197 period of three (3) years after the termination of their service



198 in such disqualifying positions. The members of the board as  
199 constituted on January 1, 2002, whose terms have not expired shall  
200 serve the balance of their terms, after which time the membership  
201 of the board shall be appointed as follows: There shall be  
202 appointed one (1) member of the board from each of the four (4)  
203 Mississippi congressional districts as they currently exist and  
204 three (3) from the state at large, and the Governor shall make  
205 appointments from the congressional district having the smallest  
206 number of board members until the membership includes at least one  
207 (1) member from each congressional district as required. No more  
208 than one (1) member shall be appointed from the same county.

209 (2) Members of the board shall annually elect as chairman  
210 one of their number and another member as vice chairman. Members  
211 of the board shall hold regular monthly meetings and such other  
212 meetings as may be called by the chairman or the vice chairman in  
213 his absence.

#### 214 **WAR VETERANS MEMORIAL COMMISSION**

215 **SECTION 5.** Section 35-3-24, Mississippi Code of 1972, is  
216 amended as follows:

217 35-3-24. There is hereby created a War Veterans Memorial  
218 Commission, which is hereby charged with the duty of carrying out  
219 the provisions as hereinafter set forth, and it shall be referred  
220 to in the succeeding sections hereof as the "commission." The  
221 commission shall consist of seven (7) commissioners, one (1)  
222 member each from the American Legion, the Veterans of Foreign  
223 Wars, Disabled American Veterans, American Ex-Prisoners of War,  
224 Veterans of World War I, Sons of Confederate Veterans, and the  
225 Mississippi National Guard. The commissioners shall be appointed  
226 by the Governor on the recommendation of the state executive  
227 governing body of each respective organization entitled to a  
228 member of the commission. The initial terms of the members shall  
229 be as follows, to be designated by the Governor at the time of  
230 appointment: (a) two (2) members shall be appointed for terms of



231 two (2) years each; (b) two (2) members for terms of four (4)  
232 years each; (c) two (2) members for terms of six (6) years each;  
233 and (d) the member from the American Ex-Prisoners of War for a  
234 term of four (4) years. Thereafter, each term shall be for six  
235 (6) years or until a successor in office has been appointed and  
236 qualified. The members of the commission as constituted on  
237 January 1, 2002, whose terms have not expired shall serve the  
238 balance of their terms, after which time the membership of the  
239 commission shall be appointed as follows: There shall be  
240 appointed one (1) member of the commission from each of the four  
241 (4) Mississippi congressional districts as they currently exist  
242 and three (3) from the state at large, and the Governor shall make  
243 appointments from the congressional district having the smallest  
244 number of commission members until the membership includes at  
245 least one (1) member from each congressional district as required;  
246 and the appropriate organization/association shall submit  
247 nominations to the Governor from the proper congressional district  
248 as required. No more than one (1) member shall be appointed from  
249 the same county. In the event of any vacancy on the commission,  
250 the Governor shall, within thirty (30) days, designate a successor  
251 in the same manner as the original appointment was made. No  
252 member of either branch of the Legislature nor any state officer  
253 or employee shall serve on the commission.

#### 254 **VETERANS HOME PURCHASE BOARD**

255 **SECTION 6.** Section 35-7-7, Mississippi Code of 1972, is  
256 amended as follows:

257 35-7-7. The administration of the provisions hereof is  
258 vested in a Veterans' Home Purchase Board consisting of six (6)  
259 members who shall be appointed, or reappointed, by the Governor,  
260 with the advice and consent of the Senate. Members appointed to  
261 the board shall be veterans of either World War II, the Korean  
262 Conflict, the Southeast Asia Conflict, the Persian Gulf Conflict  
263 or have served in active duty for at least one hundred eighty





264 (180) days during a time of war or a conflict in which a campaign  
265 ribbon or medal was issued and shall possess a background in  
266 business, banking, real estate or the legal profession which  
267 enables them to carry out the duties of the board. Appointments  
268 shall be staggered, with each Governor appointing or reappointing  
269 two (2) members in the first year of his administration; one (1)  
270 member in the second year, two (2) members in the third year, and  
271 one (1) member in the fourth year. Appointments for terms that  
272 expire in 1988 shall be made as follows: one (1) shall be made  
273 for a term ending on July 1, 1989; one (1) shall be made for a  
274 term ending on July 1, 1991; and two (2) shall be made for a term  
275 ending on July 1, 1992. Persons appointed to succeed the two (2)  
276 members whose terms expired in 1986, or any such member holding  
277 over after 1986 because no successor was appointed, shall serve  
278 until July 1, 1990. After the expiration of the foregoing terms,  
279 all appointments shall be for a term of four (4) years from the  
280 expiration date of the previous term. From and after July 1,  
281 1988, one (1) appointee shall be selected from each of the five  
282 (5) congressional districts of this state as such districts are  
283 composed on May 1, 1987, and one (1) appointee shall be selected  
284 from the state at large. The members of the board as constituted  
285 on January 1, 2002, whose terms have not expired shall serve the  
286 balance of their terms, after which time the membership of the  
287 board shall be appointed as follows: There shall be appointed one  
288 (1) member of the board from each of the four (4) Mississippi  
289 congressional districts as they currently exist and two (2) from  
290 the state at large, and the Governor shall make appointments from  
291 the congressional district having the smallest number of board  
292 members until the membership includes at least one (1) from each  
293 congressional district as required. No more than one (1) member  
294 shall be appointed from the same county. Any vacancy occurring  
295 during a term shall be filled by appointment of a member for the  
296 unexpired portion of the term.



297           The board is hereby authorized and empowered to make and  
298 promulgate such reasonable rules and regulations under this  
299 chapter as it shall deem to be necessary or advisable and to  
300 enforce the same. The board shall have authority to render final  
301 decision on the purchase application process, approval of  
302 purchases, funding of purchase commitments, servicing loans and  
303 default, property security, management, resale, release from  
304 security, and all other matters relating to the purchases and  
305 loans made under this law. The board shall likewise by an order  
306 spread on its minutes elect a chairman and vice chairman to serve  
307 for one-year terms, and all such officers are eligible to succeed  
308 themselves in such offices. The chairman may appoint a  
309 three-member loan committee from the membership of the board and  
310 shall specify the conditions, responsibilities and authority of  
311 such committee.

312           Each member of the board and his successor shall be  
313 reimbursed all his actual and necessary traveling and other  
314 expenses incurred in the attendance of the meetings of the board  
315 or in the performance of other duties in connection with the  
316 business of the board as provided for state officers and employees  
317 in Section 25-3-41, and shall be allowed a per diem as provided in  
318 Section 25-3-69 for such attendance; provided that the number of  
319 days per diem shall not exceed sixty-six (66) days for the  
320 chairman and fifty (50) days for other members of the board during  
321 any one (1) fiscal year. The above limitation of days per year  
322 shall not apply to board members appointed on a full-time basis to  
323 the loan committee.

324           The director, or other executive officer employed by the  
325 board, shall execute a surety bond in the sum of One Hundred  
326 Thousand Dollars (\$100,000.00), conditioned upon the faithful  
327 performance of his duties and upon his accounting for all monies  
328 coming into his hands; and each employee handling funds shall  
329 execute a like bond in the sum of Fifteen Thousand Dollars



330 (\$15,000.00), and the premiums thereon shall be paid from the  
331 funds provided for administering this chapter.

332 The board may designate one (1) of its employees as the  
333 acting director or executive officer by a vote of the majority of  
334 the members of the board, officially recorded in the minutes of a  
335 regular or special meeting, and such acting director shall be  
336 vested with all the authority conferred upon the director by the  
337 provisions of this chapter; but such acting director may not serve  
338 for a continuous period of time in excess of six (6) months, and  
339 the acting director, when so designated, will be required to  
340 furnish surety bond in the same amount and under the same  
341 conditions as the director. The purpose of this provision is to  
342 designate an executive officer during any temporary illness,  
343 absence or incapacity of the regularly designated director.

344 The board may select and employ such expert, technical and  
345 clerical assistance as in its judgment may be necessary in the  
346 proper administration of said board and fix the salaries of such  
347 employees.

348 The board is empowered to employ auditors and accountants to  
349 examine the books, accounts and records of the board if it so  
350 desires, and the board is also authorized to employ legal counsel  
351 if it deems such a course necessary in the proper administration  
352 of its affairs.

353 **STATE BOARD FOR COMMUNITY AND JUNIOR COLLEGES**

354 **SECTION 7.** Section 37-4-3, Mississippi Code of 1972, is  
355 amended as follows:

356 37-4-3. (1) From and after July 1, 1986, there shall be a  
357 State Board for Community and Junior Colleges which shall receive  
358 and distribute funds appropriated by the Legislature for the use  
359 of the public community and junior colleges and funds from federal  
360 and other sources that are transmitted through the state  
361 governmental organization for use by said colleges. This board  
362 shall provide general coordination of the public community and



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

365 (2) The board shall consist of ten (10) members of which  
366 none shall be an elected official and none shall be engaged in the  
367 educational profession. The Governor shall appoint two (2)  
368 members from the First Mississippi Congressional District, one (1)  
369 who shall serve an initial term of two (2) years and one (1) who  
370 shall serve an initial term of five (5) years; two (2) members  
371 from the Second Mississippi Congressional District, one (1) who  
372 shall serve an initial term of five (5) years and one (1) who  
373 shall serve an initial term of three (3) years; and two (2)  
374 members from the Third Mississippi Congressional District, one (1)  
375 who shall serve an initial term of four (4) years and one (1) who  
376 shall serve an initial term of two (2) years; two (2) members from  
377 the Fourth Mississippi Congressional District, one (1) who shall  
378 serve an initial term of three (3) years and one (1) who shall  
379 serve an initial term of four (4) years; and two (2) members from  
380 the Fifth Mississippi Congressional District, one (1) who shall  
381 serve an initial term of five (5) years and one (1) who shall  
382 serve an initial term of two (2) years. The members of the board  
383 as constituted on January 1, 2002, whose terms have not expired  
384 shall serve the balance of their terms, after which time the  
385 membership of the board shall be appointed as follows: There  
386 shall be appointed two (2) members of the board from each of the  
387 four (4) Mississippi congressional districts as they currently  
388 exist and the Governor shall make appointments from the  
389 congressional district having the smallest number of board members  
390 until the membership includes two (2) from each district as  
391 required. No more than one (1) member shall be appointed from the  
392 same county. All subsequent appointments shall be for a term of  
393 six (6) years and continue until their successors are appointed  
394 and qualify. An appointment to fill a vacancy which arises for  
395 reasons other than by expiration of a term of office shall be for



396 the unexpired term only. No two (2) appointees shall reside in  
397 the same junior college district. All members shall be appointed  
398 with the advice and consent of the Senate.

399 (3) There shall be a chairman and vice chairman of the  
400 board, elected by and from the membership of the board; and the  
401 chairman shall be the presiding officer of the board. The board  
402 shall adopt rules and regulations governing times and places for  
403 meetings and governing the manner of conducting its business.

404 (4) The members of the board shall receive no annual salary,  
405 but shall receive per diem compensation as authorized by Section  
406 25-3-69, Mississippi Code of 1972, for each day devoted to the  
407 discharge of official board duties and shall be entitled to  
408 reimbursement for all actual and necessary expenses incurred in  
409 the discharge of their duties, including mileage as authorized by  
410 Section 25-3-41, Mississippi Code of 1972.

411 (5) The board shall name a director for the state system of  
412 public junior and community colleges, who shall serve at the  
413 pleasure of the board. Such director shall be the chief executive  
414 officer of the board, give direction to the board staff, carry out  
415 the policies set forth by the board, and work with the presidents  
416 of the several community and junior colleges to assist them in  
417 carrying out the mandates of the several boards of trustees and in  
418 functioning within the state system and policies established by  
419 the State Board for Community and Junior Colleges. The State  
420 Board for Community and Junior Colleges shall set the salary of  
421 the Director of the State System of Community and Junior Colleges.  
422 The Legislature shall provide adequate funds for the State Board  
423 for Community and Junior Colleges, its activities and its staff.

424 (6) The powers and duties of the State Board for Community  
425 and Junior Colleges shall be:

426 (a) To authorize disbursements of state appropriated  
427 funds to community and junior colleges through orders in the  
428 minutes of the board.



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

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

433           (d) To require community and junior colleges to supply  
434 such information as the board may request and compile, publish and  
435 make available such reports based thereon as the board may deem  
436 advisable.

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

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

448           (g) To approve applications from community and junior  
449 colleges for state funds for vocational-technical education  
450 facilities.

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

453           (i) To appoint members to the Post-Secondary  
454 Educational Assistance Board.

455           (j) To appoint members to the Authority for Educational  
456 Television.

457           (k) To contract with other boards, commissions,  
458 governmental entities, foundations, corporations or individuals  
459 for programs, services, grants and awards when such are needed for  
460 the operation and development of the state public community and  
461 junior college system.



462           (1) To fix standards for community and junior colleges  
463 to qualify for appropriations, and qualifications for community  
464 and junior college teachers.

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

468           (n) To approve or disapprove of any proposed inclusion  
469 within municipal corporate limits of state-owned buildings and  
470 grounds of any community college or junior college and to approve  
471 or disapprove of land use development, zoning requirements,  
472 building codes and delivery of governmental services applicable to  
473 state-owned buildings and grounds of any community college or  
474 junior college. Any agreement by a local board of trustees of a  
475 community college or junior college to annexation of state-owned  
476 property or other conditions described in this paragraph shall be  
477 void unless approved by the board and by the board of supervisors  
478 of the county in which the state-owned property is located.

479           **MISSISSIPPI EDUCATIONAL TELEVISION AUTHORITY**

480           **SECTION 8.** Section 37-63-3, Mississippi Code of 1972, is  
481 amended as follows:

482           37-63-3. The Authority for Educational Television shall  
483 consist of the State Superintendent of Public Education and six  
484 (6) members appointed, with the advice and consent of the Senate.  
485 The Governor shall appoint four (4) members, one (1) of whom shall  
486 be actively engaged as a teacher or principal in a secondary  
487 school system in the State of Mississippi and one (1) of whom  
488 shall be actively engaged as a teacher or principal in an  
489 elementary school system in the State of Mississippi. Beginning  
490 July 1, 1994, the appointee actively engaged as a teacher or  
491 principal in a secondary school shall be appointed for an initial  
492 term of three (3) years. The member actively engaged as a teacher  
493 or principal in an elementary school shall be appointed for an  
494 initial term of four (4) years. The remaining two (2)



495 gubernatorial appointees shall serve until July 1, 1996.  
496 Beginning July 1, 1996, the Governor shall appoint two (2) members  
497 for initial terms of three (3) and four (4) years, with the  
498 Governor specifically designating which member shall be appointed  
499 for three (3) years and which shall be appointed for four (4)  
500 years. The gubernatorial appointees on the authority as  
501 constituted on January 1, 2002, whose terms have not expired shall  
502 serve the balance of their terms, after which time these  
503 appointments shall be made as follows: The gubernatorial  
504 appointees shall be appointed one (1) from each of the four (4)  
505 Mississippi congressional districts as they currently exist and  
506 the Governor shall make appointments from the congressional  
507 district having the smallest number of authority members until the  
508 membership includes one (1) member from each district as required.  
509 No more than one (1) member shall be appointed from the same  
510 county. The State Board for Community and Junior Colleges shall  
511 appoint one (1) member, and the Board of Trustees of the State  
512 Institutions of Higher Learning shall appoint one (1) member.  
513 After the expiration of the initial terms, all members shall serve  
514 for terms of four (4) years. An appointment to fill a vacancy  
515 among the gubernatorial appointees, other than by expiration of a  
516 term of office, shall be made by the Governor for the balance of  
517 the unexpired term.

518 **BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING**

519 **SECTION 9.** Section 37-101-3, Mississippi Code of 1972, is  
520 amended as follows:

521 [Until the amendment to Section 213-A in Article 8 of the  
522 Mississippi Constitution of 1890, proposed by Senate Concurrent  
523 Resolution No. 522, 2002 Regular Session, is ratified by the  
524 electorate, Section 37-101-3 shall read as follows:]

525 37-101-3. (1) The Governor, by and with the advice and  
526 consent of the Senate, shall appoint the members of the Board of  
527 Trustees of State Institutions of Higher Learning, one (1) member





528 from each congressional district of the state as existing as of  
529 March 31, 1944, one (1) member from each Supreme Court district  
530 and two (2) members from the state at large, with the terms of  
531 each to begin on May 8, 1944. One-third (1/3) of the membership  
532 of said board so appointed shall be appointed for a period of four  
533 (4) years, one-third (1/3) for a period of eight (8) years and  
534 one-third (1/3) for a period of twelve (12) years. On the  
535 expiration of any of said terms of office the Governor shall  
536 appoint successors, by and with the advice and consent of the  
537 Senate, for terms of twelve (12) years in each case.

538 (2) In case of a vacancy on said board by death or  
539 resignation of a member or from any other cause than the  
540 expiration of such member's term of office, the board shall elect  
541 his successor who shall hold office until the end of the next  
542 session of the Legislature. During such term of the session of  
543 the Legislature the Governor shall appoint the successor member of  
544 the board from the district from which his predecessor was  
545 appointed to hold office until the end of the period or term for  
546 which said original trustee was appointed, to the end that  
547 one-third (1/3) of such trustees' terms shall expire each four (4)  
548 years.

549 (3) The Executive Director of the State Board for Community  
550 and Junior Colleges, or his designee, and one (1) member of the  
551 State Board for Community and Junior Colleges to be designated by  
552 the chairman of said board, shall attend all regular meetings of  
553 the Board of Trustees of State Institutions of Higher Learning.  
554 Said community/junior college representatives shall have no  
555 jurisdiction or vote on any matter within the jurisdiction of the  
556 board. The Executive Director of the State Board for Community  
557 and Junior Colleges and any designee who is a state employee shall  
558 receive no per diem for attending meetings of the board, but shall  
559 be entitled to actual and necessary expense reimbursement and  
560 mileage for attending meetings at locations other than Jackson,



561 Mississippi. The designee of the State Board for Community and  
562 Junior Colleges shall receive per diem compensation as authorized  
563 by Section 25-3-69, Mississippi Code of 1972, for attending said  
564 meetings, and shall be entitled to reimbursement for actual  
565 expense reimbursement and mileage, which shall be paid from funds  
566 appropriated to the Board of Trustees of State Institutions of  
567 Higher Learning.

568 [From and after the date the amendment to Section 213-A in  
569 Article 8 of the Mississippi Constitution of 1890, proposed by  
570 Senate Concurrent Resolution No. 522, 2002 Regular Session, is  
571 ratified by the electorate, Section 37-101-3 shall read as  
572 follows:]

573 37-101-3. (1) The Governor, by and with the advice and  
574 consent of the Senate, shall appoint the members of the Board of  
575 Trustees of State Institutions of Higher Learning, one (1) member  
576 from each congressional district of the state as existing as of  
577 March 31, 1944, one (1) member from each Supreme Court district  
578 and two (2) members from the state at large, with the terms of  
579 each to begin on May 8, 1944. One-third (1/3) of the membership  
580 of said board so appointed shall be appointed for a period of four  
581 (4) years, one-third (1/3) for a period of eight (8) years and  
582 one-third (1/3) for a period of twelve (12) years. On the  
583 expiration of any of said terms of office the Governor shall  
584 appoint successors, by and with the advice and consent of the  
585 Senate, for terms of twelve (12) years in each case. The members  
586 of the board of trustees as constituted on July 1, 2002, whose  
587 terms have not expired shall serve the balance of their terms,  
588 after which time the membership of the board shall be appointed as  
589 follows: There shall be appointed three (3) members of the board  
590 of trustees from each of the four (4) Mississippi congressional  
591 districts as they exist on July 1, 2002, and the Governor shall  
592 make appointments from the congressional district having the  
593 smallest number of board members until the membership includes



594 three (3) members from each congressional district as required.  
595 The term of office of the members appointed after January 1, 2002,  
596 shall be eight (8) years.

597 (2) In case of a vacancy on said board by death or  
598 resignation of a member or from any other cause than the  
599 expiration of such member's term of office, the board shall elect  
600 his successor who shall hold office until the end of the next  
601 session of the Legislature. During such term of the session of  
602 the Legislature the Governor shall appoint the successor member of  
603 the board from the congressional district from which his  
604 predecessor was appointed to hold office until the end of the  
605 period or term for which said original trustee was appointed, to  
606 the end that one-third (1/3) of such trustees' terms shall expire  
607 each four (4) years.

608 (3) The Executive Director of the State Board for Community  
609 and Junior Colleges, or his designee, and one (1) member of the  
610 State Board for Community and Junior Colleges to be designated by  
611 the chairman of said board, shall attend all regular meetings of  
612 the Board of Trustees of State Institutions of Higher Learning.  
613 Said community/junior college representatives shall have no  
614 jurisdiction or vote on any matter within the jurisdiction of the  
615 board. The Executive Director of the State Board for Community  
616 and Junior Colleges and any designee who is a state employee shall  
617 receive no per diem for attending meetings of the board, but shall  
618 be entitled to actual and necessary expense reimbursement and  
619 mileage for attending meetings at locations other than Jackson,  
620 Mississippi. The designee of the State Board for Community and  
621 Junior Colleges shall receive per diem compensation as authorized  
622 by Section 25-3-69, Mississippi Code of 1972, for attending said  
623 meetings, and shall be entitled to reimbursement for actual  
624 expense reimbursement and mileage, which shall be paid from funds  
625 appropriated to the Board of Trustees of State Institutions of  
626 Higher Learning.



627                                   **PREPAID AFFORDABLE COLLEGE TUITION BOARD**

628           **SECTION 10.** Section 37-155-7, Mississippi Code of 1972, is  
629 amended as follows:

630           37-155-7. (1) The board of directors shall consist of  
631 thirteen (13) members as follows:

632           (a) Nine (9) voting members as follows: the State  
633 Treasurer; the Commissioner of Higher Education; the Executive  
634 Director of the Community and Junior College Board; Department of  
635 Finance and Administration Executive Director; and one (1) member  
636 from each congressional district to be appointed by the Governor  
637 with the advice and consent of the Senate. One (1) member shall  
638 be appointed for an initial term of one (1) year; one (1) member  
639 shall be appointed for an initial term of two (2) years; one (1)  
640 member for an initial term of three (3) years; one (1) member for  
641 an initial term of four (4) years; and one (1) member for an  
642 initial term of five (5) years. On the expiration of any of the  
643 terms of office, the Governor shall appoint successors by and with  
644 the advice and consent of the Senate for terms of five (5) years  
645 in each case. The gubernatorial appointments of the board as  
646 constituted on January 1, 2002, whose terms have not expired shall  
647 serve the balance of their terms, after which time the  
648 gubernatorial appointments shall be made as follows: There shall  
649 be appointed one (1) member of the board from each of the four (4)  
650 Mississippi congressional districts as they currently exist and  
651 one (1) from the state at large, and the Governor shall make  
652 appointments from the congressional district having the smallest  
653 number of board members until the membership includes at least one  
654 (1) member from each congressional district as required. No more  
655 than one (1) member shall be appointed from the same county.

656           (b) Two (2) nonvoting, advisory members of the board  
657 shall be appointed by each of the following officers: the  
658 Lieutenant Governor and the Speaker of the House of  
659 Representatives. Successors to the appointed members shall serve



660 for the length of the term for each appointing official and shall  
661 be eligible for reappointment, and shall serve until a successor  
662 is appointed. Any person appointed to fill a vacancy on the board  
663 shall be appointed in a like manner and shall serve for only the  
664 unexpired term.

665 (2) Each member appointed shall possess knowledge, skill and  
666 experience in business or financial matters commensurate with the  
667 duties and responsibilities of the trust fund.

668 (3) Members of the board of directors shall serve without  
669 compensation, but shall be reimbursed for each day's official  
670 duties of the board at the same per diem as established by Section  
671 25-36-69 and actual travel and lodging expenses as established by  
672 Section 25-3-41.

673 (4) The board of directors shall annually elect one (1)  
674 member to serve as chairman of the board and one (1) member to  
675 serve as vice chairman. The vice chairman shall act as chairman  
676 in the absence of or upon the disability of the chairman or in the  
677 event of a vacancy of the office of chairman.

678 **MISSISSIPPI LIBRARY COMMISSION**

679 **SECTION 11.** Section 39-3-101, Mississippi Code of 1972, is  
680 amended as follows:

681 39-3-101. There is hereby created a board of commissioners  
682 of the Mississippi Library Commission to be composed of five (5)  
683 members appointed by the Governor with overlapping terms, the  
684 members of the first board to be appointed one (1) for one (1)  
685 year, one (1) for two (2) years, one (1) for three (3) years, one  
686 (1) for four (4) years, one (1) for five (5) years, and their  
687 successors each to be appointed for five-year terms, each member  
688 to serve until his successor is appointed. Two (2) members shall  
689 be appointed by the Governor from the state at large. Two (2)  
690 members shall be appointed by the Governor from a list of not less  
691 than six (6) names submitted by the Mississippi Library  
692 Association, one (1) of whom shall be a librarian who is a



693 graduate of a library school accredited by the American Library  
694 Association and actively engaged in full-time library work at the  
695 time of the appointment and one (1) of whom shall be, at time of  
696 the appointment, a member of a legally organized board of trustees  
697 of a Mississippi free public library; and one (1) member shall be  
698 the President of the Mississippi Federation of Women's Clubs, or a  
699 member of said federation recommended by her; and which federation  
700 member shall, when appointed, serve a full term as herein provided  
701 for members to serve under a staggered term basis, and the  
702 successor to the federation member shall be the president of the  
703 federation then serving, or a member of the federation recommended  
704 by her, when the term of the federation member shall expire; and  
705 after the appointment of a federation member to the board, and  
706 when her term as a member thereof shall expire, each succeeding  
707 member of the federation who becomes a member of the board shall  
708 serve a full term under the provisions of this article. The  
709 members of the commission as constituted on January 1, 2002, whose  
710 terms have not expired shall serve the balance of their terms,  
711 after which time the membership of the board shall be appointed as  
712 follows: There shall be appointed one (1) member of the  
713 commission from each of the four (4) Mississippi congressional  
714 districts as they currently exist and the federation member shall  
715 be considered an appointment from the state at large. The  
716 Governor shall make appointments from the congressional district  
717 having the smallest number of board members until the membership  
718 includes one (1) member from each congressional district as  
719 required, and the recommendations from the Mississippi Library  
720 Association shall be made from the appropriate congressional  
721 district. No more than one (1) member shall be appointed from the  
722 same county. Vacancies created by resignation shall be filled by  
723 appointment for the unexpired term.

724 **MISSISSIPPI COMMISSION ON THE ARTS**



725           **SECTION 12.** Section 39-11-1, Mississippi Code of 1972, is  
726 amended as follows:

727           39-11-1. There is hereby created and established a state  
728 commission to be known as the Mississippi Arts Commission, to  
729 consist of fifteen (15) members broadly representative of all  
730 fields of the performing, visual, literary arts and the business  
731 community, and who are to be appointed by the Governor from among  
732 citizens of the state who have demonstrated a vital interest in  
733 the performing, visual or literary arts. These members shall also  
734 be representative of the different geographical areas of the  
735 state. The members of the commission as constituted on January 1,  
736 2002, whose terms have not expired shall serve the balance of  
737 their terms, after which time the membership of the board shall be  
738 appointed as follows: No more than four (4) members of the  
739 commission shall be appointed from each of the four (4)  
740 Mississippi congressional districts as they currently exist and  
741 the Governor shall make appointments from the congressional  
742 district having the smallest number of commission members until  
743 the membership includes at least three (3) members from each  
744 district as required. No more than one (1) member shall be  
745 appointed from the same county.

746   **STATE BOARD OF HEALTH**

747           **SECTION 13.** Section 41-3-1, Mississippi Code of 1972, is  
748 amended as follows:

749           41-3-1. (1) The present members of the State Board of  
750 Health shall continue to serve until July 1, 1980, whereupon the  
751 board shall be reconstituted as follows:

752           There is hereby created the State Board of Health which shall  
753 consist of thirteen (13) members, appointed by the Governor with  
754 the advice and consent of the Senate, as hereinafter set forth:  
755 two (2) of whom shall be from each congressional district as  
756 constituted on January 1, 1980, and three (3) of whom shall be  
757 from the state at large. The members so appointed shall either be



758 engaged professionally in rendering health services or shall be  
759 consumers of health services who have no financial interest in any  
760 provider thereof. All appointees shall be persons knowledgeable  
761 in at least one (1) of the matters of jurisdiction of the board.

762 (2) The original appointments of the reconstituted board  
763 shall be made no later than June 30, 1980, for terms to begin on  
764 July 1, 1980. The Governor shall designate the initial terms of  
765 the members of the board as follows: four (4) members shall be  
766 appointed for a term which expires July 1, 1982; four (4) members  
767 shall be appointed for a term which expires July 1, 1984; and five  
768 (5) members shall be appointed for a term which expires July 1,  
769 1986. Thereafter, all succeeding appointments shall be for terms  
770 of six (6) years from the expiration of the previous term. The  
771 members of the board as constituted on January 1, 2002, whose  
772 terms have not expired shall serve the balance of their terms,  
773 after which time the membership of the board shall be appointed as  
774 follows: There shall be appointed three (3) members of the State  
775 Board of Health from each of the four (4) Mississippi  
776 congressional districts as they currently exist and one (1) from  
777 the state at large, and the Governor shall make appointments from  
778 the congressional district having the smallest number of board  
779 members until the membership includes three (3) members from each  
780 district as required. No more than one (1) member shall be  
781 appointed from the same county. Vacancies in office shall be  
782 filled by appointment of the Governor in the same manner as the  
783 appointment to the position which becomes vacant, subject to the  
784 advice and consent of the Senate at the next regular session of  
785 the Legislature. An appointment to fill a vacancy other than by  
786 expiration of a term of office shall be for the balance of the  
787 unexpired term.

788 **MEDICAID MEDICAL CARE ADVISORY COMMITTEE**

789 **SECTION 14.** Section 43-13-107, Mississippi Code of 1972, is  
790 amended as follows:





791           43-13-107. (1) The Division of Medicaid is created in the  
792 Office of the Governor and established to administer this article  
793 and perform such other duties as are prescribed by law.

794           (2) The Governor shall appoint a full-time director, with  
795 the advice and consent of the Senate, who shall be either (a) a  
796 physician with administrative experience in a medical care or  
797 health program, or (b) a person holding a graduate degree in  
798 medical care administration, public health, hospital  
799 administration or the equivalent, or (c) a person holding a  
800 bachelor's degree in business administration or hospital  
801 administration, with at least ten (10) years' experience in  
802 management-level administration of Medicaid programs, and who  
803 shall serve at the will and pleasure of the Governor. The  
804 director shall be the official secretary and legal custodian of  
805 the records of the division; shall be the agent of the division  
806 for the purpose of receiving all service of process, summons and  
807 notices directed to the division; and shall perform such other  
808 duties as the Governor shall, from time to time, prescribe. The  
809 director, with the approval of the Governor and the rules and  
810 regulations of the State Personnel Board, shall employ such  
811 professional, administrative, stenographic, secretarial, clerical  
812 and technical assistance as may be necessary to perform the duties  
813 required in administering this article and fix the compensation  
814 therefor, all in accordance with a state merit system meeting  
815 federal requirements, except that when the salary of the director  
816 is not set by law, such salary shall be set by the State Personnel  
817 Board. No employees of the Division of Medicaid shall be  
818 considered to be staff members of the immediate Office of the  
819 Governor; however, the provisions of Section 25-9-107(c)(xv) shall  
820 apply to the director and other administrative heads of the  
821 division.

822           (3) (a) There is established a Medical Care Advisory  
823 Committee, which shall be the committee that is required by



824 federal regulation to advise the Division of Medicaid about health  
825 and medical care services.

826 (b) The committee shall consist of not less than eleven  
827 (11) members, as follows:

828 (i) The Governor shall appoint five (5) members,  
829 one (1) from each congressional district as \* \* \* constituted on  
830 January 1, 2002, and one (1) from the state at large. No more  
831 than one (1) member shall be appointed from the same county;

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

834 (iii) The Speaker of the House of Representatives  
835 shall appoint three (3) members, one (1) from each Supreme Court  
836 district.

837 All members appointed under this paragraph shall either be  
838 health care providers or consumers of health care services. One  
839 (1) member appointed by each of the appointing authorities shall  
840 be a board certified physician.

841 (c) The respective chairmen of the House Public Health  
842 and Welfare Committee, the House Appropriations Committee, the  
843 Senate Public Health and Welfare Committee and the Senate  
844 Appropriations Committee, or their designees, one (1) member of  
845 the State Senate appointed by the Lieutenant Governor and one (1)  
846 member of the House of Representatives appointed by the Speaker of  
847 the House, shall serve as ex officio nonvoting members.

848 (d) In addition to the committee members required by  
849 paragraph (b), the committee shall consist of such other members  
850 as are necessary to meet the requirements of the federal  
851 regulation applicable to the Medical Care Advisory Committee, who  
852 shall be appointed as provided in the federal regulation.

853 (e) The chairmanship of the Medical Care Advisory  
854 Committee shall alternate for twelve-month periods between the  
855 chairmen of the House and Senate Public Health and Welfare



856 Committees, with the Chairman of the House Public Health and  
857 Welfare Committee serving as the first chairman.

858 (f) The members of the committee specified in paragraph  
859 (b) shall serve for terms that are concurrent with the terms of  
860 members of the Legislature, and any member appointed under  
861 paragraph (b) may be reappointed to the committee. The members of  
862 the committee specified in paragraph (b) shall serve without  
863 compensation, but shall receive reimbursement to defray actual  
864 expenses incurred in the performance of committee business as  
865 authorized by law. Legislators shall receive per diem and  
866 expenses which may be paid from the contingent expense funds of  
867 their respective houses in the same amounts as provided for  
868 committee meetings when the Legislature is not in session.

869 (g) The committee shall meet not less than quarterly,  
870 and committee members shall be furnished written notice of the  
871 meetings at least ten (10) days before the date of the meeting.

872 (h) The Executive Director of the Division of Medicaid  
873 shall submit to the committee all amendments, modifications and  
874 changes to the state plan for the operation of the Medicaid  
875 program, for review by the committee before the amendments,  
876 modifications or changes may be implemented by the division.

877 (i) The committee, among its duties and  
878 responsibilities, shall:

879 (i) Advise the division with respect to  
880 amendments, modifications and changes to the state plan for the  
881 operation of the Medicaid program;

882 (ii) Advise the division with respect to issues  
883 concerning receipt and disbursement of funds and eligibility for  
884 medical assistance;

885 (iii) Advise the division with respect to  
886 determining the quantity, quality and extent of medical care  
887 provided under this article;



888 (iv) Communicate the views of the medical care  
889 professions to the division and communicate the views of the  
890 division to the medical care professions;

891 (v) Gather information on reasons that medical  
892 care providers do not participate in the Medicaid program and  
893 changes that could be made in the program to encourage more  
894 providers to participate in the Medicaid program, and advise the  
895 division with respect to encouraging physicians and other medical  
896 care providers to participate in the Medicaid program;

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

900 **HEALTH CARE TRUST FUND AND EXPENDABLE FUND BOARD**

901 **SECTION 15.** Section 43-13-409, Mississippi Code of 1972, is  
902 amended as follows:

903 43-13-409. (1) There is established a board of directors to  
904 invest the funds in the Health Care Trust Fund and the Health Care  
905 Expendable Fund. The board of directors shall consist of thirteen  
906 (13) members as follows:

907 (a) Seven (7) voting members as follows: the State  
908 Treasurer or his designee, the Attorney General or his designee,  
909 and one (1) member from each congressional district to be  
910 appointed by the Governor with the advice and consent of the  
911 Senate. Of the members appointed by the Governor, one (1) member  
912 shall be appointed for an initial term that expires on March 1,  
913 2000; one (1) member shall be appointed for an initial term that  
914 expires on March 1, 2001; one (1) member shall be appointed for an  
915 initial term that expires on March 1, 2002; one (1) member shall  
916 be appointed for an initial term that expires on March 1, 2003;  
917 and one (1) member shall be appointed for an initial term that  
918 expires on March 1, 2004. Upon the expiration of any of the  
919 initial terms of office, the Governor shall appoint successors by  
920 and with the advice and consent of the Senate for terms of five



921 (5) years from the expiration date of the previous term. Any  
922 member appointed by the Governor shall be eligible for  
923 reappointment. Each member appointed by the Governor shall  
924 possess knowledge, skill and experience in business or financial  
925 matters commensurate with the duties and responsibilities of the  
926 board of directors in administering the Health Care Trust Fund and  
927 the Health Care Expendable Fund. The members appointed by the  
928 Governor as constituted on January 1, 2002, whose terms have not  
929 expired shall serve the balance of their terms, after which time  
930 the gubernatorial appointments shall be made as follows: There  
931 shall be appointed one (1) member of the board from each of the  
932 four (4) Mississippi congressional districts as they currently  
933 exist and one (1) from the state at large, and the Governor shall  
934 make appointments from the congressional district having the  
935 smallest number of board members until the membership includes one  
936 (1) member from each district as required. No more than one (1)  
937 member shall be appointed from the same county.

938 (b) Two (2) nonvoting, advisory members of the Senate  
939 shall be appointed by the Lieutenant Governor, and one (1)  
940 nonvoting, advisory representative of the health care community  
941 shall be appointed by the Lieutenant Governor, who shall serve for  
942 the length of the term of the appointing official and shall be  
943 eligible for reappointment.

944 (c) Two (2) nonvoting, advisory members of the House of  
945 Representatives shall be appointed by the Speaker of the House,  
946 and one (1) nonvoting, advisory representative of the health care  
947 community shall be appointed by the Speaker of the House, who  
948 shall serve for the length of the term of the appointing official  
949 and shall be eligible for reappointment.

950 (d) Any person appointed to fill a vacancy on the board  
951 of directors shall be appointed in the same manner as for a  
952 regular appointment and shall serve for the remainder of the  
953 unexpired term only.



954           (2) Nonlegislative members of the board of directors shall  
955 serve without compensation, but shall be reimbursed for each day's  
956 official duties of the board at the same per diem as established  
957 by Section 25-3-69, and actual travel and lodging expenses as  
958 established by Section 25-3-41. Legislative members of the board  
959 of directors shall receive the same per diem and expense  
960 reimbursement as for attending committee meetings when the  
961 Legislature is not in regular session.

962           (3) The State Treasurer shall be the chairman of the board  
963 of directors. The board of directors shall annually elect one (1)  
964 member to serve as vice chairman of the board. The vice chairman  
965 shall act as chairman in the absence of or upon the disability of  
966 the chairman or if there is a vacancy in the office of chairman.

967           (4) All expenses of the board of directors in carrying out  
968 its duties and responsibilities under this article, including the  
969 payment of per diem and expenses of the nonlegislative members of  
970 the board, shall be paid from funds appropriated to the State  
971 Treasurer's office for that purpose.

972           (5) The board of directors shall invest the funds in the  
973 Health Care Trust Fund and the Health Care Expendable Fund in any  
974 of the investments authorized for the Mississippi Prepaid  
975 Affordable College Tuition Program under Section 37-155-9, and  
976 those investments shall be subject to the limitations prescribed  
977 by Section 37-155-9.

978           (6) In furtherance of the powers granted under subsection  
979 (5) of this section, the board of directors shall have such powers  
980 as necessary or convenient to carry out the purposes and  
981 provisions of this article, including, but not limited to, the  
982 following express powers:

983           (a) To contract for necessary goods and services, to  
984 employ necessary personnel, and to engage the services of  
985 consultants for administrative and technical assistance in



986 carrying out its duties and responsibilities in administering the  
987 Health Care Trust Fund and the Health Care Expendable Fund;

988 (b) To administer the Health Care Trust Fund and the  
989 Health Care Expendable Fund in a manner that is sufficiently  
990 actuarially sound to meet the obligations of this article and to  
991 establish a comprehensive investment plan for the purposes of this  
992 article, which shall specify the investment policies to be  
993 utilized by the board of directors in administering the funds;

994 (c) Subject to the terms, conditions, limitations and  
995 restrictions specified in Section 37-155-9, the board of directors  
996 shall have power to sell, assign, transfer and dispose of any of  
997 the securities and investments of the Health Care Trust Fund and  
998 the Health Care Expendable Fund, provided that any such sale,  
999 assignment or transfer has the majority approval of the entire  
1000 board; and

1001 (d) To annually prepare or cause to be prepared a  
1002 report setting forth in appropriate detail an accounting of the  
1003 Health Care Trust Fund and the Health Care Expendable Fund and a  
1004 description of the financial condition of the funds at the close  
1005 of each fiscal year, including any recommendations for legislation  
1006 regarding the investment authority of the board of directors over  
1007 the funds. The report shall be submitted to the Governor and the  
1008 Legislative Budget Office on or before September 1 of each fiscal  
1009 year.

1010 **MISSISSIPPI COMMISSION FOR VOLUNTEER SERVICE**

1011 **SECTION 16.** Section 43-55-5, Mississippi Code of 1972, is  
1012 amended as follows:

1013 43-55-5. (1) Members of the Commission for Volunteer  
1014 Service shall be appointed by the Governor. The commission shall  
1015 consist of no fewer than fifteen (15) and no more than twenty-five  
1016 (25) members.



1017           (2) The commission members shall include as voting members,  
1018 except as otherwise indicated, at least one (1) of each of the  
1019 following:

1020           (a) An individual with expertise in the educational,  
1021 training and developmental needs of youth, particularly  
1022 disadvantaged youth.

1023           (b) An individual with experience in promoting service  
1024 and volunteerism among older adults.

1025           (c) A representative of a community-based agency.

1026           (d) The superintendent of the State Department of  
1027 Education, or his or her designee.

1028           (e) A representative of local government.

1029           (f) A representative of local labor organizations.

1030           (g) A representative of business.

1031           (h) An individual between the ages of sixteen (16) and  
1032 twenty-five (25) who is a participant or supervisor in a program  
1033 as defined in Section 101 of Title I, 42 USCS 12511.

1034           (i) A representative of a national service program  
1035 described in Section 122(a) of Title I, 42 USCS 12572.

1036           (j) The employee of the corporation designated under  
1037 Section 195 of Title I, 42 USCS 12651f, as the representative of  
1038 the corporation in this state, as a nonvoting member.

1039           (3) In addition to the members described in subsection (2),  
1040 the commission may include as voting members any of the following:

1041           (a) Local educators.

1042           (b) Experts in the delivery of human, educational,  
1043 environmental or public safety services to communities and  
1044 persons.

1045           (c) Representative of Native American tribes.

1046           (d) Out-of-school youth or other at-risk youth.

1047           (e) Representatives of entities that receive assistance  
1048 under the Domestic Volunteer Service Act of 1973, Public Law  
1049 93-113, 87 Stat. 394.





1050 (f) A member of the Board of Trustees of State  
1051 Institutions of Higher Learning.

1052 (4) Not more than twenty-five percent (25%) of the voting  
1053 commission members shall be officers or employees of this state.  
1054 The Governor may appoint additional officers or employees of state  
1055 agencies operating community service, youth service, education,  
1056 social service, senior service and job training programs, as  
1057 nonvoting, ex officio members of the commission.

1058 (5) The Governor shall ensure, to the maximum extent  
1059 possible, that the commission membership is diverse with respect  
1060 to race, ethnicity, age, gender and disability characteristics.

1061 (6) Except as provided in this subsection, members of the  
1062 commission shall serve for staggered three-year terms expiring on  
1063 October 1. The members constituting the Mississippi Commission  
1064 for Volunteer Service under Executive Order No. 1994-742 on the  
1065 day before the effective date of this chapter shall serve on the  
1066 commission for the remainder of the terms for which they were  
1067 appointed. Of the additional members, the Governor shall appoint  
1068 one-third (1/3) of the initial members for a term of one (1) year;  
1069 one-third (1/3) for a term of two (2) years; and one-third (1/3)  
1070 for a term of three (3) years. Following expiration of these  
1071 initial terms, all appointments shall be for three-year renewable  
1072 terms. The members of the commission as constituted on January 1,  
1073 2002, whose terms have not expired shall serve the balance of  
1074 their terms, after which time the membership of the commission  
1075 shall be appointed as follows: To the extent practicable, there  
1076 shall be appointed one-fourth (1/4) of the membership of the  
1077 commission from each of the four (4) Mississippi congressional  
1078 districts as they currently exist and the Governor shall make  
1079 appointments from the congressional district having the smallest  
1080 number of board members until one-fourth (1/4) of the membership  
1081 is from each congressional district as required. No more than one



1082 (1) member shall be appointed from the same county. Members of  
1083 the commission may not serve more than two (2) consecutive terms.

1084 (7) A vacancy on the commission shall be filled in the same  
1085 manner as the original appointments, and any member so appointed  
1086 shall serve during the remainder of the term for which the vacancy  
1087 occurred. The vacancy shall not affect the power of the remaining  
1088 commission members to execute the duties of the commission.

1089 **PRISON INDUSTRY CORPORATION BOARD OF DIRECTORS**

1090 **SECTION 17.** Section 47-5-541, Mississippi Code of 1972, is  
1091 amended as follows:

1092 47-5-541. (1) The corporation shall be governed by a board  
1093 of directors. The board of directors of the nonprofit corporation  
1094 shall be composed of the following eleven (11) members who shall  
1095 be appointed by the Governor with the advice and consent of the  
1096 Senate: one (1) representative of the manufacturing industry, one  
1097 (1) representative of the agriculture industry, one (1)  
1098 representative of the banking and finance industry, one (1)  
1099 representative of the labor industry, one (1) representative from  
1100 the marketing industry and six (6) members from the state at  
1101 large. In addition, the State Commissioner of Corrections and the  
1102 President of Mississippi Delta Community College shall be ex  
1103 officio members of the board of directors with full voting  
1104 privileges. In making initial appointments, three (3) members  
1105 shall be appointed for a term of two (2) years; four (4) members  
1106 shall be appointed for a term of three (3) years; and four (4)  
1107 members shall be appointed for a term of four (4) years; to be  
1108 designated by the Governor at the time of appointment; and all  
1109 succeeding terms shall be for four (4) years from the expiration  
1110 date of the previous term. Initial appointments shall be made  
1111 within thirty (30) days after passage of Sections 47-5-531 through  
1112 47-5-575. Any vacancy shall be filled by the Governor, with the  
1113 advice and consent of the Senate. The members of the board as  
1114 constituted on January 1, 2002, whose terms have not expired shall



1115 serve the balance of their terms, after which time the membership  
1116 of the board of directors shall be appointed as follows: There  
1117 shall be appointed two (2) members of the board from each of the  
1118 four (4) Mississippi congressional districts as they currently  
1119 exist and three (3) from the state at large, and the Governor  
1120 shall make appointments from the congressional district having the  
1121 smallest number of board members until the membership includes at  
1122 least two (2) members from each congressional district as  
1123 required. No more than one (1) member shall be appointed from the  
1124 same county. The officers of the corporation shall consist of a  
1125 chairman, vice chairman and a secretary-treasurer. The officers  
1126 shall be selected by the members of the board. However, the  
1127 Commissioner of Corrections and the President of Mississippi Delta  
1128 Community College shall not be eligible to serve as an officer of  
1129 the corporation. The superintendent for the Parchman facility of  
1130 the Department of Corrections shall attend all meetings of the  
1131 board of directors. In addition, the superintendents of the  
1132 Rankin County and Greene County facilities of the Department of  
1133 Corrections shall attend any meeting of the board of directors  
1134 wherein the business relates to their respective facilities.

1135 (2) The board of directors shall select and employ a chief  
1136 executive officer of the corporation who shall serve at the  
1137 pleasure of the board. The board shall set the compensation of  
1138 the chief executive officer. The chief executive officer shall be  
1139 responsible for the general business and entire operations of the  
1140 corporation, and shall be responsible for operating the  
1141 corporation in compliance with the bylaws of the corporation and  
1142 in compliance with any provision of law. The board shall be  
1143 authorized and empowered to do only those acts provided by law and  
1144 by the bylaws of the corporation. Except as otherwise  
1145 specifically provided by law, such board shall have the authority  
1146 to establish prison industries, to cease the operation of any  
1147 industry which it deems unsuitable or unprofitable, to enter into



1148 any lease or contract for the corporation and it shall have the  
1149 full authority to establish prices for any industry good.

1150 (3) No member of the board of directors shall vote on any  
1151 matter that comes before the board that could result in pecuniary  
1152 benefit for himself or for any entity in which such member has an  
1153 interest.

1154 (4) In addition to the board of directors, an advisory board  
1155 may be set up for the benefit of each industry which is  
1156 established pursuant to the provisions of Sections 47-5-531  
1157 through 47-5-575. Such boards shall be advisory only, and may be  
1158 set up in the discretion of the board of directors of the  
1159 corporation.

1160 (5) Each member of the board of directors of the corporation  
1161 shall receive per diem as provided in Section 25-3-69 for each day  
1162 or fraction thereof spent in actual discharge of his official  
1163 duties and shall be reimbursed for mileage and actual expenses  
1164 incurred in the performance of his official duties in accordance  
1165 with the requirements of Section 25-3-41, Mississippi Code of  
1166 1972.

1167 (6) The board of directors shall make and publish policies,  
1168 rules and regulations governing all business functions, including,  
1169 but not limited to, accounting, marketing, purchasing and  
1170 personnel, not inconsistent with the terms of Sections 47-5-531  
1171 through 47-5-575, as may be necessary for the efficient  
1172 administration and operation of the corporation.

1173 (7) The chief executive officer of the corporation shall:

1174 (a) Employ all necessary employees of the corporation  
1175 and dismiss them as is necessary;

1176 (b) Administer the daily operations of the corporation;

1177 (c) Upon approval of the board of directors, execute  
1178 any contracts on behalf of the corporation; and

1179 (d) Take any further actions which are necessary and  
1180 proper toward the achievement of the corporation purposes.



1181 (8) A member of the board of directors of the corporation  
1182 shall not be liable for any civil damages for any personal injury  
1183 or property damage caused to a person as a result of any acts or  
1184 omissions committed in good faith in the exercise of their duties  
1185 as members of the board of directors of the corporation, except  
1186 where a member of the board engages in acts or omissions which are  
1187 intentional, willful, wanton, reckless or grossly negligent.

1188 **STATE PAROLE BOARD**

1189 **SECTION 18.** Section 47-7-5, Mississippi Code of 1972, is  
1190 amended as follows:

1191 47-7-5. (1) The State Parole Board, created under former  
1192 Section 47-7-5, is hereby created, continued and reconstituted and  
1193 shall be composed of five (5) members. The Governor shall appoint  
1194 the members with the advice and consent of the Senate. All terms  
1195 shall be at the will and pleasure of the Governor. The members of  
1196 the State Parole Board as constituted on January 1, 2002, whose  
1197 terms have not expired shall serve the balance of their terms,  
1198 after which time the membership of the board shall be appointed as  
1199 follows: There shall be appointed one (1) member of the board  
1200 from each of the four (4) Mississippi congressional districts as  
1201 they currently exist and one (1) member from the state at large,  
1202 and the Governor shall make appointments from the congressional  
1203 district having the smallest number of board members until the  
1204 membership includes one (1) member from each congressional  
1205 district as required. No more than one (1) member shall be  
1206 appointed from the same county. Any vacancy shall be filled by  
1207 the Governor, with the advice and consent of the Senate. The  
1208 Governor shall appoint a chairman of the board.

1209 (2) Any person who is appointed to serve on the board shall  
1210 possess at least a bachelor's degree or a high school diploma and  
1211 four (4) years' work experience. Each member shall devote his  
1212 full time to the duties of his office and shall not engage in any  
1213 other business or profession or hold any other public office. A



1214 member shall not receive compensation or per diem in addition to  
1215 his salary as prohibited under Section 25-3-38. Each member shall  
1216 keep such hours and workdays as required of full-time state  
1217 employees under Section 25-1-98. Individuals shall be appointed  
1218 to serve on the board without reference to their political  
1219 affiliations. Each board member, including the chairman, may be  
1220 reimbursed for actual and necessary expenses as authorized by  
1221 Section 25-3-41; but a member shall not be reimbursed for travel  
1222 expenses from his residence to the nearest state penitentiary.

1223 (3) The board shall have exclusive responsibility for the  
1224 granting of parole as provided by Sections 47-7-3 and 47-7-17 and  
1225 shall have exclusive authority for revocation of the same. The  
1226 board shall have exclusive responsibility for investigating  
1227 clemency recommendations upon request of the Governor.

1228 (4) The board, its members and staff, shall be immune from  
1229 civil liability for any official acts taken in good faith and in  
1230 exercise of the board's legitimate governmental authority.

1231 (5) The budget of the board shall be funded through a  
1232 separate line item within the general appropriation bill for the  
1233 support and maintenance of the department. Employees of the  
1234 department which are employed by or assigned to the board shall  
1235 work under the guidance and supervision of the board. There shall  
1236 be an executive secretary to the board who shall be responsible  
1237 for all administrative and general accounting duties related to  
1238 the board. The executive secretary shall keep and preserve all  
1239 records and papers pertaining to the board.

1240 (6) The board shall have no authority or responsibility for  
1241 supervision of offenders granted a release for any reason,  
1242 including, but not limited to, probation, parole or executive  
1243 clemency or other offenders requiring the same through interstate  
1244 compact agreements. The supervision shall be provided exclusively  
1245 by the staff of the Division of Community Services of the  
1246 department.



1247 (7) The State Parole Board, immediately after the effective  
1248 date of this act, shall review all cases where an offender was  
1249 denied parole and any eligibility for reconsideration for parole  
1250 for at least one (1) year after denial.

1251 (8) The State Parole Board shall review and investigate all  
1252 cases where offenders have been diagnosed with a serious illness.  
1253 If the Medical Director of the Department of Corrections certifies  
1254 to the State Parole Board that an offender is suffering from a  
1255 terminal illness, the State Parole Board shall parole the offender  
1256 with the approval and consent of the Commissioner of the  
1257 Department of Corrections and the medical director.

1258 (9) This section shall stand repealed on July 1, 2002.

1259 **COMMISSION ON ENVIRONMENTAL QUALITY**

1260 **SECTION 19.** Section 49-2-5, Mississippi Code of 1972, is  
1261 amended as follows:

1262 49-2-5. (1) There is hereby created the Mississippi  
1263 Commission on Environmental Quality, to be composed of seven (7)  
1264 persons appointed by the Governor, with the advice and consent of  
1265 the Senate, for a term of seven (7) years. One (1) person shall  
1266 be appointed from each congressional district as constituted  
1267 January 1, 1978, and two (2) members shall be appointed from the  
1268 state at large. The initial terms of the members from  
1269 congressional districts shall be for one (1), two (2), three (3),  
1270 four (4) and five (5) years respectively, and the initial terms of  
1271 the members from the state at large shall be one (1) for six (6)  
1272 years and one (1) for seven (7) years. Thereafter, all terms  
1273 shall be for seven (7) years. The members serving on the  
1274 predecessor Commission on Natural Resources on June 30, 1989,  
1275 shall continue to serve as members of the successor Commission on  
1276 Environmental Quality until the expiration of the term of their  
1277 appointment to the predecessor commission. The members of the  
1278 commission as constituted on January 1, 2002, whose terms have not  
1279 expired shall serve the balance of their terms, after which time



1280 the membership of the commission shall be appointed as follows:  
1281 There shall be appointed one (1) member of the commission from  
1282 each of the four (4) Mississippi congressional districts as they  
1283 currently exist and three (3) from the state at large, and the  
1284 Governor shall make appointments from the congressional district  
1285 having the smallest number of commission members until the  
1286 membership includes one (1) member from each district as required.  
1287 No more than one (1) member shall be appointed from the same  
1288 county.

1289         (2) The commission shall elect from its membership a  
1290 chairman who shall preside over meetings and a vice chairman who  
1291 shall preside in the absence of the chairman or when the chairman  
1292 shall be excused.

1293         (3) The commission shall adopt rules and regulations  
1294 governing times and places for meetings, and governing the manner  
1295 of conducting its business. Each member of the commission shall  
1296 take the oath prescribed by Section 268 of the Constitution and  
1297 shall enter into bond in the amount of Thirty Thousand Dollars  
1298 (\$30,000.00) to be approved by the Secretary of State, conditioned  
1299 according to law and payable to the State of Mississippi before  
1300 assuming the duties of office. Any member who shall not attend  
1301 three (3) consecutive regular meetings of the commission shall be  
1302 subject to removal by a majority vote of the commission members.

1303         (4) The members of the commission shall receive no annual  
1304 salary, but shall receive per diem compensation as authorized by  
1305 law for each day devoted to the discharge of official duties, and  
1306 shall be entitled to reimbursement for all actual and necessary  
1307 expenses incurred in the discharge of their duties, including  
1308 mileage as authorized by law.

1309         The commission shall be composed of persons with extensive  
1310 knowledge of or practical experience in at least one (1) of the  
1311 matters of jurisdiction of the commission.





1312 (5) The commission is authorized and empowered to use and  
1313 expend any funds received by it from any source for the purposes  
1314 of this chapter. Such funds shall be expended in accordance with  
1315 the statutes governing the expenditure of state funds.

1316 **COMMISSION ON WILDLIFE, FISHERIES & PARKS**

1317 **SECTION 20.** Section 49-4-4, Mississippi Code of 1972, is  
1318 amended as follows:

1319 49-4-4. (1) There is hereby created the Mississippi  
1320 Commission on Wildlife, Fisheries and Parks, to be composed of  
1321 five (5) persons appointed by the Governor, with the advice and  
1322 consent of the Senate, for a term of five (5) years. One (1)  
1323 person shall be appointed from each congressional district. The  
1324 initial terms of the members shall be one (1), two (2), three (3),  
1325 four (4) and five (5) years, respectively. Thereafter, all terms  
1326 shall be for five (5) years. An appointment to fill a vacancy  
1327 which arises for reasons other than by expiration of a term of  
1328 office shall be made from the respective congressional district  
1329 for the unexpired term only. The members of the commission as  
1330 constituted on January 1, 2002, whose terms have not expired shall  
1331 serve the balance of their terms, after which time the membership  
1332 of the commission shall be appointed as follows: There shall be  
1333 appointed one (1) member of the commission from each of the four  
1334 (4) Mississippi congressional districts as they currently exist  
1335 and one (1) from the state at large, and the Governor shall make  
1336 appointments from the congressional district having the smallest  
1337 number of commission members until the membership includes at  
1338 least one (1) member from each congressional district as required.  
1339 No more than one (1) member shall be appointed from the same  
1340 county.

1341 (2) The commission shall elect from its membership a  
1342 chairman who shall preside over meetings and a vice chairman who  
1343 shall preside in the absence of the chairman or when the chairman  
1344 shall be excused.



1345           (3) The commission shall adopt rules and regulations  
1346 governing times and places for meetings and governing the manner  
1347 of conducting its business. Each member of the commission shall  
1348 take the oath prescribed by Section 268 of the Constitution, and  
1349 shall enter into bond in the amount of Thirty Thousand Dollars  
1350 (\$30,000.00) to be approved by the Secretary of State, conditioned  
1351 according to law, and payable to the State of Mississippi before  
1352 assuming the duties of office. Any member who shall not attend  
1353 three (3) consecutive regular meetings of the commission shall be  
1354 subject to removal by a majority vote of the commission members.

1355           (4) The members of the commission shall receive no annual  
1356 salary but shall receive per diem compensation as authorized by  
1357 law for each day devoted to the discharge of official duties and  
1358 shall be entitled to reimbursement for all actual and necessary  
1359 expenses incurred in the discharge of their duties, including  
1360 mileage as authorized by law.

1361           The commission shall be composed of persons with a  
1362 demonstrated history of involvement in at least one (1) of the  
1363 matters of jurisdiction of the commission and whose employment and  
1364 activities are not in conflict. All of the commissioners shall be  
1365 an active outdoorsman holding a resident hunting or fishing  
1366 license in at least five (5) of the ten (10) years preceding  
1367 appointment. A member shall not have a record of conviction of  
1368 violation of fish or game laws and regulations within five (5)  
1369 years preceding appointment or a record of any felony conviction.

1370           (5) The commission shall have the power to adopt, amend and  
1371 repeal such regulations and rules as may be necessary for the  
1372 operation of the department.

1373           (6) The commission shall have the power and authority to  
1374 issue all licenses and permits under the jurisdiction of the  
1375 department.

1376           (7) In the furtherance of its duties and responsibilities,  
1377 the commission may conduct hearings, gather testimony and perform



1378 other functions required to carry out its powers and duties as  
1379 prescribed by statute.

1380 (8) The commission shall have all power for conserving,  
1381 managing and developing wildlife and fishery resources except for  
1382 saltwater aquatic life and marine resources under the jurisdiction  
1383 of the Mississippi Commission on Marine Resources.

1384 **FORESTRY COMMISSION**

1385 **SECTION 21.** Section 49-19-1, Mississippi Code of 1972, is  
1386 amended as follows:

1387 49-19-1. (1) There shall be a State Forestry Commission  
1388 composed of nine (9) members, who shall be qualified electors of  
1389 the state. The Dean of the School of Forest Resources at  
1390 Mississippi State University shall be an ex officio member of the  
1391 commission, with full voting authority. The Governor shall  
1392 appoint eight (8) members, with the advice and consent of the  
1393 Senate, for a term of six (6) years. The Governor shall appoint  
1394 one (1) member from each congressional district as constituted at  
1395 the time the appointments are made and shall appoint the remainder  
1396 of the members from the state at large. The members of the  
1397 commission as constituted on January 1, 2002, whose terms have not  
1398 expired shall serve the balance of their terms, after which time  
1399 the membership of the commission shall be appointed as follows:  
1400 There shall be appointed two (2) members of the commission from  
1401 each of the four (4) Mississippi congressional districts as they  
1402 currently exist and the Governor shall make appointments from the  
1403 congressional district having the smallest number of board members  
1404 until the membership includes two (2) members from each district  
1405 as required. No more than one (1) member shall be appointed from  
1406 the same county. A member \* \* \* must be a certified tree farmer  
1407 who owns eighty (80) or more acres of forest land or a person who  
1408 derives a major portion of his personal income from forest-related  
1409 business, industry or other related activities. \* \* \*



1410 (2) The members of the commission shall receive no annual  
1411 salary but each member of the commission shall receive a per diem  
1412 plus expenses and mileage as authorized by law for each day  
1413 devoted to the discharge of official duties. No member of the  
1414 commission shall receive total per diem in excess of twenty-four  
1415 (24) days' compensation per annum.

1416 (3) If a vacancy occurs in the office of an appointed member  
1417 of the commission, the vacancy shall be filled by appointment for  
1418 the balance of the unexpired term.

1419 (4) The commission shall elect from its membership a  
1420 chairman, who shall preside over meetings, and a vice chairman,  
1421 who shall preside in the absence of the chairman or when the  
1422 chairman is excused.

1423 (5) The commission shall adopt rules and regulations  
1424 governing times and places for meetings, and governing the manner  
1425 of conducting its business. Each member of the commission shall  
1426 take the oath prescribed by Section 268 of the Constitution and  
1427 shall enter into bond in the amount of Thirty Thousand Dollars  
1428 (\$30,000.00) to be approved by the Secretary of State, conditioned  
1429 according to law and payable to the State of Mississippi before  
1430 assuming the duties of office.

1431 (6) Any appointment made to the commission contrary to this  
1432 section shall be void, and it is unlawful for the State Fiscal  
1433 Officer to pay any per diem or authorize the expenses of the  
1434 appointee.

1435 **MISSISSIPPI BUSINESS FINANCE CORPORATION**

1436 **SECTION 22.** Section 57-10-167, Mississippi Code of 1972, is  
1437 amended as follows:

1438 57-10-167. There is hereby established the Certified  
1439 Development Company of Mississippi, Inc., a public corporation,  
1440 which shall be an incorporated certified development company  
1441 pursuant to Section 503 of the Small Business Investment Act of  
1442 1958, as amended.



1443           The Certified Development Company of Mississippi, Inc.,  
1444 hereinafter referred to as the "committee" unless the context  
1445 clearly indicates otherwise, shall be composed of twenty-five (25)  
1446 members as follows:

1447           (a) The State Treasurer; the Executive Director of the  
1448 University Research Center or his designee; the Executive Director  
1449 of the Mississippi Development Authority; the Executive Director  
1450 of the Small Business Development Center; six (6) persons  
1451 associated with small business to be appointed by the Governor,  
1452 one (1) for a term of one (1) year, one (1) for a term of two (2)  
1453 years, one (1) for a term of three (3) years, one (1) for a term  
1454 of four (4) years, one (1) for a term of five (5) years and one  
1455 (1) for a term of six (6) years; three (3) persons associated with  
1456 small business to be appointed by the Lieutenant Governor, one (1)  
1457 for a term of one (1) year, one (1) for a term of two (2) years  
1458 and one (1) for a term of three (3) years; five (5) persons  
1459 involved in banking or small business to be appointed by the  
1460 Governor, one (1) for a term of one (1) year, one (1) for a term  
1461 of two (2) years, one (1) for a term of three (3) years, one (1)  
1462 for a term of four (4) years and one (1) for a term of five (5)  
1463 years; and two (2) persons involved in banking or small business  
1464 to be appointed by the Lieutenant Governor, one (1) for a term of  
1465 one (1) year and one (1) for a term of two (2) years. The members  
1466 described above and serving on the committee on June 30, 1984,  
1467 shall continue to serve on the committee until the expiration of  
1468 their terms.

1469           (b) For terms to begin on July 1, 1984, the Governor  
1470 shall appoint one (1) person associated with small business for a  
1471 term of six (6) years; the Secretary of State shall appoint one  
1472 (1) person associated with small business for a term of one (1)  
1473 year; the Attorney General shall appoint one (1) person involved  
1474 in banking or small business for a term of six (6) years; and the  
1475 State Treasurer shall appoint two (2) persons, one (1) for a term



1476 of one (1) year and one (1) for a term of two (2) years, and after  
1477 the expiration of the term of the person appointed hereinabove by  
1478 the Attorney General, that vacancy shall be filled thereafter by a  
1479 person involved in banking or small business appointed by the  
1480 State Treasurer for a term of six (6) years.

1481 The members of the committee as constituted on January 1,  
1482 2002, who are appointed by the Governor and whose terms have not  
1483 expired shall serve the balance of their terms, after which time  
1484 these members shall be appointed as follows: The Governor shall  
1485 appoint three (3) members of the board from each of the four (4)  
1486 Mississippi congressional districts as they currently exist and  
1487 the Governor shall make appointments from the congressional  
1488 district having the smallest number of members until the  
1489 membership includes three (3) members from each district as  
1490 required. No more than one (1) member shall be appointed from the  
1491 same county.

1492 All appointments after the initial appointment shall be for  
1493 terms of six (6) years each. All such appointments will be  
1494 subject to the approval of the Senate. An appointment to fill a  
1495 vacancy existing for any reason other than the expiration of a  
1496 term shall be for the balance of the unexpired term. Members  
1497 serving by reason of their ex officio designation shall continue  
1498 to serve as long as they occupy the position which entitles them  
1499 to membership.

1500 Members who are officers or employees of the state shall  
1501 receive no compensation for their services, and other committee  
1502 members shall receive a per diem as provided in Section 25-3-69,  
1503 Mississippi Code of 1972. All members shall receive reimbursement  
1504 for actual traveling and subsistence expenses incurred in the  
1505 performance of their duties under this article, such reimbursement  
1506 to be as provided in Section 25-3-41, Mississippi Code of 1972.



1507           The Certified Development Company of Mississippi, Inc., shall  
1508 have an executive director who shall be appointed by the board of  
1509 directors.

1510           The Certified Development Company of Mississippi, Inc., shall  
1511 elect from among its membership a nine-member board of directors,  
1512 a majority of whom shall be a quorum, a president and vice  
1513 president and may appoint a secretary and a treasurer.

1514           From and after July 1, 1989, the Certified Development  
1515 Company of Mississippi, Inc., shall be known as the Mississippi  
1516 Business Finance Corporation, and wherever the term "Certified  
1517 Development Company of Mississippi, Inc.," appears in the laws of  
1518 this state it shall mean the Mississippi Business Finance  
1519 Corporation.

1520   **MOTOR VEHICLE COMMISSION**

1521           **SECTION 23.** Section 63-17-57, Mississippi Code of 1972, is  
1522 amended as follows:

1523           63-17-57. There is hereby created the Mississippi Motor  
1524 Vehicle Commission to be composed of eight (8) members, one (1) of  
1525 whom shall be appointed by the Attorney General from the state at  
1526 large for a term of four (4) years and one (1) of whom shall be  
1527 appointed by the Secretary of State from the state at large for a  
1528 term of four (4) years, and six (6) licensees who shall be  
1529 appointed by the Governor, one (1) from the state at large and one  
1530 (1) from each of the five (5) congressional districts of this  
1531 state for terms of the following duration: the term of the member  
1532 from the state at large shall expire at the time the incumbent  
1533 Governor's term expires, the term of the member appointed from the  
1534 First Congressional District shall expire on June 30, 1973, the  
1535 term of the member appointed from the Second Congressional  
1536 District shall expire on June 30, 1974, the term of the member  
1537 appointed from the Third Congressional District shall expire on  
1538 June 30, 1976, the term of the member from the Fourth  
1539 Congressional District shall expire on June 30, 1977, and the term



1540 of the member appointed from the Fifth Congressional District  
1541 shall expire on June 30, 1978. Each member shall serve until his  
1542 successor is appointed and qualified. At the expiration of the  
1543 term of the member initially appointed by the Attorney General  
1544 each successor member shall be appointed for a term of four (4)  
1545 years by the incumbent Attorney General, and at the expiration of  
1546 the term of the member appointed by the Secretary of State each  
1547 successor member shall be appointed for a term of four (4) years  
1548 by the incumbent secretary. At the expiration of a term for which  
1549 each of the initial appointments of the Governor is made, each  
1550 successor member shall be appointed for a term of seven (7) years  
1551 except that the term of the member appointed from the state at  
1552 large shall be coterminous with that of the Governor making the  
1553 appointment. The members of the commission appointed by the  
1554 Governor as constituted on January 1, 2002, whose terms have not  
1555 expired shall serve the balance of their terms, after which time  
1556 the gubernatorial appointments shall be made as follows: The  
1557 Governor shall appoint one (1) member of the commission from each  
1558 of the four (4) Mississippi congressional districts as they  
1559 currently exist and two (2) from the state at large, and the  
1560 Governor shall make appointments from the congressional district  
1561 having the smallest number of commission members until the  
1562 membership includes one (1) from each congressional district as  
1563 required. No more than one (1) member shall be appointed from the  
1564 same county.

1565 One of the members appointed from the state at large by the  
1566 Governor shall be designated by him to serve as chairman of the  
1567 commission and one (1) of the other members appointed by the  
1568 Governor shall be designated by him to serve as vice chairman. In  
1569 the absence of the chairman at any meeting of the commission the  
1570 vice chairman shall preside and perform the duties of the  
1571 chairman.





1572 In the event of a vacancy created by the death, resignation  
1573 or removal of any member of the commission the vacancy shall be  
1574 filled by appointment of the Governor, Attorney General or the  
1575 Secretary of State, as the case may be, for the unexpired portion  
1576 of the term. All appointments hereunder shall be made with the  
1577 advice and consent of the Senate.

1578 **BOARD OF ANIMAL HEALTH**

1579 **SECTION 24.** Section 69-15-2, Mississippi Code of 1972, is  
1580 amended as follows:

1581 69-15-2. (1) The Mississippi Board of Animal Health is to  
1582 be composed of the Commissioner of Agriculture and Commerce, the  
1583 Dean of the College of Veterinary Medicine and the heads of the  
1584 Animal and Dairy Science and Poultry Science Departments at  
1585 Mississippi State University of Agriculture and Applied Science  
1586 and one (1) person appointed by the President of Alcorn State  
1587 University from its land grant staff as five (5) ex officio  
1588 members with full voting rights, and eleven (11) other members of  
1589 the board to be appointed by the Governor as hereinafter provided.  
1590 The board shall select annually a chairman and vice chairman from  
1591 any members of the board.

1592 (2) The Governor, with the advice and consent of the Senate,  
1593 shall appoint eleven (11) other members from the following groups  
1594 or associations from a written list of three (3) recommendations  
1595 from such groups or associations:

1596 One (1) licensed and practicing veterinarian who holds a  
1597 doctor of veterinary medicine degree, from a written list of three  
1598 (3) recommendations submitted by the Mississippi State Veterinary  
1599 Medical Association;

1600 One (1) general farmer from a written list of three (3)  
1601 recommendations submitted by the Mississippi Farm Bureau  
1602 Federation;



1603           One (1) poultry breeder and producer from a written list of  
1604 three (3) recommendations submitted by the Mississippi Poultry  
1605 Improvement Association;

1606           One (1) sheep breeder and producer from a written list of  
1607 three (3) recommendations submitted by the Mississippi Sheep  
1608 Producers' Association;

1609           One (1) beef cattle breeder and producer from a written list  
1610 of three (3) recommendations submitted by the Mississippi  
1611 Cattlemen's Association;

1612           One (1) swine breeder and producer from a written list of  
1613 three (3) recommendations submitted by the Mississippi Pork  
1614 Producers' Association;

1615           One (1) dairy breeder and producer from a written list of  
1616 three (3) recommendations submitted by the American Dairy  
1617 Association of Mississippi;

1618           One (1) horse breeder and producer from a written list of  
1619 three (3) recommendations submitted by the Mississippi Horse  
1620 Council;

1621           One (1) catfish breeder and producer from a written list of  
1622 three (3) recommendations submitted by the Mississippi Catfish  
1623 Association;

1624           One (1) member of the Mississippi Independent Meat Packers'  
1625 Association from a written list of three (3) recommendations  
1626 submitted by the Mississippi Independent Meat Packers'  
1627 Association;

1628           One (1) member of the Mississippi Livestock Auction  
1629 Association from a written list of three (3) recommendations  
1630 submitted by the Mississippi Livestock Auction Association.

1631           All members shall take and subscribe to the general oath of  
1632 office as provided in Section 268, Mississippi Constitution of  
1633 1890, and file the same with the Commissioner of Agriculture and  
1634 Commerce.



1635           (3) Effective August 1, 1968, the dairy producer member  
1636 shall be appointed for a one-year term; the Livestock Auction  
1637 Association member shall be appointed for a two-year term; \* \* \*  
1638 the meat packer member shall be appointed for a three-year term;  
1639 the catfish producer member shall be appointed for a four-year  
1640 term; and the horse producer member shall be appointed for a  
1641 five-year term.

1642           Effective August 1, 1969, the poultry producer member shall  
1643 be appointed for a two-year term; on August 1, 1970, the sheep  
1644 producer member shall be appointed for a three-year term; on  
1645 August 1, 1971, the swine producing member shall be appointed for  
1646 a four-year term; on August 1, 1972, the general farmer member  
1647 shall be appointed for a five-year term; on August 1, 1973, the  
1648 veterinarian member shall be appointed for a six-year term; and on  
1649 August 1, 1974, the beef cattle producer member shall be appointed  
1650 for a seven-year term.

1651           The members of the board as constituted on January 1, 2002,  
1652 who are appointed by the Governor and whose terms have not expired  
1653 shall serve the balance of their terms, after which time the  
1654 membership of the board shall be appointed as follows: Not more  
1655 than three (3) members of the board shall be appointed from any of  
1656 the four (4) Mississippi congressional districts as they currently  
1657 exist and the Governor shall make appointments from the  
1658 congressional district having the smallest number of board members  
1659 until the membership includes not less than two (2) members from  
1660 each district as required. No more than one (1) member shall be  
1661 appointed from the same county. All subsequent appointments shall  
1662 be for four-year terms, except for appointments to fill vacancies  
1663 which shall be for the unexpired term only.

1664           (4) (a) "Commissioner" means the Commissioner of  
1665 Agriculture and Commerce.

1666           (b) "Department" means the Department of Agriculture  
1667 and Commerce.



1668 (5) On or before July 1, 1998, the board shall appoint, from  
1669 a written list of not less than three (3) licensed veterinarians  
1670 submitted by the commissioner, the State Veterinarian.

1671 (6) There is created an advisory council to advise the Board  
1672 of Animal Health on matters concerning the board. The council  
1673 shall be composed of the Chairman of the Senate Agriculture  
1674 Committee, the Chairman of the House Agriculture Committee, and  
1675 one (1) appointee of the Lieutenant Governor and one (1) appointee  
1676 of the Speaker of the House of Representatives. The members of  
1677 the advisory council shall serve in an advisory capacity only.  
1678 For attending meetings of the council, such legislators shall  
1679 receive per diem and expenses which shall be paid from the  
1680 contingent expense funds of their respective houses in the same  
1681 amounts provided for committee meetings when the Legislature is  
1682 not in session; however, no per diem or expenses for attending  
1683 meetings of the council shall be paid while the Legislature is in  
1684 session. No per diem and expenses shall be paid except for  
1685 attending meetings of the council without prior approval of the  
1686 proper committee in their respective houses.

1687 **BOARD OF AGRICULTURAL AVIATION**

1688 **SECTION 25.** Section 69-21-107, Mississippi Code of 1972, is  
1689 amended as follows:

1690 69-21-107. There is hereby created a State Board of  
1691 Agricultural Aviation composed of five (5) members as follows:  
1692 one (1) member being the chief of the Bureau of Plant Industry  
1693 within the Regulatory Office of the Mississippi Department of  
1694 Agriculture and Commerce; four (4) licensed pilots to be appointed  
1695 by the Governor from a list of eight (8) agricultural aerial  
1696 applicators submitted to the Governor by the Mississippi Aerial  
1697 Applicators Association, commonly known as the Mississippi  
1698 Agricultural Aviation Association. The term of office of one (1)  
1699 board member shall be one (1) year; the term of office of the  
1700 second board member shall be two (2) years; the term of office of



1701 the third board member shall be three (3) years; and the term of  
1702 office of the fourth board member shall be four (4) years. The  
1703 members of the board who are licensed pilots as constituted on  
1704 January 1, 2002, whose terms have not expired shall serve the  
1705 balance of their terms, after which time the licensed pilot  
1706 membership shall be appointed as follows: There shall be  
1707 appointed one (1) member from each of the four (4) Mississippi  
1708 congressional districts as they currently exist and the Governor  
1709 shall make appointments from the congressional district having the  
1710 smallest number of board members until the membership includes one  
1711 (1) member from each district as required. No more than one (1)  
1712 member shall be appointed from the same county. After the initial  
1713 appointment, succeeding board members shall serve a staggered  
1714 four-year term of office. Each board member shall serve until his  
1715 successor is appointed. The chief of the Bureau of Plant  
1716 Industry, Mississippi Department of Agriculture and Commerce,  
1717 shall continue to serve each term by virtue of his office.

1718 The membership of the board shall elect a chairman at their  
1719 organizational meeting who shall be one of the four (4) aerial  
1720 applicators who serve on the board.

1721 Vacancies on the said board shall be filled as herein stated  
1722 by appointment of the Governor.

1723 A quorum necessary to conduct business shall be a majority of  
1724 the five (5) board members. Any member who shall not attend two  
1725 (2) consecutive meetings of the board shall be subject to removal  
1726 by the Governor. The chairman of the board shall notify the  
1727 Governor in writing when any such member has failed to attend two  
1728 (2) consecutive regular meetings.

1729 Each member of the Agricultural Aviation Board shall receive  
1730 a per diem as is authorized by law and actual expenses as provided  
1731 by law incidental to attending meetings of said board, and other  
1732 authorized business as provided by board authorization as spread



1733 on the board minutes. Said board shall not be paid for more than  
1734 fifteen (15) meetings in any one (1) calendar year.

1735 **STATE BOARD OF ARCHITECTURE**

1736 **SECTION 26.** Section 73-1-5, Mississippi Code of 1972, is  
1737 amended as follows:

1738 73-1-5. The State Board of Architecture is composed of five  
1739 (5) members who are licensed architects residing in this state and  
1740 who have been engaged in the practice of architecture not less  
1741 than seven (7) years. It is the duty of the board to carry out  
1742 the purposes of this chapter as herein provided.

1743 The Governor shall appoint the members of the board, and each  
1744 member shall serve for a term of five (5) years. The terms shall  
1745 be staggered so that the term of not more than one (1) member  
1746 shall expire each year on June 1. The members of the board as  
1747 constituted on January 1, 2002, whose terms have not expired shall  
1748 serve the balance of their terms, after which time the membership  
1749 of the board shall be appointed as follows: There shall be  
1750 appointed one (1) member of the board from each of the four (4)  
1751 Mississippi congressional districts as they currently exist and  
1752 one (1) from the state at large, and the Governor shall make  
1753 appointments from the congressional district having the smallest  
1754 number of board members until the membership includes one (1)  
1755 member from each district as required. No more than one (1)  
1756 member shall be appointed from the same county.

1757 Each member shall hold over after the expiration of his term  
1758 until his successor is duly appointed and qualified. The Governor  
1759 shall fill any vacancy occurring in the membership of the board  
1760 for the unexpired term of such membership. The Governor may  
1761 remove any of the members of said board for inefficiency, neglect  
1762 of duty or dishonorable conduct.

1763 **MISSISSIPPI AUCTIONEER COMMISSION**

1764 **SECTION 27.** Section 73-4-7, Mississippi Code of 1972, is  
1765 amended as follows:



1766           73-4-7. (1) The Mississippi Auctioneer Commission is  
1767 created, and it shall have the authority to make such rules and  
1768 regulations as are reasonable and necessary for the orderly  
1769 regulation of the auctioneering profession and the protection of  
1770 the public, which rules and regulations are not inconsistent with  
1771 the Mississippi Constitution of 1890 and state laws. The  
1772 commission shall have the following powers:

1773           (a) The power to set reasonable license fees, to  
1774 collect and hold such fees and to disburse such fees in any manner  
1775 not inconsistent with this chapter.

1776           (b) The power to make such rules and regulations as  
1777 will promote the orderly functioning of the auction profession and  
1778 ensure the protection of the public.

1779           (c) The power to hire and retain such staff and support  
1780 personnel as are necessary to conduct business and assure  
1781 compliance with this chapter.

1782           (d) The power to conduct investigations, hold hearings,  
1783 subpoena witnesses, make findings of fact and otherwise enforce  
1784 the disciplinary provisions contained in this chapter.

1785           (2) The Mississippi Auctioneer Commission shall consist of  
1786 five (5) members, one (1) from each congressional district, who  
1787 shall be appointed by the Governor. All appointees shall possess  
1788 the following minimum qualifications:

1789           (a) An appointee shall be a citizen of Mississippi.

1790           (b) An appointee shall have been engaged as an  
1791 auctioneer for a period of not less than five (5) years  
1792 immediately preceding his appointment.

1793           (c) An appointee shall be of good reputation,  
1794 trustworthy and knowledgeable in the auction profession.

1795           An individual may not act as a member of the commission while  
1796 holding another elected or appointed office in either the state or  
1797 federal government or while owning a school or other facility to  
1798 train individuals to be auctioneers.



1799 (3) In order to assure continuity, the Governor shall  
1800 appoint the initial members of the commission for the following  
1801 terms:

1802 (a) The member appointed from the First Congressional  
1803 District shall serve a term of one (1) year;

1804 (b) The member appointed from the Second Congressional  
1805 District shall serve a term of two (2) years;

1806 (c) The member appointed from the Third Congressional  
1807 District shall serve a term of three (3) years;

1808 (d) The member appointed from the Fourth Congressional  
1809 District shall serve a term of four (4) years; and

1810 (e) The member appointed from the Fifth Congressional  
1811 District shall serve a term of five (5) years.

1812 The members of the commission as constituted on January 1,  
1813 2002, whose terms have not expired shall serve the balance of  
1814 their terms, after which time the membership of the commission  
1815 shall be appointed as follows: There shall be appointed one (1)  
1816 member of the commission from each of the four (4) Mississippi  
1817 congressional districts as they currently exist and one (1) from  
1818 the state at large, and the Governor shall make appointments from  
1819 the congressional district having the smallest number of  
1820 commission members until the membership includes one (1) member  
1821 from each district as required. No more than one (1) member shall  
1822 be appointed from the same county.

1823 Subsequent terms shall be for five (5) years, except for  
1824 interim appointments to fill unexpired terms which shall be only  
1825 for the unexpired term.

1826 (4) Each member of the commission shall receive a per diem  
1827 as provided by Section 25-3-69 per meeting and shall be reimbursed  
1828 for ordinary and necessary expenses incurred in the performance of  
1829 official duties as provided in Section 25-3-41.

1830 **BOARD OF BARBER EXAMINERS**





1831           **SECTION 28.** Section 73-5-1, Mississippi Code of 1972, is  
1832 amended as follows:

1833           73-5-1. The State Board of Barber Examiners is hereby  
1834 continued and reconstituted as follows: The Board of Barber  
1835 Examiners shall consist of five (5) members, to be appointed by  
1836 the Governor, with the advice and consent of the Senate, one (1)  
1837 member to be appointed from each of the congressional districts as  
1838 existing on January 1, 1991. Each member shall be a practical  
1839 barber and a qualified elector of this state. He shall have been  
1840 engaged in the practice of barbering in the State of Mississippi  
1841 for at least five (5) years immediately prior to the time of his  
1842 appointment and shall be a person of good moral character. From  
1843 and after July 1, 1983, the appointments to the board shall be  
1844 made in the manner hereinafter provided, and the present members  
1845 of the State Board of Barber Examiners whose terms have not  
1846 expired by July 1, 1983, shall continue to serve until their  
1847 successors shall have been appointed and qualified. The Governor  
1848 shall appoint, with the advice and consent of the Senate, five (5)  
1849 members from the congressional districts as follows: The member  
1850 from the First Congressional District shall be appointed for a  
1851 term of two (2) years to commence on July 1, 1983; the member from  
1852 the Second Congressional District shall be appointed for a term of  
1853 four (4) years to commence on July 1, 1984; the member from the  
1854 Third Congressional District shall be appointed for a term of two  
1855 (2) years to commence on July 1, 1983; the member from the Fourth  
1856 Congressional District shall be appointed for a term of four (4)  
1857 years to commence on July 1, 1984; and the member from the Fifth  
1858 Congressional District shall be appointed for a term of one (1)  
1859 year to commence on July 1, 1983. The members of the board as  
1860 constituted on January 1, 2002, whose terms have not expired shall  
1861 serve the balance of their terms, after which time the membership  
1862 of the board shall be appointed as follows: There shall be  
1863 appointed one (1) member of the board from each of the four (4)



1864 Mississippi congressional districts as they currently exist and  
1865 one (1) from the state at large, and the Governor shall make  
1866 appointments from the congressional district having the smallest  
1867 number of board members until the membership includes one (1)  
1868 member from each district as required. No more than one (1)  
1869 member shall be appointed from the same county.

1870       \* \* \* All members of the board shall be appointed by the  
1871 Governor, with the advice and consent of the Senate, for terms of  
1872 four (4) years each from the expiration date of the previous term,  
1873 until their successors shall have been appointed and qualified.  
1874 No member of the board shall hold any elected office.  
1875 Appointments made to fill a vacancy of a term shall be made by the  
1876 Governor within sixty (60) days after the vacancy occurs.

1877       The Governor may remove any one or more members of said board  
1878 for just cause. Members appointed to fill vacancies caused by  
1879 death, resignation or removal of any member or members shall serve  
1880 only for the unexpired term of their predecessors. Any member who  
1881 shall not attend two (2) consecutive meetings of the board for  
1882 reasons other than illness of such member shall be subject to  
1883 removal by the Governor. The president of the board shall notify  
1884 the Governor in writing when any such member has failed to attend  
1885 two (2) consecutive regular meetings.

1886                               **STATE BOARD OF CHIROPRACTIC EXAMINERS**

1887       **SECTION 29.** Section 73-6-3, Mississippi Code of 1972, is  
1888 amended as follows:

1889       73-6-3. There is hereby created a State Board of  
1890 Chiropractic Examiners. This board shall consist of six (6)  
1891 members; one (1) of whom shall be the executive officer of the  
1892 State Board of Health or his designee, and one (1) from each  
1893 congressional district as presently constituted, to be appointed  
1894 by the Governor with the advice and consent of the Senate. Each  
1895 member except the executive officer of the State Board of Health  
1896 shall be a qualified elector of the State of Mississippi having



1897 been continuously engaged in the practice of chiropractic in  
1898 Mississippi for at least five (5) years prior to appointment. No  
1899 member shall be a stockholder in or member of the faculty or board  
1900 of trustees of any school of chiropractic. Each member appointed  
1901 to the board shall serve for five (5) years and until his  
1902 successor is appointed and qualified; except the terms of the  
1903 initial members appointed by the Governor shall expire one (1)  
1904 each for five (5) years or until their successors are appointed  
1905 and qualified. The members of the board as constituted on January  
1906 1, 2002, whose terms have not expired shall serve the balance of  
1907 their terms, after which time the membership of the board shall be  
1908 appointed as follows: There shall be appointed one (1) member of  
1909 the board from each of the four (4) Mississippi congressional  
1910 districts as they currently exist and one (1) from the state at  
1911 large, and the Governor shall make appointments from the  
1912 congressional district having the smallest number of board members  
1913 until the membership includes one (1) member from each district as  
1914 required. No more than one (1) member shall be appointed from the  
1915 same county. Vacancies on the board, except for the executive  
1916 officer of the State Board of Health or his designee, shall be  
1917 filled by appointment of the Governor only for unexpired terms.  
1918 Any member who shall not attend two (2) consecutive meetings of  
1919 the board shall be subject to removal by the Governor. The  
1920 chairman of the board shall notify the Governor in writing when  
1921 any such member has failed to attend two (2) consecutive regular  
1922 meetings.

1923 **MISSISSIPPI BOARD OF NURSING**

1924 **SECTION 30.** Section 73-15-9, Mississippi Code of 1972, is  
1925 amended as follows:

1926 73-15-9. (1) There is hereby created a board to be known as  
1927 the Mississippi Board of Nursing, composed of thirteen (13)  
1928 members, two (2) of whom shall be nurse educators; three (3) of  
1929 whom shall be registered nurses in clinical practice, two (2) to



1930 have as basic nursing preparation an associate degree or diploma  
1931 and one (1) to have as basic nursing preparation a baccalaureate  
1932 degree; one (1) of whom shall be a registered nurse at large; one  
1933 (1) of whom shall be a registered nurse practitioner; four (4) of  
1934 whom shall be licensed practical nurses; one (1) of whom shall be  
1935 a licensed physician who shall always be a member of the State  
1936 Board of Medical Licensure; and one (1) of whom shall represent  
1937 consumers of health services. There shall be at least one (1)  
1938 board member from each congressional district in the state;  
1939 provided, however, that the physician member, the consumer  
1940 representative member and one (1) registered nurse member shall be  
1941 at large always. The members of the board as constituted on  
1942 January 1, 2002, whose terms have not expired shall serve the  
1943 balance of their terms, after which time the membership of the  
1944 board shall be appointed as follows: There shall be appointed not  
1945 less than two (2) members and not more than three (3) members of  
1946 the board from each of the four (4) Mississippi congressional  
1947 districts as they currently exist and the Governor shall make  
1948 appointments from the congressional district having the smallest  
1949 number of board members until the membership includes at least two  
1950 (2) members from each congressional district as required, and the  
1951 nominating organization and/or association shall make nominations  
1952 to the Governor from the appropriate congressional district. No  
1953 more than one (1) member shall be appointed from the same county.

1954 (2) Members of the Mississippi Board of Nursing, excepting  
1955 the member of the State Board of Medical Licensure, shall be  
1956 appointed by the Governor, with the advice and consent of the  
1957 Senate, from lists of nominees submitted by any Mississippi  
1958 registered nurse organization and/or association chartered by the  
1959 State of Mississippi whose board of directors is elected by the  
1960 membership and whose membership includes registered nurses  
1961 statewide, for the nomination of registered nurses, and by the  
1962 Mississippi Federation of Licensed Practical Nurses and the



1963 Mississippi Licensed Practical Nurses' Association for the  
1964 nomination of a licensed practical nurse. Nominations submitted  
1965 by any such registered nurse organization or association to fill  
1966 vacancies on the board shall be made and voted on by registered  
1967 nurses only. Each list of nominees shall contain a minimum of  
1968 three (3) names for each vacancy to be filled. The list of names  
1969 shall be submitted at least thirty (30) days before the expiration  
1970 of the term for each position. If such list is not submitted, the  
1971 Governor is authorized to make an appointment from the group  
1972 affected and without nominations. Appointments made to fill  
1973 vacancies for unexpired terms shall be for the duration of such  
1974 terms and until a successor is duly appointed.

1975 (3) Members of the board shall be appointed in staggered  
1976 terms for four (4) years or until a successor shall be duly  
1977 qualified. No member may serve more than two (2) consecutive full  
1978 terms. Members of the board serving on July 1, 1988, shall  
1979 continue to serve for their appointed terms.

1980 (4) Vacancies occurring by reason of resignation, death or  
1981 otherwise shall be filled by appointment of the Governor upon  
1982 nominations from a list of nominees from the affected group to be  
1983 submitted within not more than thirty (30) days after such a  
1984 vacancy occurs. In the absence of such list, the Governor is  
1985 authorized to fill such vacancy in accordance with the provisions  
1986 for making full-term appointments. All vacancy appointments shall  
1987 be for the unexpired terms.

1988 (5) Any member may be removed from the board by the Governor  
1989 after a hearing by the board and provided such removal is  
1990 recommended by the executive committee of the affected group.

1991 **STATE BOARD OF OPTOMETRY**

1992 **SECTION 31.** Section 73-19-7, Mississippi Code of 1972, is  
1993 amended as follows:

1994 73-19-7. The Governor, with the advice and consent of the  
1995 Senate, shall appoint a State Board of Optometry, consisting of



1996 five (5) persons, citizens of Mississippi, each of whom shall be a  
1997 nonmedical man or woman actually engaged in the practice of  
1998 optometry for five (5) years next preceding his appointment.  
1999 Within ninety (90) days after March 25, 1974, the Governor shall  
2000 appoint: one (1) member for a term of one (1) year, one (1)  
2001 member for a term of two (2) years, one (1) member for a term of  
2002 three (3) years, one (1) member for a term of four (4) years, and  
2003 one (1) member for a term of five (5) years; and upon the  
2004 expiration of all such terms their successors shall be appointed  
2005 by the Governor for a term of five (5) years. From and after July  
2006 1, 1983, the appointments to the board shall be made with one (1)  
2007 member to be appointed from each of the congressional districts as  
2008 existing on January 1, 1980; provided that the present members of  
2009 the State Board of Optometry whose terms have not expired by July  
2010 1, 1983, shall continue to serve until their terms of office have  
2011 expired. Each member shall remain in office after the expiration  
2012 of his term until his successor shall be duly appointed and  
2013 qualified. The members of the board as constituted on January 1,  
2014 2002, whose terms have not expired shall serve the balance of  
2015 their terms, after which time the membership of the board shall be  
2016 appointed as follows: There shall be appointed one (1) member of  
2017 the board from each of the four (4) Mississippi congressional  
2018 districts as they currently exist and one (1) from the state at  
2019 large, and the Governor shall make appointments from the  
2020 congressional district having the smallest number of board members  
2021 until the membership includes one (1) member from each  
2022 congressional district as required; and the Mississippi Optometric  
2023 Association shall make nominations to the Governor from the  
2024 appropriate congressional district. No more than one (1) member  
2025 shall be appointed from the same county.

2026 No person so appointed shall be a stockholder in or a member  
2027 of the faculty or of the board of trustees of any school of  
2028 optometry, or serve to exceed two (2) five-year terms.



2029           Vacancies on said board shall be filled by appointment by the  
2030 Governor, with the advice and consent of the Senate, from a list  
2031 of names submitted by the Mississippi Optometric Association  
2032 consisting of three (3) of its members, or by appointment of any  
2033 qualified member of the association.

2034                                 **STATE BOARD OF PHARMACY**

2035           **SECTION 32.** Section 73-21-75, Mississippi Code of 1972, is  
2036 amended as follows:

2037           73-21-75. (1) The State Board of Pharmacy created by former  
2038 Section 73-21-9 is hereby continued and reconstituted as follows:  
2039 The board shall consist of seven (7) appointed members. At least  
2040 one (1) appointment shall be made from each congressional  
2041 district. Each appointed member of the board shall be appointed  
2042 by the Governor, with the advice and consent of the Senate, from a  
2043 list of five (5) names submitted by the Mississippi State  
2044 Pharmaceutical Association/Mississippi Pharmacists Association.  
2045 Of the members appointed, one (1) shall, at the time of  
2046 appointment, have had five (5) years' experience as a pharmacist  
2047 at a facility holding an institutional permit, and one (1) shall,  
2048 at the time of appointment, have had five (5) years' experience as  
2049 a pharmacist at a facility holding a retail permit. Any person  
2050 appointed to the board shall be limited to two (2) full terms of  
2051 office during any fifteen-year period, including any member  
2052 serving on May 14, 1992.

2053           (2) The members of the board appointed and serving prior to  
2054 July 1, 1983, whose terms have not expired by July 1, 1983, shall  
2055 serve the balance of their terms as members of the reconstituted  
2056 board, and they shall be considered to be from the same  
2057 congressional districts from which they were originally appointed  
2058 if they still reside therein, even if the district boundaries have  
2059 changed subsequent to their original appointments. The Governor  
2060 shall appoint the remaining members of the reconstituted board in  
2061 the manner prescribed in subsection (1) of this section on July 1,



2062 1983. The initial members of the reconstituted board shall serve  
2063 terms of office as follows:

2064 (a) The term of the member from the First Congressional  
2065 District shall expire on July 1, 1984; and from and after July 1,  
2066 1996, this appointment shall be designated as Post 1.

2067 (b) The term of the member from the Second  
2068 Congressional District shall expire on July 1, 1988; and from and  
2069 after July 1, 1996, this appointment shall be designated as Post  
2070 2.

2071 (c) The term of the member from the Third Congressional  
2072 District shall expire on July 1, 1986; and from and after July 1,  
2073 1996, this appointment shall be designated as Post 3.

2074 (d) The term of the member from the Fourth  
2075 Congressional District shall expire on July 1, 1985; and from and  
2076 after July 1, 1996, this appointment shall be designated as Post  
2077 4.

2078 (e) The term of the member from the Fifth Congressional  
2079 District shall expire on July 1, 1987; and from and after July 1,  
2080 1996, this appointment shall be designated as Post 5.

2081 (f) The term of one (1) of the members from the state  
2082 at large shall expire on July 1, 1985; and from and after July 1,  
2083 1996, this appointment shall be designated as Post 6.

2084 (g) The term of the other member from the state at  
2085 large shall expire on July 1, 1988; and from and after July 1,  
2086 1996, this appointment shall be designated as Post 7.

2087 The members of the board as constituted on January 1, 2002,  
2088 whose terms have not expired shall serve the balance of their  
2089 terms, after which time the membership of the board shall be  
2090 appointed as follows: There shall be appointed one (1) member of  
2091 the board from each of the four (4) Mississippi congressional  
2092 districts as they currently exist and three (3) members from the  
2093 state at large, and the Governor shall make appointments from the  
2094 congressional district having the smallest number of board members





2095 until the membership includes at least one (1) member from each  
2096 congressional district as required; and the Mississippi  
2097 Pharmaceutical Association/Mississippi Pharmacists Association  
2098 shall make nominations to the Governor from the appropriate  
2099 congressional district as required. No more than one (1) member  
2100 shall be appointed from the same county.

2101         (3) At the expiration of a term, members of the board shall  
2102 be appointed in the manner prescribed in subsection (1) of this  
2103 section for terms of five (5) years from the expiration date of  
2104 the previous terms. Any vacancy on the board prior to the  
2105 expiration of a term for any reason, including resignation,  
2106 removal, disqualification, death or disability, shall be filled by  
2107 appointment of the Governor in the manner prescribed in subsection  
2108 (1) of this section for the balance of the unexpired term. The  
2109 Mississippi State Pharmaceutical Association/Mississippi  
2110 Pharmacists Association shall submit a list of nominees no more  
2111 than thirty (30) days after a vacancy occurs, and the Governor  
2112 shall fill such vacancies within ninety (90) days after each such  
2113 vacancy occurs.

2114         (4) To be qualified to be a member of the board, a person  
2115 shall:

2116                 (a) Be an adult citizen of Mississippi for a period of  
2117 at least five (5) years preceding his appointment to the board;

2118                 (b) Be a pharmacist licensed and in good standing to  
2119 practice pharmacy in the State of Mississippi;

2120                 (c) Have at least five (5) years' experience as a  
2121 pharmacist; and

2122                 (d) Be actively engaged full time in the practice of  
2123 pharmacy in Mississippi.

2124         (5) The Governor may remove any or all members of the board  
2125 on proof of unprofessional conduct, continued absence from the  
2126 state, or for failure to perform the duties of his office. Any  
2127 member who shall not attend two (2) consecutive meetings of the



2128 board for any reason other than illness of such member shall be  
2129 subject to removal by the Governor. The president of the board  
2130 shall notify the Governor in writing when any such member has  
2131 failed to attend two (2) consecutive regular meetings. No removal  
2132 shall be made without first giving the accused an opportunity to  
2133 be heard in refutation of the charges made against him, and he  
2134 shall be entitled to receive a copy of the charges at the time of  
2135 filing.

2136 **STATE BOARD OF LICENSED PROFESSIONAL COUNSELORS**

2137 **SECTION 33.** Section 73-30-5, Mississippi Code of 1972, is  
2138 amended as follows:

2139 73-30-5. (1) There is hereby established the Mississippi  
2140 State Board of Examiners for Licensed Professional Counselors  
2141 which shall consist of five (5) members, one (1) member from each  
2142 of the five (5) congressional districts of Mississippi, who shall  
2143 be appointed by the Governor with the advice and consent of the  
2144 Senate. A list shall be provided to the Governor by the  
2145 Mississippi Counseling Association from which the Governor may  
2146 choose board members. At least two (2) names shall be included  
2147 from each congressional district. The members of the board as  
2148 constituted on January 1, 2002, whose terms have not expired shall  
2149 serve the balance of their terms, after which time the membership  
2150 of the board shall be appointed as follows: There shall be  
2151 appointed one (1) member of the board from each of the four (4)  
2152 Mississippi congressional districts as they currently exist and  
2153 one (1) member from the state at large; and the list of  
2154 recommendations provided to the Governor by the Mississippi  
2155 Counseling Association shall include at least two (2) names from  
2156 the congressional district having the smallest number of board  
2157 members until the membership includes one (1) member from each  
2158 district as required. No more than one (1) member shall be  
2159 appointed from the same county.



2160 Such appointments shall be made initially within sixty (60) days  
2161 of the submission of the list of qualified counselors by the  
2162 Mississippi Counseling Association. Thereafter, all vacancies  
2163 occurring on the board shall be filled by the Governor within  
2164 sixty (60) days after the vacancy occurs. The Mississippi  
2165 Counseling Association shall provide a list of suggested board  
2166 members for each vacancy.

2167 (2) The board shall consist of five (5) licensed counselors,  
2168 three (3) of whom are primarily engaged as licensed counselors in  
2169 private or institutional practice and two (2) who are primarily  
2170 engaged in teaching, training or research in counseling at the  
2171 corporate or university level. All members shall be qualified  
2172 electors of the State of Mississippi.

2173 (3) The initial appointments to the board shall be for  
2174 staggered terms, to be designated by the Governor at the time of  
2175 appointment as follows: two (2) members to serve for three (3)  
2176 years, two (2) members to serve for two (2) years, and one (1)  
2177 member to serve for one (1) year. Thereafter, all terms shall be  
2178 for three (3) years. No board member shall succeed himself  
2179 without waiting a period of three (3) years after having served  
2180 one (1) full three-year term.

2181 (4) There shall be appointed to the board no more than one  
2182 (1) person who is employed by, or receives compensation from, any  
2183 one institution, organization or partnership at the time of  
2184 appointment.

2185 (5) Board members shall be reimbursed for necessary and  
2186 ordinary expenses and mileage incurred while performing their  
2187 duties as members of the board, at the rate authorized for public  
2188 employees, from fees collected for license applications and  
2189 renewals.

2190 **MISSISSIPPI BOARD OF PSYCHOLOGY**

2191 **SECTION 34.** Section 73-31-5, Mississippi Code of 1972, is  
2192 amended as follows:



2193           73-31-5. (1) There is hereby created a Mississippi Board of  
2194 Psychology consisting of seven (7) members who are citizens of the  
2195 United States and residing in the State of Mississippi. One (1)  
2196 member of the board shall be a person who is not a psychologist or  
2197 a mental health professional but who has expressed a continuing  
2198 interest in the field of psychology. Each board member shall  
2199 otherwise be licensed under this chapter. At all times the board  
2200 shall be composed of three (3) members who are faculty at  
2201 institutions of higher learning that grant doctoral degrees, or  
2202 staff or faculty of an American Psychological Association approved  
2203 doctoral level internship. Three (3) members of the board shall  
2204 be engaged in the professional practice of psychology. The  
2205 membership of the board shall reflect a diversity of practice  
2206 specialties.

2207           (2) When the term of each psychologist member ends the  
2208 Governor shall, within thirty (30) days, appoint as his successor,  
2209 for a term of five (5) years, a psychologist who holds a doctoral  
2210 degree from an institution of higher education and who has been  
2211 licensed under this chapter. When the term of the member who is  
2212 not a psychologist ends, the Governor shall, within thirty (30)  
2213 days, appoint a qualified person as his successor for a term of  
2214 five (5) years. No board member shall serve for consecutive  
2215 terms. Any vacancy occurring in the board membership other than  
2216 by expiration of term shall be filled by the Governor by  
2217 appointment for the unexpired term of such member. All  
2218 appointments of psychologist members of the board shall be made  
2219 from a list containing the names of at least three (3) eligible  
2220 nominees for each vacancy submitted by the Mississippi  
2221 Psychological Association. Each board member shall receive a  
2222 certificate of appointment from the Governor before entering on  
2223 the discharge of his duties, and within thirty (30) days from the  
2224 effective date of his appointment shall subscribe an oath for the  
2225 faithful performance of his official duty before any officer



2226 authorized to administer oaths in this state, and shall file the  
2227 same with the Secretary of State. To enable the board to have  
2228 regular, planned changes in membership the following one-time  
2229 changes in length of terms of board members is enacted:

2230 (a) One (1) of the two (2) practice members appointed  
2231 in 1998 will serve a three-year term.

2232 (b) The practice member appointed in 2002 will serve a  
2233 three-year term.

2234 (c) One (1) of the two (2) academic members appointed  
2235 in 2002 will serve a four-year term.

2236 The members of the board as constituted on January 1, 2002,  
2237 whose terms have not expired shall serve the balance of their  
2238 terms, after which time the membership of the board shall be  
2239 appointed as follows: There shall be appointed one (1) member of  
2240 the board from each of the four (4) Mississippi congressional  
2241 districts as they currently exist and three (3) from the state at  
2242 large, and the Governor shall make appointments from the  
2243 congressional district having the smallest number of board members  
2244 until the membership includes at least one (1) member from each  
2245 congressional district as required; and the association shall  
2246 nominate members to the Governor from the appropriate  
2247 congressional district as required. No more than one (1) member  
2248 shall be appointed from the same county.

2249 (3) The Governor may remove any board member for misconduct,  
2250 incompetency or neglect of duty after giving the board member a  
2251 written statement of the charges and an opportunity to be heard  
2252 thereon.

2253 (4) Each board member shall serve without compensation, but  
2254 shall receive actual traveling and incidental expenses necessarily  
2255 incurred while engaged in the discharge of official duties.

2256 This section shall stand repealed from and after July 1,  
2257 2011.

2258 **STATE BOARD OF PUBLIC ACCOUNTANCY**



2259           **SECTION 35.** Section 73-33-3, Mississippi Code of 1972, is  
2260 amended as follows:

2261           73-33-3. (1) There shall be a board of public accountancy,  
2262 consisting of seven (7) members, who are qualified electors of  
2263 this state; their duties, powers and qualifications are herein  
2264 prescribed by this chapter. The members of the Mississippi State  
2265 Board of Public Accountancy shall be appointed from holders of  
2266 certificates issued under and by virtue of this chapter.

2267           (2) The present members of the Mississippi State Board of  
2268 Public Accountancy shall continue to serve until January 1, 1984.  
2269 After January 1, 1984, the appointments to the board shall be as  
2270 hereinafter provided.

2271           The Governor shall appoint five (5) members from the  
2272 congressional districts as they are presently constituted, as  
2273 follows: The initial member from the First Congressional District  
2274 shall be appointed for a term of one (1) year; the initial member  
2275 from the Second Congressional District shall be for a term of two  
2276 (2) years; the initial member from the Third Congressional  
2277 District shall be appointed for a term of three (3) years; the  
2278 initial member from the Fourth Congressional District shall be  
2279 appointed for a term of four (4) years; the initial member from  
2280 the Fifth Congressional District shall be appointed for a term of  
2281 five (5) years. The members of the board as constituted on  
2282 January 1, 2002, who are appointed from congressional districts  
2283 and whose terms have not expired shall serve the balance of their  
2284 terms, after which time the membership of the board shall be  
2285 appointed as follows: There shall be appointed one (1) member of  
2286 the board from each of the four (4) Mississippi congressional  
2287 districts as they currently exist and the Governor shall make  
2288 appointments from the congressional district having the smallest  
2289 number of board members until the membership includes one (1)  
2290 member from each district as required. No more than one (1)  
2291 member shall be appointed from the same county. In addition, the



2292 Governor shall appoint three (3) members from the state at large,  
2293 each of whom shall serve for an initial term of four (4) years.  
2294 Subsequent terms for all members shall be for five (5) years.

2295 All terms shall begin on January 1 of the appropriate year.

2296 No member of the board shall hold any elected office.

2297 Appointments made to fill a vacancy of a term shall be made by the  
2298 appointing officer within sixty (60) days after the vacancy  
2299 occurs. Any person appointed to fill an unexpired term shall hold  
2300 office only for and during the unexpired term of the member he  
2301 succeeds.

2302 (3) Each member of the board shall take the oath prescribed  
2303 by Section 268 of the Mississippi Constitution. The board shall  
2304 elect from among its membership, to serve one-year terms, a  
2305 chairman who shall preside over meetings and a vice chairman who  
2306 shall preside in the absence of the chairman or when the chairman  
2307 shall be excused. A majority of the membership of the board shall  
2308 constitute a quorum for the transaction of any business. Any  
2309 board member who shall not attend three (3) consecutive regular  
2310 meetings of the board for reasons other than illness of said  
2311 member shall be subject to removal by a majority vote of the board  
2312 members.

2313 (4) The board shall hold regular meetings and special  
2314 meetings as may be necessary for the purposes of conducting such  
2315 business as may be required. The board shall adopt rules and  
2316 regulations governing times and places for meetings, and governing  
2317 the manner of conducting its business. All meetings of the board  
2318 shall be open to the public.

2319 **REAL ESTATE APPRAISER LICENSING BOARD**

2320 **SECTION 36.** Section 73-34-7, Mississippi Code of 1972, is  
2321 amended as follows:

2322 73-34-7. (1) (a) There is hereby established, as an  
2323 adjunct board to the Mississippi Real Estate Commission, a board  
2324 to be known as the Mississippi Real Estate Appraiser Licensing and



2325 Certification Board, which shall consist of six (6) members. Five  
2326 (5) members shall be appointed by the Governor, with the advice  
2327 and consent of the Senate, one (1) from each congressional  
2328 district as such district existed on January 1, 1989; the  
2329 Administrator of the Mississippi Real Estate Commission shall be  
2330 an ex officio, nonvoting member.

2331 (b) The initial appointments made by the Governor shall  
2332 be in compliance with guidelines issued by the Federal Financial  
2333 Institutions Examination Council or its designee; and the  
2334 appointees shall serve for terms ending on December 31, 1991. Not  
2335 more than two (2) positions on the board shall be filled with  
2336 appointees who hold membership in the same professional  
2337 organization.

2338 (c) From and after January 1, 1992, gubernatorial  
2339 appointments shall be made pursuant to the procedure established  
2340 in this paragraph (c). The five (5) members shall be appointed by  
2341 the Governor, with the advice and consent of the Senate, one (1)  
2342 from each congressional district as such district existed on  
2343 January 1, 1992. At least three (3) members shall be certified  
2344 general real estate appraisers or at least two (2) members shall  
2345 be certified general real estate appraisers and one (1) member may  
2346 be a certified residential real estate appraiser. Not more than  
2347 two (2) positions on the board shall be filled with appointees who  
2348 hold membership in the same professional organization. Of the  
2349 initial appointments made pursuant to this paragraph (c), two (2)  
2350 shall serve for three (3) years, two (2) shall serve for two (2)  
2351 years and one (1) shall serve for one (1) year. Thereafter, each  
2352 member shall serve for a term of four (4) years. Upon the  
2353 expiration of a member's term, such member shall continue to serve  
2354 until the appointment and qualification of a successor.  
2355 Commencing with appointments made in 1992, no person shall be  
2356 appointed as a member of the board for more than two (2)  
2357 consecutive terms. The Governor may remove an appointed member





2358 for cause. The members of the board as constituted on January 1,  
2359 2002, whose terms have not expired shall serve the balance of  
2360 their terms, after which time the gubernatorial appointments to  
2361 the board shall be made as follows: There shall be appointed one  
2362 (1) member of the board from each of the four (4) Mississippi  
2363 congressional districts as they currently exist and one (1) from  
2364 the state at large, and the Governor shall make appointments from  
2365 the congressional district having the smallest number of board  
2366 members until the membership includes at least one (1) member from  
2367 each congressional district as required. No more than one (1)  
2368 member shall be appointed from the same county.

2369 (2) The board shall meet not less than twice a calendar  
2370 year. Written notice shall be given to each member of the time  
2371 and place of each meeting of the board at least ten (10) days  
2372 prior to the scheduled date of the meeting.

2373 (3) A quorum of the board shall be three (3) voting members;  
2374 commencing January 1, 1992, at least one (1) present must be a  
2375 licensed certified general real estate appraiser or a certified  
2376 residential real estate appraiser. Appointed members of the board  
2377 are entitled to mileage and actual expenses as authorized by  
2378 Section 25-3-41 and per diem as provided by Section 25-3-69; ex  
2379 officio members are entitled to mileage and actual expenses only.

2380 (4) The board shall elect a chairman and such other officers  
2381 as it deems necessary. Such officers shall serve as such for  
2382 terms established by the board.

2383 **REAL ESTATE COMMISSION**

2384 **SECTION 37.** Section 73-35-5, Mississippi Code of 1972, is  
2385 amended as follows:

2386 73-35-5. (1) There is hereby created the Mississippi Real  
2387 Estate Commission. The commission shall consist of five (5)  
2388 persons, to be appointed by the Governor with the advice and  
2389 consent of the Senate. Each appointee shall have been a resident  
2390 and citizen of this state for at least six (6) years prior to his



2391 appointment, and his vocation for at least five (5) years shall  
2392 have been that of a real estate broker. One (1) member shall be  
2393 appointed for the term of one (1) year; two (2) members for terms  
2394 of two (2) years; two (2) members for terms of four (4) years;  
2395 thereafter, the term of the members of said commission shall be  
2396 for four (4) years and until their successors are appointed and  
2397 qualify. There shall at no time be more than one (1) commissioner  
2398 from any one (1) congressional district of which he is a bona fide  
2399 resident, as such districts are constituted as of January 1, 1983.  
2400 Members to fill vacancies shall be appointed by the Governor for  
2401 the unexpired term. The Governor may remove any commissioner for  
2402 cause. The State of Mississippi shall not be required to furnish  
2403 office space for such commissioners. The provisions of this  
2404 section shall not affect persons who are members of the Real  
2405 Estate Commission as of July 1, 1988. Such members shall serve  
2406 out their respective terms, upon the expiration of which the  
2407 provisions of this section shall take effect. Nothing provided  
2408 herein shall be construed as prohibiting the reappointment of any  
2409 member of the said commission. The members of the commission as  
2410 constituted on January 1, 2002, whose terms have not expired shall  
2411 serve the balance of their terms, after which time the membership  
2412 of the commission shall be appointed as follows: There shall be  
2413 appointed one (1) member of the commission from each of the four  
2414 (4) Mississippi congressional districts as they currently exist  
2415 and one (1) from the state at large, and the Governor shall make  
2416 appointments from the congressional district having the smallest  
2417 number of commission members until the membership includes at  
2418 least one (1) member from each congressional district as required.  
2419 No more than one (1) member shall be appointed from the same  
2420 county.

2421 (2) The commission shall organize by selecting from its  
2422 members a chairman, and may do all things necessary and convenient  
2423 for carrying into effect the provisions of this chapter, and may



2424 from time to time promulgate rules and regulations. Each member  
2425 of the commission shall receive per diem as authorized in Section  
2426 25-3-69, Mississippi Code of 1972, and his actual and necessary  
2427 expenses incurred in the performance of duties pertaining to his  
2428 office as authorized in Section 25-3-41, Mississippi Code of 1972.

2429 (3) The commission shall adopt a seal by which it shall  
2430 authenticate its proceedings. Copies of all records and papers in  
2431 the office of the commission, duly certified and authenticated by  
2432 the seal of said commission, shall be received in evidence in all  
2433 courts equally and with like effect as the original. All records  
2434 kept in the office of the commission under authority of this  
2435 chapter shall be open to public inspection except pending  
2436 investigative files.

2437 **SOCIAL WORKER & FAMILY THERAPY BOARD**

2438 **SECTION 38.** Section 73-53-8, Mississippi Code of 1972, is  
2439 amended as follows:

2440 73-53-8. (1) There is created the Board of Examiners for  
2441 Social Workers and Marriage and Family Therapists to license and  
2442 regulate social workers and marriage and family therapists. The  
2443 board shall be composed of ten (10) members, six (6) of which  
2444 shall be social workers and four (4) of which shall be marriage  
2445 and family therapists.

2446 (2) Of the social worker members of the board, two (2) must  
2447 be licensed social workers, and four (4) must be licensed master  
2448 social workers or licensed certified social workers or a  
2449 combination thereof. The marriage and family therapist members of  
2450 the board must be licensed marriage and family therapists. For at  
2451 least five (5) years immediately preceding his or her appointment,  
2452 each marriage and family therapist appointee must have been  
2453 actively engaged as a marriage and family therapist in rendering  
2454 professional services in marriage and family therapy, or in the  
2455 education and training of master's, doctoral or post-doctoral  
2456 students of marriage and family therapy, or in marriage and family



2457 therapy research, and during the two (2) years preceding his or  
2458 her appointment, must have spent the majority of the time devoted  
2459 to that activity in this state. The initial marriage and family  
2460 therapist appointees shall be deemed to be and shall become  
2461 licensed practicing marriage and family therapists immediately  
2462 upon their appointment and qualification as members of the board.  
2463 All subsequent marriage and family therapist appointees to the  
2464 board must be licensed marriage and family therapists before their  
2465 appointment.

2466 (3) The Governor shall appoint six (6) members of the board,  
2467 four (4) of which shall be social workers and two (2) of which  
2468 shall be marriage and family therapists, and the Lieutenant  
2469 Governor shall appoint four (4) members of the board, two (2) of  
2470 which shall be social workers and two (2) of which shall be  
2471 marriage and family therapists. Social worker members of the  
2472 board shall be appointed from nominations submitted by the  
2473 Mississippi Chapter of the National Association of Social Workers,  
2474 and marriage and family therapist members of the board shall be  
2475 appointed from nominations submitted by the Mississippi Marriage  
2476 and Family Therapy Association. All appointments shall be made  
2477 with the advice and consent of the Senate.

2478 (4) The initial appointments to the board shall be made as  
2479 follows: The Governor shall appoint one (1) social worker member  
2480 for a term that expires on June 30, 1999, one (1) social worker  
2481 member for a term that expires on June 30, 2001, two (2) social  
2482 worker members for terms that expire on June 30, 2002, one (1)  
2483 marriage and family therapist member for a term that expires on  
2484 June 30, 1998, and one (1) marriage and family therapist member  
2485 for a term that expires on June 30, 2000. The Lieutenant Governor  
2486 shall appoint one (1) social worker member for a term that expires  
2487 on June 30, 1998, one (1) social worker member for a term that  
2488 expires on June 30, 2000, one (1) marriage and family therapist  
2489 member for a term that expires on June 30, 1999, and one (1)



2490 marriage and family therapist member of the board for a term that  
2491 expires on June 30, 2001. After the expiration of the initial  
2492 terms, all subsequent appointments shall be made by the original  
2493 appointing authorities for terms of four (4) years from the  
2494 expiration date of the previous term. The members of the board as  
2495 constituted on January 1, 2002, whose terms have not expired shall  
2496 serve the balance of their terms, after which time the membership  
2497 of the board shall be appointed as follows: The appointments to  
2498 the board made by the Governor shall be made one (1) from each of  
2499 the four (4) Mississippi congressional districts as they currently  
2500 exist and two (2) from the state at large, and the appointments to  
2501 the board made by the Lieutenant Governor shall be made one (1)  
2502 from each of the four (4) Mississippi congressional districts as  
2503 they currently exist and each appointing officer shall make  
2504 appointments from the congressional district having the smallest  
2505 number of board members until the membership includes at least the  
2506 minimum number from each congressional district as required; and  
2507 the nominating organization shall submit nominations to the  
2508 Governor or the Lieutenant Governor from the appropriate  
2509 congressional district as required. No more than one (1) member  
2510 shall be appointed from the same county. Upon the expiration of  
2511 his or her term of office, a board member shall continue to serve  
2512 until his or her successor has been appointed and has qualified.  
2513 No person may be appointed more than once to fill an unexpired  
2514 term or more than two (2) consecutive full terms.

2515 (5) Any vacancy on the board before the expiration of a term  
2516 shall be filled by appointment of the original appointing  
2517 authority for the remainder of the unexpired term. Appointments  
2518 to fill vacancies shall be made from nominations submitted by the  
2519 appropriate organization as specified in subsection (2) of this  
2520 section for the position being filled.



2521           (6) The appointing authorities shall give due regard to  
2522 geographic distribution, race and sex in making all appointments  
2523 to the board.

2524           (7) The board shall select one (1) of its members to serve  
2525 as chairman during the term of his or her appointment to the  
2526 board. No person may serve as chairman for more than four (4)  
2527 years. The board may remove any member of the board or the  
2528 chairman from his or her position as chairman for (a) malfeasance  
2529 in office, or (b) conviction of a felony or a crime of moral  
2530 turpitude while in office, or (c) failure to attend three (3)  
2531 consecutive board meetings. However, no member may be removed  
2532 until after a public hearing of the charges against him or her,  
2533 and at least thirty (30) days' prior written notice to the accused  
2534 member of the charges against him or her and of the date fixed for  
2535 such hearing. No board member shall participate in any matter  
2536 before the board in which he has a pecuniary interest, personal  
2537 bias or other similar conflict of interest.

2538           (8) Board members shall receive no compensation for their  
2539 services, but shall be reimbursed for their actual and necessary  
2540 expenses incurred in the performance of official board business as  
2541 provided in Section 25-3-41.

2542           (9) Four (4) social worker members and three (3) marriage  
2543 and family therapist members of the board shall constitute a  
2544 quorum of the board. In making its decisions and taking actions  
2545 affecting the members of one (1) of the professions regulated by  
2546 the board, the board shall consider the recommendations of the  
2547 board members who are members of that profession.

2548           (10) The principal office of the board shall be in the City  
2549 of Jackson, but the board may act and exercise all of its powers  
2550 at any other place. The board shall adopt an official seal, which  
2551 shall be judicially noticed and which shall be affixed to all  
2552 licenses issued by the board.



2553 (11) The board is authorized to employ, subject to the  
2554 approval of the State Personnel Board, an executive director and  
2555 such attorneys, experts and other employees as it may from time to  
2556 time find necessary for the proper performance of its duties and  
2557 for which the necessary funds are available, and to set the salary  
2558 of the executive director, subject to the approval of the State  
2559 Personnel Board. The board is strongly encouraged to employ any  
2560 employees of the State Department of Health who may be displaced  
2561 as a result of the enactment of Laws, 1997, Chapter 516.

2562 (12) The board, by a majority vote, from time to time may  
2563 make such provisions as it deems appropriate to authorize the  
2564 performance by any board member or members, employee or other  
2565 agent of the board of any function given the board in this chapter  
2566 or Sections 73-54-1 through 73-54-39.

#### 2567 **HOME INSPECTOR REGULATORY BOARD**

2568 **SECTION 39.** Section 73-60-5, Mississippi Code of 1972, is  
2569 amended as follows:

2570 73-60-5. (1) There is hereby created, as an adjunct board  
2571 to the Mississippi Real Estate Commission, a board to be known as  
2572 the Home Inspector Regulatory Board, which shall consist of five  
2573 (5) members appointed by the Governor, with the advice and consent  
2574 of the Senate, to include one (1) representative from each of the  
2575 four (4) Mississippi congressional districts currently existing  
2576 and two (2) from the state at large and all shall be licensed home  
2577 inspectors.

2578 (2) The Home Inspector Regulatory Board shall advise the  
2579 commission or its designee on all matters relating to this  
2580 chapter. The board shall meet no less than four (4) times  
2581 annually and shall be reimbursed for expenses on a per diem basis  
2582 pursuant to state law.

#### 2583 **BOARD OF REGISTERED PROFESSIONAL GEOLOGISTS**

2584 **SECTION 40.** Section 73-63-9, Mississippi Code of 1972, is  
2585 amended as follows:



2586           73-63-9. (1) There is created the Board of Registered  
2587 Professional Geologists to administer this chapter. The board  
2588 shall consist of five (5) registered professional geologists  
2589 appointed by the Governor from nominees recommended by the  
2590 committee created in subsection (3) of this section, but  
2591 geologists initially appointed to the board shall be qualified for  
2592 registration under this chapter and shall register within the  
2593 first year of their term. The Governor shall require adequate  
2594 disclosure of potential conflicts of interest by appointees to the  
2595 board. The board shall, to the extent practicable, consist of one  
2596 (1) member appointed from the governmental sector, one (1) member  
2597 appointed from academia, one (1) member appointed from the  
2598 geotechnical/environmental industrial sector, one (1) member  
2599 appointed from the mining/mineral extraction industrial sector,  
2600 and one (1) member appointed at large. The initial term of the  
2601 members shall be as follows: two (2) members shall be appointed  
2602 for terms of four (4) years, two (2) members shall be appointed  
2603 for terms of three (3) years, and one (1) member shall be  
2604 appointed for a term of two (2) years. Following appointment of  
2605 the initial board, all terms shall be for four (4) years. The  
2606 term of members shall begin and end on July 1 of the appropriate  
2607 year regardless of the date of appointment. Upon expiration of a  
2608 member's term, the Governor may appoint a new member or may  
2609 reappoint the existing member to one (1) additional term. No  
2610 member of the board shall serve more than two (2) consecutive  
2611 terms. The members of the board as constituted on January 1,  
2612 2002, whose terms have not expired shall serve the balance of  
2613 their terms, after which time the membership of the board shall be  
2614 appointed as follows: There shall be appointed one (1) member of  
2615 the board from each of the four (4) Mississippi congressional  
2616 districts as they currently exist and the Governor shall make  
2617 appointments from the congressional district having the smallest  
2618 number of board members until the membership includes one (1)





2619 member from each district as required; and the nominating  
2620 committee shall make recommendations to the Governor from the  
2621 appropriate congressional district. No more than one (1) member  
2622 shall be appointed from the same county. Members shall hold  
2623 office until their successors have been appointed and qualified.  
2624 Vacancies in the membership of the board shall be filled for the  
2625 unexpired term by appointment in the same manner as the original  
2626 appointments. Before assuming the duties of office, each member  
2627 of the board shall take the oath prescribed in Section 268 of the  
2628 Constitution and shall give a surety bond in the amount of Fifty  
2629 Thousand Dollars (\$50,000.00) to be approved by the Secretary of  
2630 State, conditioned according to law and payable to the State of  
2631 Mississippi. The premium on the bond shall be a proper and  
2632 necessary expense of the board. Each member shall receive a  
2633 certificate of appointment from the Governor. Original  
2634 appointments to the board shall be made before October 1, 1997.

2635 (2) Each member of the board shall be a citizen of the  
2636 United States, a resident of this state for at least five (5)  
2637 years immediately preceding that person's appointment, and at  
2638 least thirty (30) years of age.

2639 (3) (a) Except as provided in paragraph (b) of this  
2640 subsection, the board annually shall appoint a nominating  
2641 committee. No board member shall participate on the nominating  
2642 committee during the year in which that member's term expires.  
2643 The nominating committee shall solicit nominees for membership to  
2644 the board by mailing a notice to each registered professional  
2645 geologist shown on the roster maintained by the board and residing  
2646 in the state. Within thirty (30) days following mailing of the  
2647 notices, any registered professional geologist meeting the  
2648 qualifications under subsection (2) of this section may place or  
2649 have placed his or her name in nomination. The nominating  
2650 committee shall compile a list of the nominees and submit that  
2651 list to the registered professional geologists on the roster.



2652 Each geologist shall have one (1) vote and shall submit that vote  
2653 in writing within fifteen (15) days following the mailing of the  
2654 list of nominees. The nominating committee shall calculate the  
2655 results and recommend to the Governor the three (3) nominees from  
2656 the sector and congressional districts in which the vacancy occurs  
2657 receiving the largest number of votes.

2658 (b) The Task Force/Advisory Committee on Geologic  
2659 Registration shall recommend fifteen (15) nominees to the Governor  
2660 for appointment to the initial board.

2661 **STATE BOARD OF MASSAGE THERAPY**

2662 **SECTION 41.** Section 73-67-9, Mississippi Code of 1972, is  
2663 amended as follows:

2664 73-67-9. (1) There is created the State Board of Massage  
2665 Therapy.

2666 (2) The board shall consist of five (5) members appointed by  
2667 the Governor, with the advice and consent of the Senate, as  
2668 follows: At least three (3) members shall be appointed from a  
2669 list submitted by State representatives of one or more nationally  
2670 recognized professional massage therapy association(s), one (1) to  
2671 be appointed from each Mississippi Supreme Court District and all  
2672 of whom must be residents of Mississippi and must have engaged in  
2673 the practice of massage therapy within the state for at least  
2674 three (3) years; one (1) member shall be a licensed health  
2675 professional in a health field other than massage therapy; and one  
2676 (1) member shall be a consumer at large who is not associated with  
2677 or financially interested in the practice or business of massage  
2678 therapy. The initial members of the board shall be appointed for  
2679 staggered terms, as follows: one (1) member shall be appointed  
2680 for a term that ends on June 30, 2002; one (1) member shall be  
2681 appointed for a term that ends on June 30, 2003; one (1) member  
2682 shall be appointed for a term that ends on June 30, 2004; and two  
2683 (2) members shall be appointed for terms that end on June 30,  
2684 2005, to be designated at the time of appointment. Appointments



2685 shall be made within ninety (90) days from the effective date of  
2686 this chapter.

2687 (3) All subsequent appointments to the board shall be  
2688 appointed by the Governor for terms of four (4) years from the  
2689 expiration date of the previous term. No person shall be  
2690 appointed for more than two (2) consecutive terms. By approval of  
2691 the majority of the board, the service of a member may be extended  
2692 at the completion of a four-year term until a new member is  
2693 appointed or the current member is reappointed. The board shall  
2694 elect one (1) of the appointed massage therapists as the chairman  
2695 of the board.

2696 (4) A majority of the board may elect an executive secretary  
2697 and other such individuals, including an attorney, as may be  
2698 necessary to implement the provisions of this chapter. The board  
2699 may hold additional meetings at such times and places as it deems  
2700 necessary. A majority of the board shall constitute a quorum and  
2701 a majority of the board shall be required to grant or revoke a  
2702 certificate of registration.

2703 **SECTION 42.** This act shall take effect and be in force from  
2704 and after July 1, 2002.

