

By: Senator(s) Thames, Williamson, Dawkins

To: Fees, Salaries and Administration

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, 39-5-3, 39-11-1, 41-3-1, 41-4-3,
 7 43-13-107, 43-13-409, 43-55-5, 47-5-541, 47-7-5, 49-2-5, 49-4-4,
 8 49-19-1, 57-10-167, 63-17-57, 69-7-253, 69-9-3, 69-15-2,
 9 69-21-107, 73-1-5, 73-4-7, 73-5-1, 73-6-3, 73-15-9, 73-19-7,
 10 73-21-75, 73-30-5, 73-31-5, 73-33-3, 73-34-7, 73-35-5, 73-53-8,
 11 73-60-5, 73-63-9 AND 73-67-9, MISSISSIPPI CODE OF 1972, IN
 12 CONFORMITY THERETO; AND FOR RELATED 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 exist on January
 27 1, 2002, and one (1) from the state at large, to be appointed by
 28 the Lieutenant Governor and the Speaker of the House for a term
 29 concurrent with their term in their respective house. * * * The

30 Lieutenant Governor and Speaker shall make their appointments
 31 within fifteen (15) days after the first calendar day of the
 32 regular session in the first year of such four-year term. No



33 member of the committee shall serve as a member of the Legislative
34 Budget Committee * * *. The term of each member shall be
35 concurrent with his term of office.

36 * * *

37 **MISSISSIPPI DEPARTMENT OF TECHNOLOGY SERVICES**

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

40 25-53-7. (1) The membership of the authority shall be
41 composed of five (5) members to be appointed by the Governor with
42 the advice and consent of the Senate. The initial terms of the
43 members shall be for one (1), two (2), three (3), four (4) and
44 five (5) years, respectively, and thereafter all terms shall be
45 for five (5) years. The initial appointments to the reconstituted
46 authority shall be made no later than June 30, 1984, for terms to
47 begin on July 1, 1984. The members of the authority as
48 constituted on January 1, 2002, whose terms have not expired shall
49 serve the balance of their terms, after which time the membership
50 of the authority shall be appointed as follows: There shall be
51 appointed one (1) member of the authority from each of the four
52 (4) Mississippi congressional districts as they exist on January
53 1, 2002, and one (1) from the state at large, and the Governor
54 shall make appointments from the congressional district having the
55 smallest number of authority members until the membership includes
56 one (1) member from each district as required. Vacancies shall be
57 filled in the same manner as original appointments for the
58 unexpired portion of the term vacated. Each member of the
59 authority shall have a minimum of four (4) years' experience in an
60 information technology-related executive position or prior service
61 as a member of the authority.

62 (2) Each member of the authority shall be required to
63 furnish a surety bond in the minimum amount of Fifty Thousand
64 Dollars (\$50,000.00) to be approved by the Secretary of State,
65 conditioned according to law and payable to the State of



66 Mississippi, before entering upon his duties. The premiums on
67 such bonds shall be paid from any funds available to the authority
68 for such purpose.

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

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

94 **STATE BOARD OF CONTRACTORS**

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

97 31-3-3. There is hereby created the State Board of
98 Contractors of the State of Mississippi, which shall consist of



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

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



132 the original appointee. The Governor may remove any member of the
133 board for misconduct, incompetency or willful neglect of duty.

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

139 **VETERANS AFFAIRS BOARD**

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

142 35-1-1. (1) (a) There is hereby created a State Veterans
143 Affairs Board, to consist of seven (7) members, to be appointed by
144 the Governor, one (1) from each congressional district as they
145 existed on January 1, 1952, of the State of Mississippi. One (1)
146 shall be appointed for one (1) year, another for two (2) years,
147 another for three (3) years, another for four (4) years, another
148 for five (5) years, another for six (6) years, and another for
149 seven (7) years, thus staggered. At the end of such term for each
150 of said seven (7) members, a successor shall be appointed for a
151 term of seven (7) years, thus providing for seven (7) members, one
152 (1) of whom shall be appointed each year. In the event of death,
153 resignation or removal of a member of the board, such person
154 appointed to fill the vacancy shall be a legal resident of the
155 congressional district in which the vacancy shall occur, and shall
156 serve for the remainder of the term to which such member was
157 appointed. Members of the board shall be veterans of any war or
158 police action in which the Armed Forces of the United States have
159 been, are, or shall be committed for action, who have been
160 honorably discharged or honorably released.

161 (b) From and after May 14, 1992, terms of all members
162 then serving on the State Veterans Affairs Board shall terminate,
163 and the board shall be reconstituted as follows: The board shall
164 consist of seven (7) members. All members shall be appointed by



165 the Governor, with the advice and consent of the Senate. One (1)
166 member shall be appointed from each congressional district as such
167 districts existed on March 1, 1992, and two (2) members shall be
168 appointed from the state at large. Of the initial congressional
169 district appointees to the board, one (1) shall serve for a term
170 of one (1) year, one (1) for a term of two (2) years, one (1) for
171 a term of three (3) years, one (1) for a term of four (4) years
172 and one (1) for a term of five (5) years. Of the initial at-large
173 appointees, one (1) (who shall be that person appointed in January
174 1992 from the First Congressional District under the provisions of
175 paragraph (a) of this subsection) shall serve for a term of three
176 (3) years and one (1) (who shall be that person appointed in
177 January 1992 from the Seventh Congressional District under the
178 provisions of paragraph (a) of this subsection) shall serve for a
179 term of five (5) years. All appointees after the initial
180 appointees shall serve for terms of five (5) years each. In the
181 event of death, resignation or removal of a member of the board,
182 the vacancy shall be filled by appointment of the Governor, with
183 the advice and consent of the Senate, from the congressional
184 district in which the vacancy occurs, for the length of the
185 unexpired term only. Members of the board shall be honorably
186 discharged or released veterans of any war or police action in
187 which the Armed Forces of the United States have been, are, or
188 shall be committed for action. No state/department commander of
189 any federally recognized veterans organization, no national
190 officer of any federally recognized veterans organization and no
191 member of the Mississippi Council of Veterans Organizations shall
192 be eligible for appointment to the board until the expiration of a
193 period of three (3) years after the termination of their service
194 in such disqualifying positions. The members of the board as
195 constituted on January 1, 2002, whose terms have not expired shall
196 serve the balance of their terms, after which time the membership
197 of the board shall be appointed as follows: There shall be



198 appointed one (1) member of the board from each of the four (4)
199 Mississippi congressional districts as they exist on January 1,
200 2002, and three (3) from the state at large, and the Governor
201 shall make appointments from the congressional district having the
202 smallest number of board members until the membership includes at
203 least one (1) member from each congressional district as required.

204 (2) Members of the board shall annually elect as chairman
205 one of their number and another member as vice chairman. Members
206 of the board shall hold regular monthly meetings and such other
207 meetings as may be called by the chairman or the vice chairman in
208 his absence.

209 **WAR VETERANS MEMORIAL COMMISSION**

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

212 35-3-24. There is hereby created a War Veterans Memorial
213 Commission, which is hereby charged with the duty of carrying out
214 the provisions as hereinafter set forth, and it shall be referred
215 to in the succeeding sections hereof as the "commission." The
216 commission shall consist of seven (7) commissioners, one (1)
217 member each from the American Legion, the Veterans of Foreign
218 Wars, Disabled American Veterans, American Ex-Prisoners of War,
219 Veterans of World War I, Sons of Confederate Veterans, and the
220 Mississippi National Guard. The commissioners shall be appointed
221 by the Governor on the recommendation of the state executive
222 governing body of each respective organization entitled to a
223 member of the commission. The initial terms of the members shall
224 be as follows, to be designated by the Governor at the time of
225 appointment: (a) two (2) members shall be appointed for terms of
226 two (2) years each; (b) two (2) members for terms of four (4)
227 years each; (c) two (2) members for terms of six (6) years each;
228 and (d) the member from the American Ex-Prisoners of War for a
229 term of four (4) years. Thereafter, each term shall be for six
230 (6) years or until a successor in office has been appointed and



231 qualified. The members of the commission as constituted on
232 January 1, 2002, whose terms have not expired shall serve the
233 balance of their terms, after which time the membership of the
234 commission shall be appointed as follows: There shall be
235 appointed one (1) member of the commission from each of the four
236 (4) Mississippi congressional districts as they exist on January
237 1, 2002, and three (3) from the state at large, and the Governor
238 shall make appointments from the congressional district having the
239 smallest number of commission members until the membership
240 includes at least one (1) member from each congressional district
241 as required; and the appropriate organization/association shall
242 submit nominations to the Governor from the proper congressional
243 district as required. In the event of any vacancy on the
244 commission, the Governor shall, within thirty (30) days, designate
245 a successor in the same manner as the original appointment was
246 made. No member of either branch of the Legislature nor any state
247 officer or employee shall serve on the commission.

248 **VETERANS HOME PURCHASE BOARD**

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

251 35-7-7. The administration of the provisions hereof is
252 vested in a Veterans' Home Purchase Board consisting of six (6)
253 members who shall be appointed, or reappointed, by the Governor,
254 with the advice and consent of the Senate. Members appointed to
255 the board shall be veterans of either World War II, the Korean
256 Conflict, the Southeast Asia Conflict, the Persian Gulf Conflict
257 or have served in active duty for at least one hundred eighty
258 (180) days during a time of war or a conflict in which a campaign
259 ribbon or medal was issued and shall possess a background in
260 business, banking, real estate or the legal profession which
261 enables them to carry out the duties of the board. Appointments
262 shall be staggered, with each Governor appointing or reappointing
263 two (2) members in the first year of his administration; one (1)



264 member in the second year, two (2) members in the third year, and
265 one (1) member in the fourth year. Appointments for terms that
266 expire in 1988 shall be made as follows: one (1) shall be made
267 for a term ending on July 1, 1989; one (1) shall be made for a
268 term ending on July 1, 1991; and two (2) shall be made for a term
269 ending on July 1, 1992. Persons appointed to succeed the two (2)
270 members whose terms expired in 1986, or any such member holding
271 over after 1986 because no successor was appointed, shall serve
272 until July 1, 1990. After the expiration of the foregoing terms,
273 all appointments shall be for a term of four (4) years from the
274 expiration date of the previous term. From and after July 1,
275 1988, one (1) appointee shall be selected from each of the five
276 (5) congressional districts of this state as such districts are
277 composed on May 1, 1987, and one (1) appointee shall be selected
278 from the state at large. The members of the board as constituted
279 on January 1, 2002, whose terms have not expired shall serve the
280 balance of their terms, after which time the membership of the
281 board shall be appointed as follows: There shall be appointed one
282 (1) member of the board from each of the four (4) Mississippi
283 congressional districts as they exist on January 1, 2002, and two
284 (2) from the state at large, and the Governor shall make
285 appointments from the congressional district having the smallest
286 number of board members until the membership includes at least one
287 (1) from each congressional district as required. Any vacancy
288 occurring during a term shall be filled by appointment of a member
289 for the unexpired portion of the term.

290 The board is hereby authorized and empowered to make and
291 promulgate such reasonable rules and regulations under this
292 chapter as it shall deem to be necessary or advisable and to
293 enforce the same. The board shall have authority to render final
294 decision on the purchase application process, approval of
295 purchases, funding of purchase commitments, servicing loans and
296 default, property security, management, resale, release from



297 security, and all other matters relating to the purchases and
298 loans made under this law. The board shall likewise by an order
299 spread on its minutes elect a chairman and vice chairman to serve
300 for one-year terms, and all such officers are eligible to succeed
301 themselves in such offices. The chairman may appoint a
302 three-member loan committee from the membership of the board and
303 shall specify the conditions, responsibilities and authority of
304 such committee.

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

317 The director, or other executive officer employed by the
318 board, shall execute a surety bond in the sum of One Hundred
319 Thousand Dollars (\$100,000.00), conditioned upon the faithful
320 performance of his duties and upon his accounting for all monies
321 coming into his hands; and each employee handling funds shall
322 execute a like bond in the sum of Fifteen Thousand Dollars
323 (\$15,000.00), and the premiums thereon shall be paid from the
324 funds provided for administering this chapter.

325 The board may designate one (1) of its employees as the
326 acting director or executive officer by a vote of the majority of
327 the members of the board, officially recorded in the minutes of a
328 regular or special meeting, and such acting director shall be
329 vested with all the authority conferred upon the director by the



330 provisions of this chapter; but such acting director may not serve
331 for a continuous period of time in excess of six (6) months, and
332 the acting director, when so designated, will be required to
333 furnish surety bond in the same amount and under the same
334 conditions as the director. The purpose of this provision is to
335 designate an executive officer during any temporary illness,
336 absence or incapacity of the regularly designated director.

337 The board may select and employ such expert, technical and
338 clerical assistance as in its judgment may be necessary in the
339 proper administration of said board and fix the salaries of such
340 employees.

341 The board is empowered to employ auditors and accountants to
342 examine the books, accounts and records of the board if it so
343 desires, and the board is also authorized to employ legal counsel
344 if it deems such a course necessary in the proper administration
345 of its affairs.

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

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

349 37-4-3. (1) From and after July 1, 1986, there shall be a
350 State Board for Community and Junior Colleges which shall receive
351 and distribute funds appropriated by the Legislature for the use
352 of the public community and junior colleges and funds from federal
353 and other sources that are transmitted through the state
354 governmental organization for use by said colleges. This board
355 shall provide general coordination of the public community and
356 junior colleges, assemble reports and such other duties as may be
357 prescribed by law.

358 (2) The board shall consist of ten (10) members of which
359 none shall be an elected official and none shall be engaged in the
360 educational profession. The Governor shall appoint two (2)
361 members from the First Mississippi Congressional District, one (1)
362 who shall serve an initial term of two (2) years and one (1) who



363 shall serve an initial term of five (5) years; two (2) members
364 from the Second Mississippi Congressional District, one (1) who
365 shall serve an initial term of five (5) years and one (1) who
366 shall serve an initial term of three (3) years; and two (2)
367 members from the Third Mississippi Congressional District, one (1)
368 who shall serve an initial term of four (4) years and one (1) who
369 shall serve an initial term of two (2) years; two (2) members from
370 the Fourth Mississippi Congressional District, one (1) who shall
371 serve an initial term of three (3) years and one (1) who shall
372 serve an initial term of four (4) years; and two (2) members from
373 the Fifth Mississippi Congressional District, one (1) who shall
374 serve an initial term of five (5) years and one (1) who shall
375 serve an initial term of two (2) years. The members of the board
376 as constituted on January 1, 2002, whose terms have not expired
377 shall serve the balance of their terms, after which time the
378 membership of the board shall be appointed as follows: There
379 shall be appointed two (2) members of the board from each of the
380 four (4) Mississippi congressional districts as they exist on
381 January 1, 2002, and the Governor shall make appointments from the
382 congressional district having the smallest number of board members
383 until the membership includes two (2) from each district as
384 required. All subsequent appointments shall be for a term of six
385 (6) years and continue until their successors are appointed and
386 qualify. An appointment to fill a vacancy which arises for
387 reasons other than by expiration of a term of office shall be for
388 the unexpired term only. No two (2) appointees shall reside in
389 the same junior college district. All members shall be appointed
390 with the advice and consent of the Senate.

391 (3) There shall be a chairman and vice chairman of the
392 board, elected by and from the membership of the board; and the
393 chairman shall be the presiding officer of the board. The board
394 shall adopt rules and regulations governing times and places for
395 meetings and governing the manner of conducting its business.



396 (4) The members of the board shall receive no annual salary,
397 but shall receive per diem compensation as authorized by Section
398 25-3-69, Mississippi Code of 1972, for each day devoted to the
399 discharge of official board duties and shall be entitled to
400 reimbursement for all actual and necessary expenses incurred in
401 the discharge of their duties, including mileage as authorized by
402 Section 25-3-41, Mississippi Code of 1972.

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

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

418 (a) To authorize disbursements of state appropriated
419 funds to community and junior colleges through orders in the
420 minutes of the board.

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

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

425 (d) To require community and junior colleges to supply
426 such information as the board may request and compile, publish and
427 make available such reports based thereon as the board may deem
428 advisable.



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

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

440 (g) To approve applications from community and junior
441 colleges for state funds for vocational-technical education
442 facilities.

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

445 (i) To appoint members to the Post-Secondary
446 Educational Assistance Board.

447 (j) To appoint members to the Authority for Educational
448 Television.

449 (k) To contract with other boards, commissions,
450 governmental entities, foundations, corporations or individuals
451 for programs, services, grants and awards when such are needed for
452 the operation and development of the state public community and
453 junior college system.

454 (l) To fix standards for community and junior colleges
455 to qualify for appropriations, and qualifications for community
456 and junior college teachers.

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

460 (n) To approve or disapprove of any proposed inclusion
461 within municipal corporate limits of state-owned buildings and



462 grounds of any community college or junior college and to approve
463 or disapprove of land use development, zoning requirements,
464 building codes and delivery of governmental services applicable to
465 state-owned buildings and grounds of any community college or
466 junior college. Any agreement by a local board of trustees of a
467 community college or junior college to annexation of state-owned
468 property or other conditions described in this paragraph shall be
469 void unless approved by the board and by the board of supervisors
470 of the county in which the state-owned property is located.

471 **MISSISSIPPI EDUCATIONAL TELEVISION AUTHORITY**

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

474 37-63-3. The Authority for Educational Television shall
475 consist of the State Superintendent of Public Education and six
476 (6) members appointed, with the advice and consent of the Senate.
477 The Governor shall appoint four (4) members, one (1) of whom shall
478 be actively engaged as a teacher or principal in a secondary
479 school system in the State of Mississippi and one (1) of whom
480 shall be actively engaged as a teacher or principal in an
481 elementary school system in the State of Mississippi. Beginning
482 July 1, 1994, the appointee actively engaged as a teacher or
483 principal in a secondary school shall be appointed for an initial
484 term of three (3) years. The member actively engaged as a teacher
485 or principal in an elementary school shall be appointed for an
486 initial term of four (4) years. The remaining two (2)
487 gubernatorial appointees shall serve until July 1, 1996.
488 Beginning July 1, 1996, the Governor shall appoint two (2) members
489 for initial terms of three (3) and four (4) years, with the
490 Governor specifically designating which member shall be appointed
491 for three (3) years and which shall be appointed for four (4)
492 years. The gubernatorial appointees on the authority as
493 constituted on January 1, 2002, whose terms have not expired shall
494 serve the balance of their terms, after which time these



495 appointments shall be made as follows: The gubernatorial
496 appointees shall be appointed one (1) from each of the four (4)
497 Mississippi congressional districts as they exist on January 1,
498 2002, and the Governor shall make appointments from the
499 congressional district having the smallest number of authority
500 members until the membership includes one (1) member from each
501 district as required. The State Board for Community and Junior
502 Colleges shall appoint one (1) member, and the Board of Trustees
503 of the State Institutions of Higher Learning shall appoint one (1)
504 member. After the expiration of the initial terms, all members
505 shall serve for terms of four (4) years. An appointment to fill a
506 vacancy among the gubernatorial appointees, other than by
507 expiration of a term of office, shall be made by the Governor for
508 the balance of the unexpired term.

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

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

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

516 37-101-3. (1) The Governor, by and with the advice and
517 consent of the Senate, shall appoint the members of the Board of
518 Trustees of State Institutions of Higher Learning, one (1) member
519 from each congressional district of the state as existing as of
520 March 31, 1944, one (1) member from each Supreme Court district
521 and two (2) members from the state at large, with the terms of
522 each to begin on May 8, 1944. One-third (1/3) of the membership
523 of said board so appointed shall be appointed for a period of four
524 (4) years, one-third (1/3) for a period of eight (8) years and
525 one-third (1/3) for a period of twelve (12) years. On the
526 expiration of any of said terms of office the Governor shall



527 appoint successors, by and with the advice and consent of the
528 Senate, for terms of twelve (12) years in each case.

529 (2) In case of a vacancy on said board by death or
530 resignation of a member or from any other cause than the
531 expiration of such member's term of office, the board shall elect
532 his successor who shall hold office until the end of the next
533 session of the Legislature. During such term of the session of
534 the Legislature the Governor shall appoint the successor member of
535 the board from the district from which his predecessor was
536 appointed to hold office until the end of the period or term for
537 which said original trustee was appointed, to the end that
538 one-third (1/3) of such trustees' terms shall expire each four (4)
539 years.

540 (3) The Executive Director of the State Board for Community
541 and Junior Colleges, or his designee, and one (1) member of the
542 State Board for Community and Junior Colleges to be designated by
543 the chairman of said board, shall attend all regular meetings of
544 the Board of Trustees of State Institutions of Higher Learning.
545 Said community/junior college representatives shall have no
546 jurisdiction or vote on any matter within the jurisdiction of the
547 board. The Executive Director of the State Board for Community
548 and Junior Colleges and any designee who is a state employee shall
549 receive no per diem for attending meetings of the board, but shall
550 be entitled to actual and necessary expense reimbursement and
551 mileage for attending meetings at locations other than Jackson,
552 Mississippi. The designee of the State Board for Community and
553 Junior Colleges shall receive per diem compensation as authorized
554 by Section 25-3-69, Mississippi Code of 1972, for attending said
555 meetings, and shall be entitled to reimbursement for actual
556 expense reimbursement and mileage, which shall be paid from funds
557 appropriated to the Board of Trustees of State Institutions of
558 Higher Learning.



559 [From and after the date the amendment to Section 213-A in
560 Article 8 of the Mississippi Constitution of 1890, proposed by
561 Senate Concurrent Resolution No. _____, 2002 Regular Session, is
562 ratified by the electorate, Section 37-101-3 shall read as
563 follows:]

564 37-101-3. (1) The Governor, by and with the advice and
565 consent of the Senate, shall appoint the members of the Board of
566 Trustees of State Institutions of Higher Learning, one (1) member
567 from each congressional district of the state as existing as of
568 March 31, 1944, one (1) member from each Supreme Court district
569 and two (2) members from the state at large, with the terms of
570 each to begin on May 8, 1944. One-third (1/3) of the membership
571 of said board so appointed shall be appointed for a period of four
572 (4) years, one-third (1/3) for a period of eight (8) years and
573 one-third (1/3) for a period of twelve (12) years. On the
574 expiration of any of said terms of office the Governor shall
575 appoint successors, by and with the advice and consent of the
576 Senate, for terms of twelve (12) years in each case. The members
577 of the board of trustees as constituted on January 1, 2002, whose
578 terms have not expired shall serve the balance of their terms,
579 after which time the membership of the board shall be appointed as
580 follows: There shall be appointed three (3) members of the board
581 of trustees from each of the four (4) Mississippi congressional
582 districts as they exist on January 1, 2002, and the Governor shall
583 make appointments from the congressional district having the
584 smallest number of board members until the membership includes
585 three (3) members from each congressional district as required.
586 The term of office of the members appointed after January 1, 2002,
587 shall be six (6) years.

588 (2) In case of a vacancy on said board by death or
589 resignation of a member or from any other cause than the
590 expiration of such member's term of office, the board shall elect
591 his successor who shall hold office until the end of the next



592 session of the Legislature. During such term of the session of
593 the Legislature the Governor shall appoint the successor member of
594 the board from the district from which his predecessor was
595 appointed to hold office until the end of the period or term for
596 which said original trustee was appointed, to the end that
597 one-third (1/3) of such trustees' terms shall expire each four (4)
598 years.

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

618 **PREPAID AFFORDABLE COLLEGE TUITION BOARD**

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

621 37-155-7. (1) The board of directors shall consist of
622 thirteen (13) members as follows:

623 (a) Nine (9) voting members as follows: the State
624 Treasurer; the Commissioner of Higher Education; the Executive



625 Director of the Community and Junior College Board; Department of
626 Finance and Administration Executive Director; and one (1) member
627 from each congressional district to be appointed by the Governor
628 with the advice and consent of the Senate. One (1) member shall
629 be appointed for an initial term of one (1) year; one (1) member
630 shall be appointed for an initial term of two (2) years; one (1)
631 member for an initial term of three (3) years; one (1) member for
632 an initial term of four (4) years; and one (1) member for an
633 initial term of five (5) years. On the expiration of any of the
634 terms of office, the Governor shall appoint successors by and with
635 the advice and consent of the Senate for terms of five (5) years
636 in each case. The gubernatorial appointments of the board as
637 constituted on January 1, 2002, whose terms have not expired shall
638 serve the balance of their terms, after which time the
639 gubernatorial appointments shall be made as follows: There shall
640 be appointed one (1) member of the board from each of the four (4)
641 Mississippi congressional districts as they exist on January 1,
642 2002, and one (1) from the state at large, and the Governor shall
643 make appointments from the congressional district having the
644 smallest number of board members until the membership includes at
645 least one (1) member from each congressional district as required.

646 (b) Two (2) nonvoting, advisory members of the board
647 shall be appointed by each of the following officers: the
648 Lieutenant Governor and the Speaker of the House of
649 Representatives. Successors to the appointed members shall serve
650 for the length of the term for each appointing official and shall
651 be eligible for reappointment, and shall serve until a successor
652 is appointed. Any person appointed to fill a vacancy on the board
653 shall be appointed in a like manner and shall serve for only the
654 unexpired term.

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



658 (3) Members of the board of directors shall serve without
659 compensation, but shall be reimbursed for each day's official
660 duties of the board at the same per diem as established by Section
661 25-36-69 and actual travel and lodging expenses as established by
662 Section 25-3-41.

663 (4) The board of directors shall annually elect one (1)
664 member to serve as chairman of the board and one (1) member to
665 serve as vice chairman. The vice chairman shall act as chairman
666 in the absence of or upon the disability of the chairman or in the
667 event of a vacancy of the office of chairman.

668 **MISSISSIPPI LIBRARY COMMISSION**

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

671 39-3-101. There is hereby created a board of commissioners
672 of the Mississippi Library Commission to be composed of five (5)
673 members appointed by the Governor with overlapping terms, the
674 members of the first board to be appointed one (1) for one (1)
675 year, one (1) for two (2) years, one (1) for three (3) years, one
676 (1) for four (4) years, one (1) for five (5) years, and their
677 successors each to be appointed for five-year terms, each member
678 to serve until his successor is appointed. Two (2) members shall
679 be appointed by the Governor from the state at large. Two (2)
680 members shall be appointed by the Governor from a list of not less
681 than six (6) names submitted by the Mississippi Library
682 Association, one (1) of whom shall be a librarian who is a
683 graduate of a library school accredited by the American Library
684 Association and actively engaged in full-time library work at the
685 time of the appointment and one (1) of whom shall be, at time of
686 the appointment, a member of a legally organized board of trustees
687 of a Mississippi free public library; and one (1) member shall be
688 the President of the Mississippi Federation of Women's Clubs, or a
689 member of said federation recommended by her; and which federation
690 member shall, when appointed, serve a full term as herein provided



691 for members to serve under a staggered term basis, and the
692 successor to the federation member shall be the president of the
693 federation then serving, or a member of the federation recommended
694 by her, when the term of the federation member shall expire; and
695 after the appointment of a federation member to the board, and
696 when her term as a member thereof shall expire, each succeeding
697 member of the federation who becomes a member of the board shall
698 serve a full term under the provisions of this article. The
699 members of the commission as constituted on January 1, 2002, whose
700 terms have not expired shall serve the balance of their terms,
701 after which time the membership of the board shall be appointed as
702 follows: There shall be appointed one (1) member of the
703 commission from each of the four (4) Mississippi congressional
704 districts as they exist on January 1, 2002, and the federation
705 member shall be considered an appointment from the state at large.
706 The Governor shall make appointments from the congressional
707 district having the smallest number of board members until the
708 membership includes one (1) member from each congressional
709 district as required, and the recommendations from the Mississippi
710 Library Association shall be made from the appropriate
711 congressional district. Vacancies created by resignation shall be
712 filled by appointment for the unexpired term.

713 **BOARD OF TRUSTEES OF MISSISSIPPI DEPARTMENT OF ARCHIVES & HISTORY**

714 **SECTION 12.** Section 39-5-3, Mississippi Code of 1972, is
715 amended as follows:

716 39-5-3. The Department of Archives and History shall be
717 under the control of a board of nine (9) trustees. The board
718 shall have the power and authority to fill all vacancies occurring
719 therein, whether by expiration of term of service or by death or
720 resignation, but the names of all newly elected members shall be
721 communicated to the next ensuing session of the State Senate for
722 confirmation * * *. The members of the board of trustees as
723 constituted on January 1, 2002, whose terms have not expired shall



724 serve the balance of their terms, after which time the membership
725 of the board of trustees shall be appointed as follows: The
726 Governor shall appoint two (2) members of the board of trustees
727 from each of the four (4) Mississippi congressional districts as
728 they exist on January 1, 2002, and one (1) from the state at
729 large, with the advice and consent of the Senate, with the
730 congressional districts to be designated at the time of
731 appointment, and the Governor shall make appointments from the
732 congressional district having the smallest number of board members
733 until the membership includes two (2) members from each
734 congressional district as required. All trustees chosen to
735 succeed the present members or their successors shall serve for a
736 term of six (6) years; provided, however, that trustees appointed
737 after January 1, 2002, shall serve for a term of four (4) years.
738 The board of trustees shall hold at the State Capitol at least one
739 (1) regular meeting during the year, and as many special meetings
740 as may be necessary, and at said meetings five (5) members shall
741 constitute a quorum. The Director of the Department of Archives
742 and History, hereinafter provided, shall be secretary of the
743 board. The trustees shall receive no compensation for their
744 services other than the amount of their necessary expenses
745 actually paid out while in attendance on the meetings of the board
746 or the business of the department. The board is empowered to
747 adopt rules for its own government and for the government of the
748 department, to elect and fix the compensation of a director not to
749 exceed the maximum set by the Legislature, and other officials or
750 employees, and to do and perform such other acts and things as may
751 be necessary to carry out the true intent and purposes of this
752 chapter.

753 **MISSISSIPPI COMMISSION ON THE ARTS**

754 **SECTION 13.** Section 39-11-1, Mississippi Code of 1972, is
755 amended as follows:



756 39-11-1. There is hereby created and established a state
757 commission to be known as the Mississippi Arts Commission, to
758 consist of fifteen (15) members broadly representative of all
759 fields of the performing, visual, literary arts and the business
760 community, and who are to be appointed by the Governor from among
761 citizens of the state who have demonstrated a vital interest in
762 the performing, visual or literary arts. These members shall also
763 be representative of the different geographical areas of the
764 state. The members of the commission as constituted on January 1,
765 2002, whose terms have not expired shall serve the balance of
766 their terms, after which time the membership of the board shall be
767 appointed as follows: No more than four (4) members of the
768 commission shall be appointed from each of the four (4)
769 Mississippi congressional districts as they exist on January 1,
770 2002, and the Governor shall make appointments from the
771 congressional district having the smallest number of commission
772 members until the membership includes at least three (3) members
773 from each district as required.

774 **STATE BOARD OF HEALTH**

775 **SECTION 14.** Section 41-3-1, Mississippi Code of 1972, is
776 amended as follows:

777 41-3-1. (1) The present members of the State Board of
778 Health shall continue to serve until July 1, 1980, whereupon the
779 board shall be reconstituted as follows:

780 There is hereby created the State Board of Health which shall
781 consist of thirteen (13) members, appointed by the Governor with
782 the advice and consent of the Senate, as hereinafter set forth:
783 two (2) of whom shall be from each congressional district as
784 constituted on January 1, 1980, and three (3) of whom shall be
785 from the state at large. The members so appointed shall either be
786 engaged professionally in rendering health services or shall be
787 consumers of health services who have no financial interest in any



788 provider thereof. All appointees shall be persons knowledgeable
789 in at least one (1) of the matters of jurisdiction of the board.

790 (2) The original appointments of the reconstituted board
791 shall be made no later than June 30, 1980, for terms to begin on
792 July 1, 1980. The Governor shall designate the initial terms of
793 the members of the board as follows: four (4) members shall be
794 appointed for a term which expires July 1, 1982; four (4) members
795 shall be appointed for a term which expires July 1, 1984; and five
796 (5) members shall be appointed for a term which expires July 1,
797 1986. Thereafter, all succeeding appointments shall be for terms
798 of six (6) years from the expiration of the previous term. The
799 members of the board as constituted on January 1, 2002, whose
800 terms have not expired shall serve the balance of their terms,
801 after which time the membership of the board shall be appointed as
802 follows: There shall be appointed three (3) members of the State
803 Board of Health from each of the four (4) Mississippi
804 congressional districts as they exist on January 1, 2002, and one
805 (1) from the state at large, and the Governor shall make
806 appointments from the congressional district having the smallest
807 number of board members until the membership includes three (3)
808 members from each district as required. Vacancies in office shall
809 be filled by appointment of the Governor in the same manner as the
810 appointment to the position which becomes vacant, subject to the
811 advice and consent of the Senate at the next regular session of
812 the Legislature. An appointment to fill a vacancy other than by
813 expiration of a term of office shall be for the balance of the
814 unexpired term.

815 **STATE BOARD OF MENTAL HEALTH**

816 **SECTION 15.** Section 41-4-3, Mississippi Code of 1972, is
817 amended as follows:

818 41-4-3. (1) There is hereby created a State Board of Mental
819 Health, herein referred to as "board," consisting of nine (9)
820 members, to be appointed by the Governor, with the advise and



821 consent of the Senate, each of whom shall be a qualified elector.
822 One (1) member shall be appointed from each congressional district
823 as presently constituted; and four (4) members shall be appointed
824 from the state at large, one (1) of whom shall be a licensed
825 medical doctor who is a psychiatrist, one (1) of whom shall hold a
826 Ph.D. degree and be a licensed clinical psychologist, one (1) of
827 whom shall be a licensed medical doctor, and one (1) of whom shall
828 be a social worker with experience in the mental health field.

829 * * *

830 Each member of the initial board shall serve for a term of
831 years represented by the number of his congressional district; two
832 (2) state-at-large members shall serve for a term of six (6)
833 years; two (2) state-at-large members shall serve for a term of
834 seven (7) years; subsequent appointments shall be for seven-year
835 terms and the Governor shall fill any vacancy for the unexpired
836 term. The members of the board as constituted on January 1, 2002,
837 whose terms have not expired shall serve the balance of their
838 terms, after which time the membership of the board shall be
839 appointed as follows: There shall be appointed two (2) members of
840 the board from each of the four (4) Mississippi congressional
841 districts as they exist on January 1, 2002, and one (1) from the
842 state at large, to be designated at the time of appointment, and
843 the Governor shall make appointments from the congressional
844 district having the smallest number of board members until the
845 membership includes two (2) members from each congressional
846 district as required.

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

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



853 (3) The board shall hold regular meetings monthly and such
854 special meetings deemed necessary, except that no action shall be
855 taken unless there is present a quorum of at least five (5)
856 members.

857 **MEDICAID MEDICAL CARE ADVISORY COMMITTEE**

858 **SECTION 16.** Section 43-13-107, Mississippi Code of 1972, is
859 amended as follows:

860 43-13-107. (1) The Division of Medicaid is created in the
861 Office of the Governor and established to administer this article
862 and perform such other duties as are prescribed by law.

863 (2) The Governor shall appoint a full-time director, with
864 the advice and consent of the Senate, who shall be either (a) a
865 physician with administrative experience in a medical care or
866 health program, or (b) a person holding a graduate degree in
867 medical care administration, public health, hospital
868 administration or the equivalent, or (c) a person holding a
869 bachelor's degree in business administration or hospital
870 administration, with at least ten (10) years' experience in
871 management-level administration of Medicaid programs, and who
872 shall serve at the will and pleasure of the Governor. The
873 director shall be the official secretary and legal custodian of
874 the records of the division; shall be the agent of the division
875 for the purpose of receiving all service of process, summons and
876 notices directed to the division; and shall perform such other
877 duties as the Governor shall, from time to time, prescribe. The
878 director, with the approval of the Governor and the rules and
879 regulations of the State Personnel Board, shall employ such
880 professional, administrative, stenographic, secretarial, clerical
881 and technical assistance as may be necessary to perform the duties
882 required in administering this article and fix the compensation
883 therefor, all in accordance with a state merit system meeting
884 federal requirements, except that when the salary of the director
885 is not set by law, such salary shall be set by the State Personnel



886 Board. No employees of the Division of Medicaid shall be
887 considered to be staff members of the immediate Office of the
888 Governor; however, the provisions of Section 25-9-107(c)(xv) shall
889 apply to the director and other administrative heads of the
890 division.

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

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

897 (i) The Governor shall appoint five (5) members,
898 one (1) from each congressional district as * * * constituted on
899 January 1, 2002, and one (1) from the state at large;

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

902 (iii) The Speaker of the House of Representatives
903 shall appoint three (3) members, one (1) from each Supreme Court
904 district.

905 All members appointed under this paragraph shall either be
906 health care providers or consumers of health care services. One
907 (1) member appointed by each of the appointing authorities shall
908 be a board certified physician.

909 (c) The respective chairmen of the House Public Health
910 and Welfare Committee, the House Appropriations Committee, the
911 Senate Public Health and Welfare Committee and the Senate
912 Appropriations Committee, or their designees, one (1) member of
913 the State Senate appointed by the Lieutenant Governor and one (1)
914 member of the House of Representatives appointed by the Speaker of
915 the House, shall serve as ex officio nonvoting members.

916 (d) In addition to the committee members required by
917 paragraph (b), the committee shall consist of such other members
918 as are necessary to meet the requirements of the federal



919 regulation applicable to the Medical Care Advisory Committee, who
920 shall be appointed as provided in the federal regulation.

921 (e) The chairmanship of the Medical Care Advisory
922 Committee shall alternate for twelve-month periods between the
923 chairmen of the House and Senate Public Health and Welfare
924 Committees, with the Chairman of the House Public Health and
925 Welfare Committee serving as the first chairman.

926 (f) The members of the committee specified in paragraph
927 (b) shall serve for terms that are concurrent with the terms of
928 members of the Legislature, and any member appointed under
929 paragraph (b) may be reappointed to the committee. The members of
930 the committee specified in paragraph (b) shall serve without
931 compensation, but shall receive reimbursement to defray actual
932 expenses incurred in the performance of committee business as
933 authorized by law. Legislators shall receive per diem and
934 expenses which may be paid from the contingent expense funds of
935 their respective houses in the same amounts as provided for
936 committee meetings when the Legislature is not in session.

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

940 (h) The Executive Director of the Division of Medicaid
941 shall submit to the committee all amendments, modifications and
942 changes to the state plan for the operation of the Medicaid
943 program, for review by the committee before the amendments,
944 modifications or changes may be implemented by the division.

945 (i) The committee, among its duties and
946 responsibilities, shall:

947 (i) Advise the division with respect to
948 amendments, modifications and changes to the state plan for the
949 operation of the Medicaid program;



950 (ii) Advise the division with respect to issues
951 concerning receipt and disbursement of funds and eligibility for
952 medical assistance;

953 (iii) Advise the division with respect to
954 determining the quantity, quality and extent of medical care
955 provided under this article;

956 (iv) Communicate the views of the medical care
957 professions to the division and communicate the views of the
958 division to the medical care professions;

959 (v) Gather information on reasons that medical
960 care providers do not participate in the Medicaid program and
961 changes that could be made in the program to encourage more
962 providers to participate in the Medicaid program, and advise the
963 division with respect to encouraging physicians and other medical
964 care providers to participate in the Medicaid program;

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

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

969 **SECTION 17.** Section 43-13-409, Mississippi Code of 1972, is
970 amended as follows:

971 43-13-409. (1) There is established a board of directors to
972 invest the funds in the Health Care Trust Fund and the Health Care
973 Expendable Fund. The board of directors shall consist of thirteen
974 (13) members as follows:

975 (a) Seven (7) voting members as follows: the State
976 Treasurer or his designee, the Attorney General or his designee,
977 and one (1) member from each congressional district to be
978 appointed by the Governor with the advice and consent of the
979 Senate. Of the members appointed by the Governor, one (1) member
980 shall be appointed for an initial term that expires on March 1,
981 2000; one (1) member shall be appointed for an initial term that
982 expires on March 1, 2001; one (1) member shall be appointed for an



983 initial term that expires on March 1, 2002; one (1) member shall
984 be appointed for an initial term that expires on March 1, 2003;
985 and one (1) member shall be appointed for an initial term that
986 expires on March 1, 2004. Upon the expiration of any of the
987 initial terms of office, the Governor shall appoint successors by
988 and with the advice and consent of the Senate for terms of five
989 (5) years from the expiration date of the previous term. Any
990 member appointed by the Governor shall be eligible for
991 reappointment. Each member appointed by the Governor shall
992 possess knowledge, skill and experience in business or financial
993 matters commensurate with the duties and responsibilities of the
994 board of directors in administering the Health Care Trust Fund and
995 the Health Care Expendable Fund. The members appointed by the
996 Governor as constituted on January 1, 2002, whose terms have not
997 expired shall serve the balance of their terms, after which time
998 the gubernatorial appointments shall be made as follows: There
999 shall be appointed one (1) member of the board from each of the
1000 four (4) Mississippi congressional districts as they exist on
1001 January 1, 2002, and one (1) from the state at large, and the
1002 Governor shall make appointments from the congressional district
1003 having the smallest number of board members until the membership
1004 includes one (1) member from each district as required.

1005 (b) Two (2) nonvoting, advisory members of the Senate
1006 shall be appointed by the Lieutenant Governor, and one (1)
1007 nonvoting, advisory representative of the health care community
1008 shall be appointed by the Lieutenant Governor, who shall serve for
1009 the length of the term of the appointing official and shall be
1010 eligible for reappointment.

1011 (c) Two (2) nonvoting, advisory members of the House of
1012 Representatives shall be appointed by the Speaker of the House,
1013 and one (1) nonvoting, advisory representative of the health care
1014 community shall be appointed by the Speaker of the House, who



1015 shall serve for the length of the term of the appointing official
1016 and shall be eligible for reappointment.

1017 (d) Any person appointed to fill a vacancy on the board
1018 of directors shall be appointed in the same manner as for a
1019 regular appointment and shall serve for the remainder of the
1020 unexpired term only.

1021 (2) Nonlegislative members of the board of directors shall
1022 serve without compensation, but shall be reimbursed for each day's
1023 official duties of the board at the same per diem as established
1024 by Section 25-3-69, and actual travel and lodging expenses as
1025 established by Section 25-3-41. Legislative members of the board
1026 of directors shall receive the same per diem and expense
1027 reimbursement as for attending committee meetings when the
1028 Legislature is not in regular session.

1029 (3) The State Treasurer shall be the chairman of the board
1030 of directors. The board of directors shall annually elect one (1)
1031 member to serve as vice chairman of the board. The vice chairman
1032 shall act as chairman in the absence of or upon the disability of
1033 the chairman or if there is a vacancy in the office of chairman.

1034 (4) All expenses of the board of directors in carrying out
1035 its duties and responsibilities under this article, including the
1036 payment of per diem and expenses of the nonlegislative members of
1037 the board, shall be paid from funds appropriated to the State
1038 Treasurer's office for that purpose.

1039 (5) The board of directors shall invest the funds in the
1040 Health Care Trust Fund and the Health Care Expendable Fund in any
1041 of the investments authorized for the Mississippi Prepaid
1042 Affordable College Tuition Program under Section 37-155-9, and
1043 those investments shall be subject to the limitations prescribed
1044 by Section 37-155-9.

1045 (6) In furtherance of the powers granted under subsection
1046 (5) of this section, the board of directors shall have such powers
1047 as necessary or convenient to carry out the purposes and



1048 provisions of this article, including, but not limited to, the
1049 following express powers:

1050 (a) To contract for necessary goods and services, to
1051 employ necessary personnel, and to engage the services of
1052 consultants for administrative and technical assistance in
1053 carrying out its duties and responsibilities in administering the
1054 Health Care Trust Fund and the Health Care Expendable Fund;

1055 (b) To administer the Health Care Trust Fund and the
1056 Health Care Expendable Fund in a manner that is sufficiently
1057 actuarially sound to meet the obligations of this article and to
1058 establish a comprehensive investment plan for the purposes of this
1059 article, which shall specify the investment policies to be
1060 utilized by the board of directors in administering the funds;

1061 (c) Subject to the terms, conditions, limitations and
1062 restrictions specified in Section 37-155-9, the board of directors
1063 shall have power to sell, assign, transfer and dispose of any of
1064 the securities and investments of the Health Care Trust Fund and
1065 the Health Care Expendable Fund, provided that any such sale,
1066 assignment or transfer has the majority approval of the entire
1067 board; and

1068 (d) To annually prepare or cause to be prepared a
1069 report setting forth in appropriate detail an accounting of the
1070 Health Care Trust Fund and the Health Care Expendable Fund and a
1071 description of the financial condition of the funds at the close
1072 of each fiscal year, including any recommendations for legislation
1073 regarding the investment authority of the board of directors over
1074 the funds. The report shall be submitted to the Governor and the
1075 Legislative Budget Office on or before September 1 of each fiscal
1076 year.

1077 **MISSISSIPPI COMMISSION FOR VOLUNTEER SERVICE**

1078 **SECTION 18.** Section 43-55-5, Mississippi Code of 1972, is
1079 amended as follows:



1080 43-55-5. (1) Members of the Commission for Volunteer
1081 Service shall be appointed by the Governor. The commission shall
1082 consist of no fewer than fifteen (15) and no more than twenty-five
1083 (25) members.

1084 (2) The commission members shall include as voting members,
1085 except as otherwise indicated, at least one (1) of each of the
1086 following:

1087 (a) An individual with expertise in the educational,
1088 training and developmental needs of youth, particularly
1089 disadvantaged youth.

1090 (b) An individual with experience in promoting service
1091 and volunteerism among older adults.

1092 (c) A representative of a community-based agency.

1093 (d) The superintendent of the State Department of
1094 Education, or his or her designee.

1095 (e) A representative of local government.

1096 (f) A representative of local labor organizations.

1097 (g) A representative of business.

1098 (h) An individual between the ages of sixteen (16) and
1099 twenty-five (25) who is a participant or supervisor in a program
1100 as defined in Section 101 of Title I, 42 USCS 12511.

1101 (i) A representative of a national service program
1102 described in Section 122(a) of Title I, 42 USCS 12572.

1103 (j) The employee of the corporation designated under
1104 Section 195 of Title I, 42 USCS 12651f, as the representative of
1105 the corporation in this state, as a nonvoting member.

1106 (3) In addition to the members described in subsection (2),
1107 the commission may include as voting members any of the following:

1108 (a) Local educators.

1109 (b) Experts in the delivery of human, educational,
1110 environmental or public safety services to communities and
1111 persons.

1112 (c) Representative of Native American tribes.



1113 (d) Out-of-school youth or other at-risk youth.
1114 (e) Representatives of entities that receive assistance
1115 under the Domestic Volunteer Service Act of 1973, Public Law
1116 93-113, 87 Stat. 394.

1117 (f) A member of the Board of Trustees of State
1118 Institutions of Higher Learning.

1119 (4) Not more than twenty-five percent (25%) of the voting
1120 commission members shall be officers or employees of this state.
1121 The Governor may appoint additional officers or employees of state
1122 agencies operating community service, youth service, education,
1123 social service, senior service and job training programs, as
1124 nonvoting, ex officio members of the commission.

1125 (5) The Governor shall ensure, to the maximum extent
1126 possible, that the commission membership is diverse with respect
1127 to race, ethnicity, age, gender and disability characteristics.

1128 (6) Except as provided in this subsection, members of the
1129 commission shall serve for staggered three-year terms expiring on
1130 October 1. The members constituting the Mississippi Commission
1131 for Volunteer Service under Executive Order No. 1994-742 on the
1132 day before the effective date of this chapter shall serve on the
1133 commission for the remainder of the terms for which they were
1134 appointed. Of the additional members, the Governor shall appoint
1135 one-third (1/3) of the initial members for a term of one (1) year;
1136 one-third (1/3) for a term of two (2) years; and one-third (1/3)
1137 for a term of three (3) years. Following expiration of these
1138 initial terms, all appointments shall be for three-year renewable
1139 terms. The members of the commission as constituted on January 1,
1140 2002, whose terms have not expired shall serve the balance of
1141 their terms, after which time the membership of the commission
1142 shall be appointed as follows: To the extent practicable, there
1143 shall be appointed one-fourth (1/4) of the membership of the
1144 commission from each of the four (4) Mississippi congressional
1145 districts as they exist on January 1, 2002, and the Governor shall



1146 make appointments from the congressional district having the
1147 smallest number of board members until one-fourth (1/4) of the
1148 membership is from each congressional district as required.

1149 Members of the commission may not serve more than two (2)
1150 consecutive terms.

1151 (7) A vacancy on the commission shall be filled in the same
1152 manner as the original appointments, and any member so appointed
1153 shall serve during the remainder of the term for which the vacancy
1154 occurred. The vacancy shall not affect the power of the remaining
1155 commission members to execute the duties of the commission.

1156 **PRISON INDUSTRY CORPORATION BOARD OF DIRECTORS**

1157 **SECTION 19.** Section 47-5-541, Mississippi Code of 1972, is
1158 amended as follows:

1159 47-5-541. (1) The corporation shall be governed by a board
1160 of directors. The board of directors of the nonprofit corporation
1161 shall be composed of the following eleven (11) members who shall
1162 be appointed by the Governor with the advice and consent of the
1163 Senate: one (1) representative of the manufacturing industry, one
1164 (1) representative of the agriculture industry, one (1)
1165 representative of the banking and finance industry, one (1)
1166 representative of the labor industry, one (1) representative from
1167 the marketing industry and six (6) members from the state at
1168 large. In addition, the State Commissioner of Corrections and the
1169 President of Mississippi Delta Community College shall be ex
1170 officio members of the board of directors with full voting
1171 privileges. In making initial appointments, three (3) members
1172 shall be appointed for a term of two (2) years; four (4) members
1173 shall be appointed for a term of three (3) years; and four (4)
1174 members shall be appointed for a term of four (4) years; to be
1175 designated by the Governor at the time of appointment; and all
1176 succeeding terms shall be for four (4) years from the expiration
1177 date of the previous term. Initial appointments shall be made
1178 within thirty (30) days after passage of Sections 47-5-531 through



1179 47-5-575. Any vacancy shall be filled by the Governor, with the
1180 advice and consent of the Senate. The members of the board as
1181 constituted on January 1, 2002, whose terms have not expired shall
1182 serve the balance of their terms, after which time the membership
1183 of the board of directors shall be appointed as follows: There
1184 shall be appointed two (2) members of the board from each of the
1185 four (4) Mississippi congressional districts as they exist on
1186 January 1, 2002, and three (3) from the state at large, and the
1187 Governor shall make appointments from the congressional district
1188 having the smallest number of board members until the membership
1189 includes at least two (2) members from each congressional district
1190 as required. The officers of the corporation shall consist of a
1191 chairman, vice chairman and a secretary-treasurer. The officers
1192 shall be selected by the members of the board. However, the
1193 Commissioner of Corrections and the President of Mississippi Delta
1194 Community College shall not be eligible to serve as an officer of
1195 the corporation. The superintendent for the Parchman facility of
1196 the Department of Corrections shall attend all meetings of the
1197 board of directors. In addition, the superintendents of the
1198 Rankin County and Greene County facilities of the Department of
1199 Corrections shall attend any meeting of the board of directors
1200 wherein the business relates to their respective facilities.

1201 (2) The board of directors shall select and employ a chief
1202 executive officer of the corporation who shall serve at the
1203 pleasure of the board. The board shall set the compensation of
1204 the chief executive officer. The chief executive officer shall be
1205 responsible for the general business and entire operations of the
1206 corporation, and shall be responsible for operating the
1207 corporation in compliance with the bylaws of the corporation and
1208 in compliance with any provision of law. The board shall be
1209 authorized and empowered to do only those acts provided by law and
1210 by the bylaws of the corporation. Except as otherwise
1211 specifically provided by law, such board shall have the authority



1212 to establish prison industries, to cease the operation of any
1213 industry which it deems unsuitable or unprofitable, to enter into
1214 any lease or contract for the corporation and it shall have the
1215 full authority to establish prices for any industry good.

1216 (3) No member of the board of directors shall vote on any
1217 matter that comes before the board that could result in pecuniary
1218 benefit for himself or for any entity in which such member has an
1219 interest.

1220 (4) In addition to the board of directors, an advisory board
1221 may be set up for the benefit of each industry which is
1222 established pursuant to the provisions of Sections 47-5-531
1223 through 47-5-575. Such boards shall be advisory only, and may be
1224 set up in the discretion of the board of directors of the
1225 corporation.

1226 (5) Each member of the board of directors of the corporation
1227 shall receive per diem as provided in Section 25-3-69 for each day
1228 or fraction thereof spent in actual discharge of his official
1229 duties and shall be reimbursed for mileage and actual expenses
1230 incurred in the performance of his official duties in accordance
1231 with the requirements of Section 25-3-41, Mississippi Code of
1232 1972.

1233 (6) The board of directors shall make and publish policies,
1234 rules and regulations governing all business functions, including,
1235 but not limited to, accounting, marketing, purchasing and
1236 personnel, not inconsistent with the terms of Sections 47-5-531
1237 through 47-5-575, as may be necessary for the efficient
1238 administration and operation of the corporation.

1239 (7) The chief executive officer of the corporation shall:

1240 (a) Employ all necessary employees of the corporation
1241 and dismiss them as is necessary;

1242 (b) Administer the daily operations of the corporation;

1243 (c) Upon approval of the board of directors, execute
1244 any contracts on behalf of the corporation; and



1245 (d) Take any further actions which are necessary and
1246 proper toward the achievement of the corporation purposes.

1247 (8) A member of the board of directors of the corporation
1248 shall not be liable for any civil damages for any personal injury
1249 or property damage caused to a person as a result of any acts or
1250 omissions committed in good faith in the exercise of their duties
1251 as members of the board of directors of the corporation, except
1252 where a member of the board engages in acts or omissions which are
1253 intentional, willful, wanton, reckless or grossly negligent.

1254 **STATE PAROLE BOARD**

1255 **SECTION 20.** Section 47-7-5, Mississippi Code of 1972, is
1256 amended as follows:

1257 47-7-5. (1) The State Parole Board, created under former
1258 Section 47-7-5, is hereby created, continued and reconstituted and
1259 shall be composed of five (5) members. The Governor shall appoint
1260 the members with the advice and consent of the Senate. All terms
1261 shall be at the will and pleasure of the Governor. The members of
1262 the State Parole Board as constituted on January 1, 2002, whose
1263 terms have not expired shall serve the balance of their terms,
1264 after which time the membership of the board shall be appointed as
1265 follows: There shall be appointed one (1) member of the board
1266 from each of the four (4) Mississippi congressional districts as
1267 they exist on January 1, 2002, and one (1) member from the state
1268 at large, and the Governor shall make appointments from the
1269 congressional district having the smallest number of board members
1270 until the membership includes one (1) member from each
1271 congressional district as required. Any vacancy shall be filled
1272 by the Governor, with the advice and consent of the Senate. The
1273 Governor shall appoint a chairman of the board.

1274 (2) Any person who is appointed to serve on the board shall
1275 possess at least a bachelor's degree or a high school diploma and
1276 four (4) years' work experience. Each member shall devote his
1277 full time to the duties of his office and shall not engage in any



1278 other business or profession or hold any other public office. A
1279 member shall not receive compensation or per diem in addition to
1280 his salary as prohibited under Section 25-3-38. Each member shall
1281 keep such hours and workdays as required of full-time state
1282 employees under Section 25-1-98. Individuals shall be appointed
1283 to serve on the board without reference to their political
1284 affiliations. Each board member, including the chairman, may be
1285 reimbursed for actual and necessary expenses as authorized by
1286 Section 25-3-41; but a member shall not be reimbursed for travel
1287 expenses from his residence to the nearest state penitentiary.

1288 (3) The board shall have exclusive responsibility for the
1289 granting of parole as provided by Sections 47-7-3 and 47-7-17 and
1290 shall have exclusive authority for revocation of the same. The
1291 board shall have exclusive responsibility for investigating
1292 clemency recommendations upon request of the Governor.

1293 (4) The board, its members and staff, shall be immune from
1294 civil liability for any official acts taken in good faith and in
1295 exercise of the board's legitimate governmental authority.

1296 (5) The budget of the board shall be funded through a
1297 separate line item within the general appropriation bill for the
1298 support and maintenance of the department. Employees of the
1299 department which are employed by or assigned to the board shall
1300 work under the guidance and supervision of the board. There shall
1301 be an executive secretary to the board who shall be responsible
1302 for all administrative and general accounting duties related to
1303 the board. The executive secretary shall keep and preserve all
1304 records and papers pertaining to the board.

1305 (6) The board shall have no authority or responsibility for
1306 supervision of offenders granted a release for any reason,
1307 including, but not limited to, probation, parole or executive
1308 clemency or other offenders requiring the same through interstate
1309 compact agreements. The supervision shall be provided exclusively



1310 by the staff of the Division of Community Services of the
1311 department.

1312 (7) The State Parole Board, immediately after the effective
1313 date of this act, shall review all cases where an offender was
1314 denied parole and any eligibility for reconsideration for parole
1315 for at least one (1) year after denial.

1316 (8) The State Parole Board shall review and investigate all
1317 cases where offenders have been diagnosed with a serious illness.
1318 If the Medical Director of the Department of Corrections certifies
1319 to the State Parole Board that an offender is suffering from a
1320 terminal illness, the State Parole Board shall parole the offender
1321 with the approval and consent of the Commissioner of the
1322 Department of Corrections and the medical director.

1323 (9) This section shall stand repealed on July 1, 2002.

1324 **COMMISSION ON ENVIRONMENTAL QUALITY**

1325 **SECTION 21.** Section 49-2-5, Mississippi Code of 1972, is
1326 amended as follows:

1327 49-2-5. (1) There is hereby created the Mississippi
1328 Commission on Environmental Quality, to be composed of seven (7)
1329 persons appointed by the Governor, with the advice and consent of
1330 the Senate, for a term of seven (7) years. One (1) person shall
1331 be appointed from each congressional district as constituted
1332 January 1, 1978, and two (2) members shall be appointed from the
1333 state at large. The initial terms of the members from
1334 congressional districts shall be for one (1), two (2), three (3),
1335 four (4) and five (5) years respectively, and the initial terms of
1336 the members from the state at large shall be one (1) for six (6)
1337 years and one (1) for seven (7) years. Thereafter, all terms
1338 shall be for seven (7) years. The members serving on the
1339 predecessor Commission on Natural Resources on June 30, 1989,
1340 shall continue to serve as members of the successor Commission on
1341 Environmental Quality until the expiration of the term of their
1342 appointment to the predecessor commission. The members of the



1343 commission as constituted on January 1, 2002, whose terms have not
1344 expired shall serve the balance of their terms, after which time
1345 the membership of the commission shall be appointed as follows:
1346 There shall be appointed one (1) member of the commission from
1347 each of the four (4) Mississippi congressional districts as they
1348 exist on January 1, 2002, and three (3) from the state at large,
1349 and the Governor shall make appointments from the congressional
1350 district having the smallest number of commission members until
1351 the membership includes one (1) member from each district as
1352 required.

1353 (2) The commission shall elect from its membership a
1354 chairman who shall preside over meetings and a vice chairman who
1355 shall preside in the absence of the chairman or when the chairman
1356 shall be excused.

1357 (3) The commission shall adopt rules and regulations
1358 governing times and places for meetings, and governing the manner
1359 of conducting its business. Each member of the commission shall
1360 take the oath prescribed by Section 268 of the Constitution and
1361 shall enter into bond in the amount of Thirty Thousand Dollars
1362 (\$30,000.00) to be approved by the Secretary of State, conditioned
1363 according to law and payable to the State of Mississippi before
1364 assuming the duties of office. Any member who shall not attend
1365 three (3) consecutive regular meetings of the commission shall be
1366 subject to removal by a majority vote of the commission members.

1367 (4) The members of the commission shall receive no annual
1368 salary, but shall receive per diem compensation as authorized by
1369 law for each day devoted to the discharge of official duties, and
1370 shall be entitled to reimbursement for all actual and necessary
1371 expenses incurred in the discharge of their duties, including
1372 mileage as authorized by law.

1373 The commission shall be composed of persons with extensive
1374 knowledge of or practical experience in at least one (1) of the
1375 matters of jurisdiction of the commission.



1376 (5) The commission is authorized and empowered to use and
1377 expend any funds received by it from any source for the purposes
1378 of this chapter. Such funds shall be expended in accordance with
1379 the statutes governing the expenditure of state funds.

1380 **COMMISSION ON WILDLIFE, FISHERIES & PARKS**

1381 **SECTION 22.** Section 49-4-4, Mississippi Code of 1972, is
1382 amended as follows:

1383 49-4-4. (1) There is hereby created the Mississippi
1384 Commission on Wildlife, Fisheries and Parks, to be composed of
1385 five (5) persons appointed by the Governor, with the advice and
1386 consent of the Senate, for a term of five (5) years. One (1)
1387 person shall be appointed from each congressional district. The
1388 initial terms of the members shall be one (1), two (2), three (3),
1389 four (4) and five (5) years, respectively. Thereafter, all terms
1390 shall be for five (5) years. An appointment to fill a vacancy
1391 which arises for reasons other than by expiration of a term of
1392 office shall be made from the respective congressional district
1393 for the unexpired term only. The members of the commission as
1394 constituted on January 1, 2002, whose terms have not expired shall
1395 serve the balance of their terms, after which time the membership
1396 of the commission shall be appointed as follows: There shall be
1397 appointed one (1) member of the commission from each of the four
1398 (4) Mississippi congressional districts as they exist on January
1399 1, 2002, and one (1) from the state at large, and the Governor
1400 shall make appointments from the congressional district having the
1401 smallest number of commission members until the membership
1402 includes at least one (1) member from each congressional district
1403 as required.

1404 (2) The commission shall elect from its membership a
1405 chairman who shall preside over meetings and a vice chairman who
1406 shall preside in the absence of the chairman or when the chairman
1407 shall be excused.



1408 (3) The commission shall adopt rules and regulations
1409 governing times and places for meetings and governing the manner
1410 of conducting its business. Each member of the commission shall
1411 take the oath prescribed by Section 268 of the Constitution, and
1412 shall enter into bond in the amount of Thirty Thousand Dollars
1413 (\$30,000.00) to be approved by the Secretary of State, conditioned
1414 according to law, and payable to the State of Mississippi before
1415 assuming the duties of office. Any member who shall not attend
1416 three (3) consecutive regular meetings of the commission shall be
1417 subject to removal by a majority vote of the commission members.

1418 (4) The members of the commission shall receive no annual
1419 salary but shall receive per diem compensation as authorized by
1420 law for each day devoted to the discharge of official duties and
1421 shall be entitled to reimbursement for all actual and necessary
1422 expenses incurred in the discharge of their duties, including
1423 mileage as authorized by law.

1424 The commission shall be composed of persons with a
1425 demonstrated history of involvement in at least one (1) of the
1426 matters of jurisdiction of the commission and whose employment and
1427 activities are not in conflict. All of the commissioners shall be
1428 an active outdoorsman holding a resident hunting or fishing
1429 license in at least five (5) of the ten (10) years preceding
1430 appointment. A member shall not have a record of conviction of
1431 violation of fish or game laws and regulations within five (5)
1432 years preceding appointment or a record of any felony conviction.

1433 (5) The commission shall have the power to adopt, amend and
1434 repeal such regulations and rules as may be necessary for the
1435 operation of the department.

1436 (6) The commission shall have the power and authority to
1437 issue all licenses and permits under the jurisdiction of the
1438 department.

1439 (7) In the furtherance of its duties and responsibilities,
1440 the commission may conduct hearings, gather testimony and perform



1441 other functions required to carry out its powers and duties as
1442 prescribed by statute.

1443 (8) The commission shall have all power for conserving,
1444 managing and developing wildlife and fishery resources except for
1445 saltwater aquatic life and marine resources under the jurisdiction
1446 of the Mississippi Commission on Marine Resources.

1447 **FORESTRY COMMISSION**

1448 **SECTION 23.** Section 49-19-1, Mississippi Code of 1972, is
1449 amended as follows:

1450 49-19-1. (1) There shall be a State Forestry Commission
1451 composed of nine (9) members, who shall be qualified electors of
1452 the state. The Dean of the School of Forest Resources at
1453 Mississippi State University shall be an ex officio member of the
1454 commission, with full voting authority. The Governor shall
1455 appoint eight (8) members, with the advice and consent of the
1456 Senate, for a term of six (6) years. The Governor shall appoint
1457 one (1) member from each congressional district as constituted at
1458 the time the appointments are made and shall appoint the remainder
1459 of the members from the state at large. The members of the
1460 commission as constituted on January 1, 2002, whose terms have not
1461 expired shall serve the balance of their terms, after which time
1462 the membership of the commission shall be appointed as follows:
1463 There shall be appointed two (2) members of the commission from
1464 each of the four (4) Mississippi congressional districts as they
1465 exist on January 1, 2002, and the Governor shall make appointments
1466 from the congressional district having the smallest number of
1467 board members until the membership includes two (2) members from
1468 each district as required. A member * * * must be a certified
1469 tree farmer who owns eighty (80) or more acres of forest land or a
1470 person who derives a major portion of his personal income from
1471 forest-related business, industry or other related
1472 activities. * * *



1473 (2) The members of the commission shall receive no annual
1474 salary but each member of the commission shall receive a per diem
1475 plus expenses and mileage as authorized by law for each day
1476 devoted to the discharge of official duties. No member of the
1477 commission shall receive total per diem in excess of twenty-four
1478 (24) days' compensation per annum.

1479 (3) If a vacancy occurs in the office of an appointed member
1480 of the commission, the vacancy shall be filled by appointment for
1481 the balance of the unexpired term.

1482 (4) The commission shall elect from its membership a
1483 chairman, who shall preside over meetings, and a vice chairman,
1484 who shall preside in the absence of the chairman or when the
1485 chairman is excused.

1486 (5) The commission shall adopt rules and regulations
1487 governing times and places for meetings, and governing the manner
1488 of conducting its business. Each member of the commission shall
1489 take the oath prescribed by Section 268 of the Constitution and
1490 shall enter into bond in the amount of Thirty Thousand Dollars
1491 (\$30,000.00) to be approved by the Secretary of State, conditioned
1492 according to law and payable to the State of Mississippi before
1493 assuming the duties of office.

1494 (6) Any appointment made to the commission contrary to this
1495 section shall be void, and it is unlawful for the State Fiscal
1496 Officer to pay any per diem or authorize the expenses of the
1497 appointee.

1498 **MISSISSIPPI BUSINESS FINANCE CORPORATION**

1499 **SECTION 24.** Section 57-10-167, Mississippi Code of 1972, is
1500 amended as follows:

1501 57-10-167. There is hereby established the Certified
1502 Development Company of Mississippi, Inc., a public corporation,
1503 which shall be an incorporated certified development company
1504 pursuant to Section 503 of the Small Business Investment Act of
1505 1958, as amended.



1506 The Certified Development Company of Mississippi, Inc.,
1507 hereinafter referred to as the "committee" unless the context
1508 clearly indicates otherwise, shall be composed of twenty-five (25)
1509 members as follows:

1510 (a) The State Treasurer; the Executive Director of the
1511 University Research Center or his designee; the Executive Director
1512 of the Mississippi Development Authority; the Executive Director
1513 of the Small Business Development Center; six (6) persons
1514 associated with small business to be appointed by the Governor,
1515 one (1) for a term of one (1) year, one (1) for a term of two (2)
1516 years, one (1) for a term of three (3) years, one (1) for a term
1517 of four (4) years, one (1) for a term of five (5) years and one
1518 (1) for a term of six (6) years; three (3) persons associated with
1519 small business to be appointed by the Lieutenant Governor, one (1)
1520 for a term of one (1) year, one (1) for a term of two (2) years
1521 and one (1) for a term of three (3) years; five (5) persons
1522 involved in banking or small business to be appointed by the
1523 Governor, one (1) for a term of one (1) year, one (1) for a term
1524 of two (2) years, one (1) for a term of three (3) years, one (1)
1525 for a term of four (4) years and one (1) for a term of five (5)
1526 years; and two (2) persons involved in banking or small business
1527 to be appointed by the Lieutenant Governor, one (1) for a term of
1528 one (1) year and one (1) for a term of two (2) years. The members
1529 described above and serving on the committee on June 30, 1984,
1530 shall continue to serve on the committee until the expiration of
1531 their terms.

1532 (b) For terms to begin on July 1, 1984, the Governor
1533 shall appoint one (1) person associated with small business for a
1534 term of six (6) years; the Secretary of State shall appoint one
1535 (1) person associated with small business for a term of one (1)
1536 year; the Attorney General shall appoint one (1) person involved
1537 in banking or small business for a term of six (6) years; and the
1538 State Treasurer shall appoint two (2) persons, one (1) for a term



1539 of one (1) year and one (1) for a term of two (2) years, and after
1540 the expiration of the term of the person appointed hereinabove by
1541 the Attorney General, that vacancy shall be filled thereafter by a
1542 person involved in banking or small business appointed by the
1543 State Treasurer for a term of six (6) years.

1544 The members of the committee as constituted on January 1,
1545 2002, who are appointed by the Governor and whose terms have not
1546 expired shall serve the balance of their terms, after which time
1547 these members shall be appointed as follows: The Governor shall
1548 appoint three (3) members of the board from each of the four (4)
1549 Mississippi congressional districts as they exist on January 1,
1550 2002, and the Governor shall make appointments from the
1551 congressional district having the smallest number of members until
1552 the membership includes three (3) members from each district as
1553 required.

1554 All appointments after the initial appointment shall be for
1555 terms of six (6) years each. All such appointments will be
1556 subject to the approval of the Senate. An appointment to fill a
1557 vacancy existing for any reason other than the expiration of a
1558 term shall be for the balance of the unexpired term. Members
1559 serving by reason of their ex officio designation shall continue
1560 to serve as long as they occupy the position which entitles them
1561 to membership.

1562 Members who are officers or employees of the state shall
1563 receive no compensation for their services, and other committee
1564 members shall receive a per diem as provided in Section 25-3-69,
1565 Mississippi Code of 1972. All members shall receive reimbursement
1566 for actual traveling and subsistence expenses incurred in the
1567 performance of their duties under this article, such reimbursement
1568 to be as provided in Section 25-3-41, Mississippi Code of 1972.

1569 The Certified Development Company of Mississippi, Inc., shall
1570 have an executive director who shall be appointed by the board of
1571 directors.



1572 The Certified Development Company of Mississippi, Inc., shall
1573 elect from among its membership a nine-member board of directors,
1574 a majority of whom shall be a quorum, a president and vice
1575 president and may appoint a secretary and a treasurer.

1576 From and after July 1, 1989, the Certified Development
1577 Company of Mississippi, Inc., shall be known as the Mississippi
1578 Business Finance Corporation, and wherever the term "Certified
1579 Development Company of Mississippi, Inc.," appears in the laws of
1580 this state it shall mean the Mississippi Business Finance
1581 Corporation.

1582 MOTOR VEHICLE COMMISSION

1583 **SECTION 25.** Section 63-17-57, Mississippi Code of 1972, is
1584 amended as follows:

1585 63-17-57. There is hereby created the Mississippi Motor
1586 Vehicle Commission to be composed of eight (8) members, one (1) of
1587 whom shall be appointed by the Attorney General from the state at
1588 large for a term of four (4) years and one (1) of whom shall be
1589 appointed by the Secretary of State from the state at large for a
1590 term of four (4) years, and six (6) licensees who shall be
1591 appointed by the Governor, one (1) from the state at large and one
1592 (1) from each of the five (5) congressional districts of this
1593 state for terms of the following duration: the term of the member
1594 from the state at large shall expire at the time the incumbent
1595 Governor's term expires, the term of the member appointed from the
1596 First Congressional District shall expire on June 30, 1973, the
1597 term of the member appointed from the Second Congressional
1598 District shall expire on June 30, 1974, the term of the member
1599 appointed from the Third Congressional District shall expire on
1600 June 30, 1976, the term of the member from the Fourth
1601 Congressional District shall expire on June 30, 1977, and the term
1602 of the member appointed from the Fifth Congressional District
1603 shall expire on June 30, 1978. Each member shall serve until his
1604 successor is appointed and qualified. At the expiration of the



1605 term of the member initially appointed by the Attorney General
1606 each successor member shall be appointed for a term of four (4)
1607 years by the incumbent Attorney General, and at the expiration of
1608 the term of the member appointed by the Secretary of State each
1609 successor member shall be appointed for a term of four (4) years
1610 by the incumbent secretary. At the expiration of a term for which
1611 each of the initial appointments of the Governor is made, each
1612 successor member shall be appointed for a term of seven (7) years
1613 except that the term of the member appointed from the state at
1614 large shall be coterminous with that of the Governor making the
1615 appointment. The members of the commission appointed by the
1616 Governor as constituted on January 1, 2002, whose terms have not
1617 expired shall serve the balance of their terms, after which time
1618 the gubernatorial appointments shall be made as follows: The
1619 Governor shall appoint one (1) member of the commission from each
1620 of the four (4) Mississippi congressional districts as they exist
1621 on January 1, 2002, and two (2) from the state at large, and the
1622 Governor shall make appointments from the congressional district
1623 having the smallest number of commission members until the
1624 membership includes one (1) from each congressional district as
1625 required.

1626 One of the members appointed from the state at large by the
1627 Governor shall be designated by him to serve as chairman of the
1628 commission and one (1) of the other members appointed by the
1629 Governor shall be designated by him to serve as vice chairman. In
1630 the absence of the chairman at any meeting of the commission the
1631 vice chairman shall preside and perform the duties of the
1632 chairman.

1633 In the event of a vacancy created by the death, resignation
1634 or removal of any member of the commission the vacancy shall be
1635 filled by appointment of the Governor, Attorney General or the
1636 Secretary of State, as the case may be, for the unexpired portion



1637 of the term. All appointments hereunder shall be made with the
1638 advice and consent of the Senate.

1639 **EGG MARKETING BOARD**

1640 **SECTION 26.** Section 69-7-253, Mississippi Code of 1972, is
1641 amended as follows:

1642 69-7-253. There is hereby continued the Mississippi Egg
1643 Marketing Board with domicile at the capital city of the state.
1644 The board shall be composed of five (5) members: one (1) member
1645 shall be the Commissioner of Agriculture and Commerce as ex
1646 officio member. One (1) member shall be an egg producer as
1647 defined in this article. Three (3) members shall be employed by
1648 or associated with egg industry related businesses, or disciplines
1649 which include poultry support, marketing, promotion, home
1650 economist, extension poultry science agencies and the Mississippi
1651 Department of Agriculture and Commerce. No more than one (1)
1652 industry-related business or discipline member shall be employed
1653 by, associated with or have a financial interest in the same
1654 company or subsidiary.

1655 The Governor shall appoint the members, with the advice and
1656 consent of the Senate. The Governor shall appoint a member from a
1657 list of not more than three (3) producers and not less than three
1658 (3) individuals representing egg industry related businesses or
1659 disciplines, provided by the board based upon a poll of its
1660 members. The members of the board as constituted on January 1,
1661 2002, whose terms have not expired shall serve the balance of
1662 their terms, after which time the membership of the board shall be
1663 appointed as follows: There shall be appointed one (1) member of
1664 the board from each of the four (4) Mississippi congressional
1665 districts as they exist on January 1, 2002, and the Governor shall
1666 make appointments from the congressional district having the
1667 smallest number of board members until the membership includes one
1668 (1) member from each congressional district as required; and the
1669 board shall provide the Governor with its recommendations from the



1670 appropriate congressional district. The terms shall be for six
1671 (6) years. Each member shall serve, after the completion of his
1672 term, until his successor is appointed and duly qualified. Each
1673 vacancy shall be filled by appointment for the unexpired term.

1674 The terms of office of persons appointed under the original
1675 act shall continue until the expiration of the terms to which they
1676 were appointed, the intent of this article being to continue the
1677 Mississippi Egg Marketing Board.

1678 **SOYBEAN PROMOTION BOARD**

1679 **SECTION 27.** Section 69-9-3, Mississippi Code of 1972, is
1680 amended as follows:

1681 69-9-3. (1) The Mississippi Soybean Promotion Board is
1682 hereby created, to be composed of twelve (12) members to be
1683 appointed by the Governor to serve terms of three (3) years, as
1684 hereinafter provided. All of the twelve (12) members of the board
1685 shall be producers of soybeans in the State of Mississippi.
1686 Within ten (10) days following the effective date of this chapter,
1687 each of the following organizations, namely, Mississippi Farm
1688 Bureau Federation, Inc., Mississippi Feed and Grain Association,
1689 Mississippi Soybean Association and Delta Council shall submit the
1690 names of six (6) soybean producers to the Governor, and he shall
1691 appoint three (3) members from the nominees of each organization
1692 to serve on the board on rotating three-year terms. The original
1693 board shall be appointed with members of each of the aforementioned
1694 organizations appointed as follows: one (1) for one (1) year, one
1695 (1) for two (2) years, and one (1) for three (3) years. Each year
1696 thereafter, not less than thirty (30) days prior to the expiration
1697 of the terms of expiring board members, the aforementioned
1698 organizations shall submit the names of three (3) nominees to the
1699 Governor and succeeding boards shall be appointed by the Governor
1700 in the same manner, giving equal representation to each
1701 organization. The members of the board as constituted on January
1702 1, 2002, whose terms have not expired shall serve the balance of



1703 their terms, after which time the membership of the board shall be
1704 appointed as follows: There shall be appointed three (3) members
1705 of the board from each of the four (4) Mississippi congressional
1706 districts as they exist on January 1, 2002, and the Governor shall
1707 make appointments from the congressional district having the
1708 smallest number of board members until the membership includes
1709 three (3) members from each congressional district as required;
1710 and the proper association shall submit nominations to the
1711 Governor from the appropriate congressional district as required.
1712 Vacancies which occur shall be filled in the same manner as the
1713 original appointments were made.

1714 (2) The members of the board shall meet and organize
1715 immediately after their appointment, and shall elect a chairman,
1716 vice chairman and secretary-treasurer from the membership of the
1717 board, whose duties shall be those customarily exercised by such
1718 officers or specifically designated by the board. The chairman,
1719 vice chairman and secretary-treasurer shall be bonded in an amount
1720 not less than Twenty Thousand Dollars (\$20,000.00). The cost of
1721 said bonds shall be paid from the funds received under the
1722 provisions of this chapter. Such bond shall be a security for any
1723 illegal act of such member of the board and recovery thereon may
1724 be had by the state for any injury by such illegal act of such
1725 member. The board may establish rules and regulations for its own
1726 government and the administration of the affairs of the board.

1727 **BOARD OF ANIMAL HEALTH**

1728 **SECTION 28.** Section 69-15-2, Mississippi Code of 1972, is
1729 amended as follows:

1730 69-15-2. (1) The Mississippi Board of Animal Health is to
1731 be composed of the Commissioner of Agriculture and Commerce, the
1732 Dean of the College of Veterinary Medicine and the heads of the
1733 Animal and Dairy Science and Poultry Science Departments at
1734 Mississippi State University of Agriculture and Applied Science
1735 and one (1) person appointed by the President of Alcorn State



1736 University from its land grant staff as five (5) ex officio
1737 members with full voting rights, and eleven (11) other members of
1738 the board to be appointed by the Governor as hereinafter provided.
1739 The board shall select annually a chairman and vice chairman from
1740 any members of the board.

1741 (2) The Governor, with the advice and consent of the Senate,
1742 shall appoint eleven (11) other members from the following groups
1743 or associations from a written list of three (3) recommendations
1744 from such groups or associations:

1745 One (1) licensed and practicing veterinarian who holds a
1746 doctor of veterinary medicine degree, from a written list of three
1747 (3) recommendations submitted by the Mississippi State Veterinary
1748 Medical Association;

1749 One (1) general farmer from a written list of three (3)
1750 recommendations submitted by the Mississippi Farm Bureau
1751 Federation;

1752 One (1) poultry breeder and producer from a written list of
1753 three (3) recommendations submitted by the Mississippi Poultry
1754 Improvement Association;

1755 One (1) sheep breeder and producer from a written list of
1756 three (3) recommendations submitted by the Mississippi Sheep
1757 Producers' Association;

1758 One (1) beef cattle breeder and producer from a written list
1759 of three (3) recommendations submitted by the Mississippi
1760 Cattlemen's Association;

1761 One (1) swine breeder and producer from a written list of
1762 three (3) recommendations submitted by the Mississippi Pork
1763 Producers' Association;

1764 One (1) dairy breeder and producer from a written list of
1765 three (3) recommendations submitted by the American Dairy
1766 Association of Mississippi;



1767 One (1) horse breeder and producer from a written list of
1768 three (3) recommendations submitted by the Mississippi Horse
1769 Council;

1770 One (1) catfish breeder and producer from a written list of
1771 three (3) recommendations submitted by the Mississippi Catfish
1772 Association;

1773 One (1) member of the Mississippi Independent Meat Packers'
1774 Association from a written list of three (3) recommendations
1775 submitted by the Mississippi Independent Meat Packers'
1776 Association;

1777 One (1) member of the Mississippi Livestock Auction
1778 Association from a written list of three (3) recommendations
1779 submitted by the Mississippi Livestock Auction Association.

1780 All members shall take and subscribe to the general oath of
1781 office as provided in Section 268, Mississippi Constitution of
1782 1890, and file the same with the Commissioner of Agriculture and
1783 Commerce.

1784 (3) Effective August 1, 1968, the dairy producer member
1785 shall be appointed for a one-year term; the Livestock Auction
1786 Association member shall be appointed for a two-year term; * * *
1787 the meat packer member shall be appointed for a three-year term;
1788 the catfish producer member shall be appointed for a four-year
1789 term; and the horse producer member shall be appointed for a
1790 five-year term.

1791 Effective August 1, 1969, the poultry producer member shall
1792 be appointed for a two-year term; on August 1, 1970, the sheep
1793 producer member shall be appointed for a three-year term; on
1794 August 1, 1971, the swine producing member shall be appointed for
1795 a four-year term; on August 1, 1972, the general farmer member
1796 shall be appointed for a five-year term; on August 1, 1973, the
1797 veterinarian member shall be appointed for a six-year term; and on
1798 August 1, 1974, the beef cattle producer member shall be appointed
1799 for a seven-year term.



1800 The members of the board as constituted on January 1, 2002,
1801 who are appointed by the Governor and whose terms have not expired
1802 shall serve the balance of their terms, after which time the
1803 membership of the board shall be appointed as follows: Not more
1804 than three (3) members of the board shall be appointed from any of
1805 the four (4) Mississippi congressional districts as they exist on
1806 January 1, 2002, and the Governor shall make appointments from the
1807 congressional district having the smallest number of board members
1808 until the membership includes not less than two (2) members from
1809 each district as required. All subsequent appointments shall be
1810 for four-year terms, except for appointments to fill vacancies
1811 which shall be for the unexpired term only.

1812 (4) (a) "Commissioner" means the Commissioner of
1813 Agriculture and Commerce.

1814 (b) "Department" means the Department of Agriculture
1815 and Commerce.

1816 (5) On or before July 1, 1998, the board shall appoint, from
1817 a written list of not less than three (3) licensed veterinarians
1818 submitted by the commissioner, the State Veterinarian.

1819 (6) There is created an advisory council to advise the Board
1820 of Animal Health on matters concerning the board. The council
1821 shall be composed of the Chairman of the Senate Agriculture
1822 Committee, the Chairman of the House Agriculture Committee, and
1823 one (1) appointee of the Lieutenant Governor and one (1) appointee
1824 of the Speaker of the House of Representatives. The members of
1825 the advisory council shall serve in an advisory capacity only.
1826 For attending meetings of the council, such legislators shall
1827 receive per diem and expenses which shall be paid from the
1828 contingent expense funds of their respective houses in the same
1829 amounts provided for committee meetings when the Legislature is
1830 not in session; however, no per diem or expenses for attending
1831 meetings of the council shall be paid while the Legislature is in
1832 session. No per diem and expenses shall be paid except for



1833 attending meetings of the council without prior approval of the
1834 proper committee in their respective houses.

1835 **BOARD OF AGRICULTURAL AVIATION**

1836 **SECTION 29.** Section 69-21-107, Mississippi Code of 1972, is
1837 amended as follows:

1838 69-21-107. There is hereby created a State Board of
1839 Agricultural Aviation composed of five (5) members as follows:
1840 one (1) member being the chief of the Bureau of Plant Industry
1841 within the Regulatory Office of the Mississippi Department of
1842 Agriculture and Commerce; four (4) licensed pilots to be appointed
1843 by the Governor from a list of eight (8) agricultural aerial
1844 applicators submitted to the Governor by the Mississippi Aerial
1845 Applicators Association, commonly known as the Mississippi
1846 Agricultural Aviation Association. The term of office of one (1)
1847 board member shall be one (1) year; the term of office of the
1848 second board member shall be two (2) years; the term of office of
1849 the third board member shall be three (3) years; and the term of
1850 office of the fourth board member shall be four (4) years. The
1851 members of the board who are licensed pilots as constituted on
1852 January 1, 2002, whose terms have not expired shall serve the
1853 balance of their terms, after which time the licensed pilot
1854 membership shall be appointed as follows: There shall be
1855 appointed one (1) member from each of the four (4) Mississippi
1856 congressional districts as they exist on January 1, 2002, and the
1857 Governor shall make appointments from the congressional district
1858 having the smallest number of board members until the membership
1859 includes one (1) member from each district as required. After the
1860 initial appointment, succeeding board members shall serve a
1861 staggered four-year term of office. Each board member shall serve
1862 until his successor is appointed. The chief of the Bureau of
1863 Plant Industry, Mississippi Department of Agriculture and
1864 Commerce, shall continue to serve each term by virtue of his
1865 office.



1866 The membership of the board shall elect a chairman at their
1867 organizational meeting who shall be one of the four (4) aerial
1868 applicators who serve on the board.

1869 Vacancies on the said board shall be filled as herein stated
1870 by appointment of the Governor.

1871 A quorum necessary to conduct business shall be a majority of
1872 the five (5) board members. Any member who shall not attend two
1873 (2) consecutive meetings of the board shall be subject to removal
1874 by the Governor. The chairman of the board shall notify the
1875 Governor in writing when any such member has failed to attend two
1876 (2) consecutive regular meetings.

1877 Each member of the Agricultural Aviation Board shall receive
1878 a per diem as is authorized by law and actual expenses as provided
1879 by law incidental to attending meetings of said board, and other
1880 authorized business as provided by board authorization as spread
1881 on the board minutes. Said board shall not be paid for more than
1882 fifteen (15) meetings in any one (1) calendar year.

1883 **STATE BOARD OF ARCHITECTURE**

1884 **SECTION 30.** Section 73-1-5, Mississippi Code of 1972, is
1885 amended as follows:

1886 73-1-5. The State Board of Architecture is composed of five
1887 (5) members who are licensed architects residing in this state and
1888 who have been engaged in the practice of architecture not less
1889 than seven (7) years. It is the duty of the board to carry out
1890 the purposes of this chapter as herein provided.

1891 The Governor shall appoint the members of the board, and each
1892 member shall serve for a term of five (5) years. The terms shall
1893 be staggered so that the term of not more than one (1) member
1894 shall expire each year on June 1. The members of the board as
1895 constituted on January 1, 2002, whose terms have not expired shall
1896 serve the balance of their terms, after which time the membership
1897 of the board shall be appointed as follows: There shall be
1898 appointed one (1) member of the board from each of the four (4)



1899 Mississippi congressional districts as they exist on January 1,
1900 2002, and one (1) from the state at large, and the Governor shall
1901 make appointments from the congressional district having the
1902 smallest number of board members until the membership includes one
1903 (1) member from each district as required.

1904 Each member shall hold over after the expiration of his term
1905 until his successor is duly appointed and qualified. The Governor
1906 shall fill any vacancy occurring in the membership of the board
1907 for the unexpired term of such membership. The Governor may
1908 remove any of the members of said board for inefficiency, neglect
1909 of duty or dishonorable conduct.

1910 **MISSISSIPPI AUCTIONEER COMMISSION**

1911 **SECTION 31.** Section 73-4-7, Mississippi Code of 1972, is
1912 amended as follows:

1913 73-4-7. (1) The Mississippi Auctioneer Commission is
1914 created, and it shall have the authority to make such rules and
1915 regulations as are reasonable and necessary for the orderly
1916 regulation of the auctioneering profession and the protection of
1917 the public, which rules and regulations are not inconsistent with
1918 the Mississippi Constitution of 1890 and state laws. The
1919 commission shall have the following powers:

1920 (a) The power to set reasonable license fees, to
1921 collect and hold such fees and to disburse such fees in any manner
1922 not inconsistent with this chapter.

1923 (b) The power to make such rules and regulations as
1924 will promote the orderly functioning of the auction profession and
1925 ensure the protection of the public.

1926 (c) The power to hire and retain such staff and support
1927 personnel as are necessary to conduct business and assure
1928 compliance with this chapter.

1929 (d) The power to conduct investigations, hold hearings,
1930 subpoena witnesses, make findings of fact and otherwise enforce
1931 the disciplinary provisions contained in this chapter.



1932 (2) The Mississippi Auctioneer Commission shall consist of
1933 five (5) members, one (1) from each congressional district, who
1934 shall be appointed by the Governor. All appointees shall possess
1935 the following minimum qualifications:

1936 (a) An appointee shall be a citizen of Mississippi.

1937 (b) An appointee shall have been engaged as an
1938 auctioneer for a period of not less than five (5) years
1939 immediately preceding his appointment.

1940 (c) An appointee shall be of good reputation,
1941 trustworthy and knowledgeable in the auction profession.

1942 An individual may not act as a member of the commission while
1943 holding another elected or appointed office in either the state or
1944 federal government or while owning a school or other facility to
1945 train individuals to be auctioneers.

1946 (3) In order to assure continuity, the Governor shall
1947 appoint the initial members of the commission for the following
1948 terms:

1949 (a) The member appointed from the First Congressional
1950 District shall serve a term of one (1) year;

1951 (b) The member appointed from the Second Congressional
1952 District shall serve a term of two (2) years;

1953 (c) The member appointed from the Third Congressional
1954 District shall serve a term of three (3) years;

1955 (d) The member appointed from the Fourth Congressional
1956 District shall serve a term of four (4) years; and

1957 (e) The member appointed from the Fifth Congressional
1958 District shall serve a term of five (5) years.

1959 The members of the commission as constituted on January 1,
1960 2002, whose terms have not expired shall serve the balance of
1961 their terms, after which time the membership of the commission
1962 shall be appointed as follows: There shall be appointed one (1)
1963 member of the commission from each of the four (4) Mississippi
1964 congressional districts as they exist on January 1, 2002, and one



1965 (1) from the state at large, and the Governor shall make
1966 appointments from the congressional district having the smallest
1967 number of commission members until the membership includes one (1)
1968 member from each district as required.

1969 Subsequent terms shall be for five (5) years, except for
1970 interim appointments to fill unexpired terms which shall be only
1971 for the unexpired term.

1972 (4) Each member of the commission shall receive a per diem
1973 as provided by Section 25-3-69 per meeting and shall be reimbursed
1974 for ordinary and necessary expenses incurred in the performance of
1975 official duties as provided in Section 25-3-41.

1976 **BOARD OF BARBER EXAMINERS**

1977 **SECTION 32.** Section 73-5-1, Mississippi Code of 1972, is
1978 amended as follows:

1979 73-5-1. The State Board of Barber Examiners is hereby
1980 continued and reconstituted as follows: The Board of Barber
1981 Examiners shall consist of five (5) members, to be appointed by
1982 the Governor, with the advice and consent of the Senate, one (1)
1983 member to be appointed from each of the congressional districts as
1984 existing on January 1, 1991. Each member shall be a practical
1985 barber and a qualified elector of this state. He shall have been
1986 engaged in the practice of barbering in the State of Mississippi
1987 for at least five (5) years immediately prior to the time of his
1988 appointment and shall be a person of good moral character. From
1989 and after July 1, 1983, the appointments to the board shall be
1990 made in the manner hereinafter provided, and the present members
1991 of the State Board of Barber Examiners whose terms have not
1992 expired by July 1, 1983, shall continue to serve until their
1993 successors shall have been appointed and qualified. The Governor
1994 shall appoint, with the advice and consent of the Senate, five (5)
1995 members from the congressional districts as follows: The member
1996 from the First Congressional District shall be appointed for a
1997 term of two (2) years to commence on July 1, 1983; the member from



1998 the Second Congressional District shall be appointed for a term of
1999 four (4) years to commence on July 1, 1984; the member from the
2000 Third Congressional District shall be appointed for a term of two
2001 (2) years to commence on July 1, 1983; the member from the Fourth
2002 Congressional District shall be appointed for a term of four (4)
2003 years to commence on July 1, 1984; and the member from the Fifth
2004 Congressional District shall be appointed for a term of one (1)
2005 year to commence on July 1, 1983. The members of the board as
2006 constituted on January 1, 2002, whose terms have not expired shall
2007 serve the balance of their terms, after which time the membership
2008 of the board shall be appointed as follows: There shall be
2009 appointed one (1) member of the board from each of the four (4)
2010 Mississippi congressional districts as they exist on January 1,
2011 2002, and one (1) from the state at large, and the Governor shall
2012 make appointments from the congressional district having the
2013 smallest number of board members until the membership includes one
2014 (1) member from each district as required.

2015 * * * All members of the board shall be appointed by the
2016 Governor, with the advice and consent of the Senate, for terms of
2017 four (4) years each from the expiration date of the previous term,
2018 until their successors shall have been appointed and qualified.
2019 No member of the board shall hold any elected office.

2020 Appointments made to fill a vacancy of a term shall be made by the
2021 Governor within sixty (60) days after the vacancy occurs.

2022 The Governor may remove any one or more members of said board
2023 for just cause. Members appointed to fill vacancies caused by
2024 death, resignation or removal of any member or members shall serve
2025 only for the unexpired term of their predecessors. Any member who
2026 shall not attend two (2) consecutive meetings of the board for
2027 reasons other than illness of such member shall be subject to
2028 removal by the Governor. The president of the board shall notify
2029 the Governor in writing when any such member has failed to attend
2030 two (2) consecutive regular meetings.



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STATE BOARD OF CHIROPRACTIC EXAMINERS

SECTION 33. Section 73-6-3, Mississippi Code of 1972, is amended as follows:

73-6-3. There is hereby created a State Board of Chiropractic Examiners. This board shall consist of six (6) members; one (1) of whom shall be the executive officer of the State Board of Health or his designee, and one (1) from each congressional district as presently constituted, to be appointed by the Governor with the advice and consent of the Senate. Each member except the executive officer of the State Board of Health shall be a qualified elector of the State of Mississippi having been continuously engaged in the practice of chiropractic in Mississippi for at least five (5) years prior to appointment. No member shall be a stockholder in or member of the faculty or board of trustees of any school of chiropractic. Each member appointed to the board shall serve for five (5) years and until his successor is appointed and qualified; except the terms of the initial members appointed by the Governor shall expire one (1) each for five (5) years or until their successors are appointed and qualified. The members of the board as constituted on January 1, 2002, whose terms have not expired shall serve the balance of their terms, after which time the membership of the board shall be appointed as follows: There shall be appointed one (1) member of the board from each of the four (4) Mississippi congressional districts as they exist on January 1, 2002, and one (1) from the state at large, and the Governor shall make appointments from the congressional district having the smallest number of board members until the membership includes one (1) member from each district as required. Vacancies on the board, except for the executive officer of the State Board of Health or his designee, shall be filled by appointment of the Governor only for unexpired terms. Any member who shall not attend two (2) consecutive meetings of the board shall be subject to removal by the Governor. The

2064 chairman of the board shall notify the Governor in writing when
2065 any such member has failed to attend two (2) consecutive regular
2066 meetings.

2067 **MISSISSIPPI BOARD OF NURSING**

2068 **SECTION 34.** Section 73-15-9, Mississippi Code of 1972, is
2069 amended as follows:

2070 73-15-9. (1) There is hereby created a board to be known as
2071 the Mississippi Board of Nursing, composed of thirteen (13)
2072 members, two (2) of whom shall be nurse educators; three (3) of
2073 whom shall be registered nurses in clinical practice, two (2) to
2074 have as basic nursing preparation an associate degree or diploma
2075 and one (1) to have as basic nursing preparation a baccalaureate
2076 degree; one (1) of whom shall be a registered nurse at large; one
2077 (1) of whom shall be a registered nurse practitioner; four (4) of
2078 whom shall be licensed practical nurses; one (1) of whom shall be
2079 a licensed physician who shall always be a member of the State
2080 Board of Medical Licensure; and one (1) of whom shall represent
2081 consumers of health services. There shall be at least one (1)
2082 board member from each congressional district in the state;
2083 provided, however, that the physician member, the consumer
2084 representative member and one (1) registered nurse member shall be
2085 at large always. The members of the board as constituted on
2086 January 1, 2002, whose terms have not expired shall serve the
2087 balance of their terms, after which time the membership of the
2088 board shall be appointed as follows: There shall be appointed not
2089 less than two (2) members and not more than three (3) members of
2090 the board from each of the four (4) Mississippi congressional
2091 districts as they exist on January 1, 2002, and the Governor shall
2092 make appointments from the congressional district having the
2093 smallest number of board members until the membership includes at
2094 least two (2) members from each congressional district as
2095 required, and the nominating organization and/or association shall



2096 make nominations to the Governor from the appropriate
2097 congressional district.

2098 (2) Members of the Mississippi Board of Nursing, excepting
2099 the member of the State Board of Medical Licensure, shall be
2100 appointed by the Governor, with the advice and consent of the
2101 Senate, from lists of nominees submitted by any Mississippi
2102 registered nurse organization and/or association chartered by the
2103 State of Mississippi whose board of directors is elected by the
2104 membership and whose membership includes registered nurses
2105 statewide, for the nomination of registered nurses, and by the
2106 Mississippi Federation of Licensed Practical Nurses and the
2107 Mississippi Licensed Practical Nurses' Association for the
2108 nomination of a licensed practical nurse. Nominations submitted
2109 by any such registered nurse organization or association to fill
2110 vacancies on the board shall be made and voted on by registered
2111 nurses only. Each list of nominees shall contain a minimum of
2112 three (3) names for each vacancy to be filled. The list of names
2113 shall be submitted at least thirty (30) days before the expiration
2114 of the term for each position. If such list is not submitted, the
2115 Governor is authorized to make an appointment from the group
2116 affected and without nominations. Appointments made to fill
2117 vacancies for unexpired terms shall be for the duration of such
2118 terms and until a successor is duly appointed.

2119 (3) Members of the board shall be appointed in staggered
2120 terms for four (4) years or until a successor shall be duly
2121 qualified. No member may serve more than two (2) consecutive full
2122 terms. Members of the board serving on July 1, 1988, shall
2123 continue to serve for their appointed terms.

2124 (4) Vacancies occurring by reason of resignation, death or
2125 otherwise shall be filled by appointment of the Governor upon
2126 nominations from a list of nominees from the affected group to be
2127 submitted within not more than thirty (30) days after such a
2128 vacancy occurs. In the absence of such list, the Governor is



2129 authorized to fill such vacancy in accordance with the provisions
2130 for making full-term appointments. All vacancy appointments shall
2131 be for the unexpired terms.

2132 (5) Any member may be removed from the board by the Governor
2133 after a hearing by the board and provided such removal is
2134 recommended by the executive committee of the affected group.

2135 **STATE BOARD OF OPTOMETRY**

2136 **SECTION 35.** Section 73-19-7, Mississippi Code of 1972, is
2137 amended as follows:

2138 73-19-7. The Governor, with the advice and consent of the
2139 Senate, shall appoint a State Board of Optometry, consisting of
2140 five (5) persons, citizens of Mississippi, each of whom shall be a
2141 nonmedical man or woman actually engaged in the practice of
2142 optometry for five (5) years next preceding his appointment.
2143 Within ninety (90) days after March 25, 1974, the Governor shall
2144 appoint: one (1) member for a term of one (1) year, one (1)
2145 member for a term of two (2) years, one (1) member for a term of
2146 three (3) years, one (1) member for a term of four (4) years, and
2147 one (1) member for a term of five (5) years; and upon the
2148 expiration of all such terms their successors shall be appointed
2149 by the Governor for a term of five (5) years. From and after July
2150 1, 1983, the appointments to the board shall be made with one (1)
2151 member to be appointed from each of the congressional districts as
2152 existing on January 1, 1980; provided that the present members of
2153 the State Board of Optometry whose terms have not expired by July
2154 1, 1983, shall continue to serve until their terms of office have
2155 expired. Each member shall remain in office after the expiration
2156 of his term until his successor shall be duly appointed and
2157 qualified. The members of the board as constituted on January 1,
2158 2002, whose terms have not expired shall serve the balance of
2159 their terms, after which time the membership of the board shall be
2160 appointed as follows: There shall be appointed one (1) member of
2161 the board from each of the four (4) Mississippi congressional



2162 districts as they exist on January 1, 2002, and one (1) from the
2163 state at large, and the Governor shall make appointments from the
2164 congressional district having the smallest number of board members
2165 until the membership includes one (1) member from each
2166 congressional district as required; and the Mississippi Optometric
2167 Association shall make nominations to the Governor from the
2168 appropriate congressional district.

2169 No person so appointed shall be a stockholder in or a member
2170 of the faculty or of the board of trustees of any school of
2171 optometry, or serve to exceed two (2) five-year terms.

2172 Vacancies on said board shall be filled by appointment by the
2173 Governor, with the advice and consent of the Senate, from a list
2174 of names submitted by the Mississippi Optometric Association
2175 consisting of three (3) of its members, or by appointment of any
2176 qualified member of the association.

2177 **STATE BOARD OF PHARMACY**

2178 **SECTION 36.** Section 73-21-75, Mississippi Code of 1972, is
2179 amended as follows:

2180 73-21-75. (1) The State Board of Pharmacy created by former
2181 Section 73-21-9 is hereby continued and reconstituted as follows:
2182 The board shall consist of seven (7) appointed members. At least
2183 one (1) appointment shall be made from each congressional
2184 district. Each appointed member of the board shall be appointed
2185 by the Governor, with the advice and consent of the Senate, from a
2186 list of five (5) names submitted by the Mississippi State
2187 Pharmaceutical Association/Mississippi Pharmacists Association.
2188 Of the members appointed, one (1) shall, at the time of
2189 appointment, have had five (5) years' experience as a pharmacist
2190 at a facility holding an institutional permit, and one (1) shall,
2191 at the time of appointment, have had five (5) years' experience as
2192 a pharmacist at a facility holding a retail permit. Any person
2193 appointed to the board shall be limited to two (2) full terms of



2194 office during any fifteen-year period, including any member
2195 serving on May 14, 1992.

2196 (2) The members of the board appointed and serving prior to
2197 July 1, 1983, whose terms have not expired by July 1, 1983, shall
2198 serve the balance of their terms as members of the reconstituted
2199 board, and they shall be considered to be from the same
2200 congressional districts from which they were originally appointed
2201 if they still reside therein, even if the district boundaries have
2202 changed subsequent to their original appointments. The Governor
2203 shall appoint the remaining members of the reconstituted board in
2204 the manner prescribed in subsection (1) of this section on July 1,
2205 1983. The initial members of the reconstituted board shall serve
2206 terms of office as follows:

2207 (a) The term of the member from the First Congressional
2208 District shall expire on July 1, 1984; and from and after July 1,
2209 1996, this appointment shall be designated as Post 1.

2210 (b) The term of the member from the Second
2211 Congressional District shall expire on July 1, 1988; and from and
2212 after July 1, 1996, this appointment shall be designated as Post
2213 2.

2214 (c) The term of the member from the Third Congressional
2215 District shall expire on July 1, 1986; and from and after July 1,
2216 1996, this appointment shall be designated as Post 3.

2217 (d) The term of the member from the Fourth
2218 Congressional District shall expire on July 1, 1985; and from and
2219 after July 1, 1996, this appointment shall be designated as Post
2220 4.

2221 (e) The term of the member from the Fifth Congressional
2222 District shall expire on July 1, 1987; and from and after July 1,
2223 1996, this appointment shall be designated as Post 5.

2224 (f) The term of one (1) of the members from the state
2225 at large shall expire on July 1, 1985; and from and after July 1,
2226 1996, this appointment shall be designated as Post 6.



2227 (g) The term of the other member from the state at
2228 large shall expire on July 1, 1988; and from and after July 1,
2229 1996, this appointment shall be designated as Post 7.

2230 The members of the board as constituted on January 1, 2002,
2231 whose terms have not expired shall serve the balance of their
2232 terms, after which time the membership of the board shall be
2233 appointed as follows: There shall be appointed one (1) member of
2234 the board from each of the four (4) Mississippi congressional
2235 districts as they exist on January 1, 2002, and three (3) members
2236 from the state at large, and the Governor shall make appointments
2237 from the congressional district having the smallest number of
2238 board members until the membership includes at least one (1)
2239 member from each congressional district as required; and the
2240 Mississippi Pharmaceutical Association/Mississippi Pharmacists
2241 Association shall make nominations to the Governor from the
2242 appropriate congressional district as required.

2243 (3) At the expiration of a term, members of the board shall
2244 be appointed in the manner prescribed in subsection (1) of this
2245 section for terms of five (5) years from the expiration date of
2246 the previous terms. Any vacancy on the board prior to the
2247 expiration of a term for any reason, including resignation,
2248 removal, disqualification, death or disability, shall be filled by
2249 appointment of the Governor in the manner prescribed in subsection
2250 (1) of this section for the balance of the unexpired term. The
2251 Mississippi State Pharmaceutical Association/Mississippi
2252 Pharmacists Association shall submit a list of nominees no more
2253 than thirty (30) days after a vacancy occurs, and the Governor
2254 shall fill such vacancies within ninety (90) days after each such
2255 vacancy occurs.

2256 (4) To be qualified to be a member of the board, a person
2257 shall:

2258 (a) Be an adult citizen of Mississippi for a period of
2259 at least five (5) years preceding his appointment to the board;



2260 (b) Be a pharmacist licensed and in good standing to
2261 practice pharmacy in the State of Mississippi;

2262 (c) Have at least five (5) years' experience as a
2263 pharmacist; and

2264 (d) Be actively engaged full time in the practice of
2265 pharmacy in Mississippi.

2266 (5) The Governor may remove any or all members of the board
2267 on proof of unprofessional conduct, continued absence from the
2268 state, or for failure to perform the duties of his office. Any
2269 member who shall not attend two (2) consecutive meetings of the
2270 board for any reason other than illness of such member shall be
2271 subject to removal by the Governor. The president of the board
2272 shall notify the Governor in writing when any such member has
2273 failed to attend two (2) consecutive regular meetings. No removal
2274 shall be made without first giving the accused an opportunity to
2275 be heard in refutation of the charges made against him, and he
2276 shall be entitled to receive a copy of the charges at the time of
2277 filing.

2278 **STATE BOARD OF LICENSED PROFESSIONAL COUNSELORS**

2279 **SECTION 37.** Section 73-30-5, Mississippi Code of 1972, is
2280 amended as follows:

2281 73-30-5. (1) There is hereby established the Mississippi
2282 State Board of Examiners for Licensed Professional Counselors
2283 which shall consist of five (5) members, one (1) member from each
2284 of the five (5) congressional districts of Mississippi, who shall
2285 be appointed by the Governor with the advice and consent of the
2286 Senate. A list shall be provided to the Governor by the
2287 Mississippi Counseling Association from which the Governor may
2288 choose board members. At least two (2) names shall be included
2289 from each congressional district. The members of the board as
2290 constituted on January 1, 2002, whose terms have not expired shall
2291 serve the balance of their terms, after which time the membership
2292 of the board shall be appointed as follows: There shall be



2293 appointed one (1) member of the board from each of the four (4)
2294 Mississippi congressional districts as they exist on January 1,
2295 2002, and one (1) member from the state at large; and the list of
2296 recommendations provided to the Governor by the Mississippi
2297 Counseling Association shall include at least two (2) names from
2298 the congressional district having the smallest number of board
2299 members until the membership includes one (1) member from each
2300 district as required. Such appointments shall be made initially
2301 within sixty (60) days of the submission of the list of qualified
2302 counselors by the Mississippi Counseling Association. Thereafter,
2303 all vacancies occurring on the board shall be filled by the
2304 Governor within sixty (60) days after the vacancy occurs. The
2305 Mississippi Counseling Association shall provide a list of
2306 suggested board members for each vacancy.

2307 (2) The board shall consist of five (5) licensed counselors,
2308 three (3) of whom are primarily engaged as licensed counselors in
2309 private or institutional practice and two (2) who are primarily
2310 engaged in teaching, training or research in counseling at the
2311 corporate or university level. All members shall be qualified
2312 electors of the State of Mississippi.

2313 (3) The initial appointments to the board shall be for
2314 staggered terms, to be designated by the Governor at the time of
2315 appointment as follows: two (2) members to serve for three (3)
2316 years, two (2) members to serve for two (2) years, and one (1)
2317 member to serve for one (1) year. Thereafter, all terms shall be
2318 for three (3) years. No board member shall succeed himself
2319 without waiting a period of three (3) years after having served
2320 one (1) full three-year term.

2321 (4) There shall be appointed to the board no more than one
2322 (1) person who is employed by, or receives compensation from, any
2323 one institution, organization or partnership at the time of
2324 appointment.



2325 (5) Board members shall be reimbursed for necessary and
2326 ordinary expenses and mileage incurred while performing their
2327 duties as members of the board, at the rate authorized for public
2328 employees, from fees collected for license applications and
2329 renewals.

2330 **MISSISSIPPI BOARD OF PSYCHOLOGY**

2331 **SECTION 38.** Section 73-31-5, Mississippi Code of 1972, is
2332 amended as follows:

2333 73-31-5. (1) There is hereby created a Mississippi Board of
2334 Psychology consisting of seven (7) members who are citizens of the
2335 United States and residing in the State of Mississippi. One (1)
2336 member of the board shall be a person who is not a psychologist or
2337 a mental health professional but who has expressed a continuing
2338 interest in the field of psychology. Each board member shall
2339 otherwise be licensed under this chapter. At all times the board
2340 shall be composed of three (3) members who are faculty at
2341 institutions of higher learning that grant doctoral degrees, or
2342 staff or faculty of an American Psychological Association approved
2343 doctoral level internship. Three (3) members of the board shall
2344 be engaged in the professional practice of psychology. The
2345 membership of the board shall reflect a diversity of practice
2346 specialties.

2347 (2) When the term of each psychologist member ends the
2348 Governor shall, within thirty (30) days, appoint as his successor,
2349 for a term of five (5) years, a psychologist who holds a doctoral
2350 degree from an institution of higher education and who has been
2351 licensed under this chapter. When the term of the member who is
2352 not a psychologist ends, the Governor shall, within thirty (30)
2353 days, appoint a qualified person as his successor for a term of
2354 five (5) years. No board member shall serve for consecutive
2355 terms. Any vacancy occurring in the board membership other than
2356 by expiration of term shall be filled by the Governor by
2357 appointment for the unexpired term of such member. All



2358 appointments of psychologist members of the board shall be made
2359 from a list containing the names of at least three (3) eligible
2360 nominees for each vacancy submitted by the Mississippi
2361 Psychological Association. Each board member shall receive a
2362 certificate of appointment from the Governor before entering on
2363 the discharge of his duties, and within thirty (30) days from the
2364 effective date of his appointment shall subscribe an oath for the
2365 faithful performance of his official duty before any officer
2366 authorized to administer oaths in this state, and shall file the
2367 same with the Secretary of State. To enable the board to have
2368 regular, planned changes in membership the following one-time
2369 changes in length of terms of board members is enacted:

2370 (a) One (1) of the two (2) practice members appointed
2371 in 1998 will serve a three-year term.

2372 (b) The practice member appointed in 2002 will serve a
2373 three-year term.

2374 (c) One (1) of the two (2) academic members appointed
2375 in 2002 will serve a four-year term.

2376 The members of the board as constituted on January 1, 2002,
2377 whose terms have not expired shall serve the balance of their
2378 terms, after which time the membership of the board shall be
2379 appointed as follows: There shall be appointed one (1) member of
2380 the board from each of the four (4) Mississippi congressional
2381 districts as they exist on January 1, 2002, and three (3) from the
2382 state at large, and the Governor shall make appointments from the
2383 congressional district having the smallest number of board members
2384 until the membership includes at least one (1) member from each
2385 congressional district as required; and the association shall
2386 nominate members to the Governor from the appropriate
2387 congressional district as required.

2388 (3) The Governor may remove any board member for misconduct,
2389 incompetency or neglect of duty after giving the board member a



2390 written statement of the charges and an opportunity to be heard
2391 thereon.

2392 (4) Each board member shall serve without compensation, but
2393 shall receive actual traveling and incidental expenses necessarily
2394 incurred while engaged in the discharge of official duties.

2395 This section shall stand repealed from and after July 1,
2396 2011.

2397 **STATE BOARD OF PUBLIC ACCOUNTANCY**

2398 **SECTION 39.** Section 73-33-3, Mississippi Code of 1972, is
2399 amended as follows:

2400 73-33-3. (1) There shall be a board of public accountancy,
2401 consisting of seven (7) members, who are qualified electors of
2402 this state; their duties, powers and qualifications are herein
2403 prescribed by this chapter. The members of the Mississippi State
2404 Board of Public Accountancy shall be appointed from holders of
2405 certificates issued under and by virtue of this chapter.

2406 (2) The present members of the Mississippi State Board of
2407 Public Accountancy shall continue to serve until January 1, 1984.
2408 After January 1, 1984, the appointments to the board shall be as
2409 hereinafter provided.

2410 The Governor shall appoint five (5) members from the
2411 congressional districts as they are presently constituted, as
2412 follows: The initial member from the First Congressional District
2413 shall be appointed for a term of one (1) year; the initial member
2414 from the Second Congressional District shall be for a term of two
2415 (2) years; the initial member from the Third Congressional
2416 District shall be appointed for a term of three (3) years; the
2417 initial member from the Fourth Congressional District shall be
2418 appointed for a term of four (4) years; the initial member from
2419 the Fifth Congressional District shall be appointed for a term of
2420 five (5) years. The members of the board as constituted on
2421 January 1, 2002, who are appointed from congressional districts
2422 and whose terms have not expired shall serve the balance of their



2423 terms, after which time the membership of the board shall be
2424 appointed as follows: There shall be appointed one (1) member of
2425 the board from each of the four (4) Mississippi congressional
2426 districts as they exist on January 1, 2002, and the Governor shall
2427 make appointments from the congressional district having the
2428 smallest number of board members until the membership includes one
2429 (1) member from each district as required. In addition, the
2430 Governor shall appoint three (3) members from the state at large,
2431 each of whom shall serve for an initial term of four (4) years.
2432 Subsequent terms for all members shall be for five (5) years.

2433 All terms shall begin on January 1 of the appropriate year.

2434 No member of the board shall hold any elected office.

2435 Appointments made to fill a vacancy of a term shall be made by the
2436 appointing officer within sixty (60) days after the vacancy
2437 occurs. Any person appointed to fill an unexpired term shall hold
2438 office only for and during the unexpired term of the member he
2439 succeeds.

2440 (3) Each member of the board shall take the oath prescribed
2441 by Section 268 of the Mississippi Constitution. The board shall
2442 elect from among its membership, to serve one-year terms, a
2443 chairman who shall preside over meetings and a vice chairman who
2444 shall preside in the absence of the chairman or when the chairman
2445 shall be excused. A majority of the membership of the board shall
2446 constitute a quorum for the transaction of any business. Any
2447 board member who shall not attend three (3) consecutive regular
2448 meetings of the board for reasons other than illness of said
2449 member shall be subject to removal by a majority vote of the board
2450 members.

2451 (4) The board shall hold regular meetings and special
2452 meetings as may be necessary for the purposes of conducting such
2453 business as may be required. The board shall adopt rules and
2454 regulations governing times and places for meetings, and governing



2455 the manner of conducting its business. All meetings of the board
2456 shall be open to the public.

2457 **REAL ESTATE APPRAISER LICENSING BOARD**

2458 **SECTION 40.** Section 73-34-7, Mississippi Code of 1972, is
2459 amended as follows:

2460 73-34-7. (1) (a) There is hereby established, as an
2461 adjunct board to the Mississippi Real Estate Commission, a board
2462 to be known as the Mississippi Real Estate Appraiser Licensing and
2463 Certification Board, which shall consist of six (6) members. Five
2464 (5) members shall be appointed by the Governor, with the advice
2465 and consent of the Senate, one (1) from each congressional
2466 district as such district existed on January 1, 1989; the
2467 Administrator of the Mississippi Real Estate Commission shall be
2468 an ex officio, nonvoting member.

2469 (b) The initial appointments made by the Governor shall
2470 be in compliance with guidelines issued by the Federal Financial
2471 Institutions Examination Council or its designee; and the
2472 appointees shall serve for terms ending on December 31, 1991. Not
2473 more than two (2) positions on the board shall be filled with
2474 appointees who hold membership in the same professional
2475 organization.

2476 (c) From and after January 1, 1992, gubernatorial
2477 appointments shall be made pursuant to the procedure established
2478 in this paragraph (c). The five (5) members shall be appointed by
2479 the Governor, with the advice and consent of the Senate, one (1)
2480 from each congressional district as such district existed on
2481 January 1, 1992. At least three (3) members shall be certified
2482 general real estate appraisers or at least two (2) members shall
2483 be certified general real estate appraisers and one (1) member may
2484 be a certified residential real estate appraiser. Not more than
2485 two (2) positions on the board shall be filled with appointees who
2486 hold membership in the same professional organization. Of the
2487 initial appointments made pursuant to this paragraph (c), two (2)



2488 shall serve for three (3) years, two (2) shall serve for two (2)
2489 years and one (1) shall serve for one (1) year. Thereafter, each
2490 member shall serve for a term of four (4) years. Upon the
2491 expiration of a member's term, such member shall continue to serve
2492 until the appointment and qualification of a successor.
2493 Commencing with appointments made in 1992, no person shall be
2494 appointed as a member of the board for more than two (2)
2495 consecutive terms. The Governor may remove an appointed member
2496 for cause. The members of the board as constituted on January 1,
2497 2002, whose terms have not expired shall serve the balance of
2498 their terms, after which time the gubernatorial appointments to
2499 the board shall be made as follows: There shall be appointed one
2500 (1) member of the board from each of the four (4) Mississippi
2501 congressional districts as they exist on January 1, 2002, and one
2502 (1) from the state at large, and the Governor shall make
2503 appointments from the congressional district having the smallest
2504 number of board members until the membership includes at least one
2505 (1) member from each congressional district as required.

2506 (2) The board shall meet not less than twice a calendar
2507 year. Written notice shall be given to each member of the time
2508 and place of each meeting of the board at least ten (10) days
2509 prior to the scheduled date of the meeting.

2510 (3) A quorum of the board shall be three (3) voting members;
2511 commencing January 1, 1992, at least one (1) present must be a
2512 licensed certified general real estate appraiser or a certified
2513 residential real estate appraiser. Appointed members of the board
2514 are entitled to mileage and actual expenses as authorized by
2515 Section 25-3-41 and per diem as provided by Section 25-3-69; ex
2516 officio members are entitled to mileage and actual expenses only.

2517 (4) The board shall elect a chairman and such other officers
2518 as it deems necessary. Such officers shall serve as such for
2519 terms established by the board.

2520

REAL ESTATE COMMISSION



2521 **SECTION 41.** Section 73-35-5, Mississippi Code of 1972, is
2522 amended as follows:

2523 73-35-5. (1) There is hereby created the Mississippi Real
2524 Estate Commission. The commission shall consist of five (5)
2525 persons, to be appointed by the Governor with the advice and
2526 consent of the Senate. Each appointee shall have been a resident
2527 and citizen of this state for at least six (6) years prior to his
2528 appointment, and his vocation for at least five (5) years shall
2529 have been that of a real estate broker. One (1) member shall be
2530 appointed for the term of one (1) year; two (2) members for terms
2531 of two (2) years; two (2) members for terms of four (4) years;
2532 thereafter, the term of the members of said commission shall be
2533 for four (4) years and until their successors are appointed and
2534 qualify. There shall at no time be more than one (1) commissioner
2535 from any one (1) congressional district of which he is a bona fide
2536 resident, as such districts are constituted as of January 1, 1983.
2537 Members to fill vacancies shall be appointed by the Governor for
2538 the unexpired term. The Governor may remove any commissioner for
2539 cause. The State of Mississippi shall not be required to furnish
2540 office space for such commissioners. The provisions of this
2541 section shall not affect persons who are members of the Real
2542 Estate Commission as of July 1, 1988. Such members shall serve
2543 out their respective terms, upon the expiration of which the
2544 provisions of this section shall take effect. Nothing provided
2545 herein shall be construed as prohibiting the reappointment of any
2546 member of the said commission. The members of the commission as
2547 constituted on January 1, 2002, whose terms have not expired shall
2548 serve the balance of their terms, after which time the membership
2549 of the commission shall be appointed as follows: There shall be
2550 appointed one (1) member of the commission from each of the four
2551 (4) Mississippi congressional districts as they exist on January
2552 1, 2002, and one (1) from the state at large, and the Governor
2553 shall make appointments from the congressional district having the



2554 smallest number of commission members until the membership
2555 includes at least one (1) member from each congressional district
2556 as required.

2557 (2) The commission shall organize by selecting from its
2558 members a chairman, and may do all things necessary and convenient
2559 for carrying into effect the provisions of this chapter, and may
2560 from time to time promulgate rules and regulations. Each member
2561 of the commission shall receive per diem as authorized in Section
2562 25-3-69, Mississippi Code of 1972, and his actual and necessary
2563 expenses incurred in the performance of duties pertaining to his
2564 office as authorized in Section 25-3-41, Mississippi Code of 1972.

2565 (3) The commission shall adopt a seal by which it shall
2566 authenticate its proceedings. Copies of all records and papers in
2567 the office of the commission, duly certified and authenticated by
2568 the seal of said commission, shall be received in evidence in all
2569 courts equally and with like effect as the original. All records
2570 kept in the office of the commission under authority of this
2571 chapter shall be open to public inspection except pending
2572 investigative files.

2573 **SOCIAL WORKER & FAMILY THERAPY BOARD**

2574 **SECTION 42.** Section 73-53-8, Mississippi Code of 1972, is
2575 amended as follows:

2576 73-53-8. (1) There is created the Board of Examiners for
2577 Social Workers and Marriage and Family Therapists to license and
2578 regulate social workers and marriage and family therapists. The
2579 board shall be composed of ten (10) members, six (6) of which
2580 shall be social workers and four (4) of which shall be marriage
2581 and family therapists.

2582 (2) Of the social worker members of the board, two (2) must
2583 be licensed social workers, and four (4) must be licensed master
2584 social workers or licensed certified social workers or a
2585 combination thereof. The marriage and family therapist members of
2586 the board must be licensed marriage and family therapists. For at



2587 least five (5) years immediately preceding his or her appointment,
2588 each marriage and family therapist appointee must have been
2589 actively engaged as a marriage and family therapist in rendering
2590 professional services in marriage and family therapy, or in the
2591 education and training of master's, doctoral or post-doctoral
2592 students of marriage and family therapy, or in marriage and family
2593 therapy research, and during the two (2) years preceding his or
2594 her appointment, must have spent the majority of the time devoted
2595 to that activity in this state. The initial marriage and family
2596 therapist appointees shall be deemed to be and shall become
2597 licensed practicing marriage and family therapists immediately
2598 upon their appointment and qualification as members of the board.
2599 All subsequent marriage and family therapist appointees to the
2600 board must be licensed marriage and family therapists before their
2601 appointment.

2602 (3) The Governor shall appoint six (6) members of the board,
2603 four (4) of which shall be social workers and two (2) of which
2604 shall be marriage and family therapists, and the Lieutenant
2605 Governor shall appoint four (4) members of the board, two (2) of
2606 which shall be social workers and two (2) of which shall be
2607 marriage and family therapists. Social worker members of the
2608 board shall be appointed from nominations submitted by the
2609 Mississippi Chapter of the National Association of Social Workers,
2610 and marriage and family therapist members of the board shall be
2611 appointed from nominations submitted by the Mississippi Marriage
2612 and Family Therapy Association. All appointments shall be made
2613 with the advice and consent of the Senate.

2614 (4) The initial appointments to the board shall be made as
2615 follows: The Governor shall appoint one (1) social worker member
2616 for a term that expires on June 30, 1999, one (1) social worker
2617 member for a term that expires on June 30, 2001, two (2) social
2618 worker members for terms that expire on June 30, 2002, one (1)
2619 marriage and family therapist member for a term that expires on



2620 June 30, 1998, and one (1) marriage and family therapist member
2621 for a term that expires on June 30, 2000. The Lieutenant Governor
2622 shall appoint one (1) social worker member for a term that expires
2623 on June 30, 1998, one (1) social worker member for a term that
2624 expires on June 30, 2000, one (1) marriage and family therapist
2625 member for a term that expires on June 30, 1999, and one (1)
2626 marriage and family therapist member of the board for a term that
2627 expires on June 30, 2001. After the expiration of the initial
2628 terms, all subsequent appointments shall be made by the original
2629 appointing authorities for terms of four (4) years from the
2630 expiration date of the previous term. The members of the board as
2631 constituted on January 1, 2002, whose terms have not expired shall
2632 serve the balance of their terms, after which time the membership
2633 of the board shall be appointed as follows: The appointments to
2634 the board made by the Governor shall be made one (1) from each of
2635 the four (4) Mississippi congressional districts as they exist on
2636 January 1, 2002, and two (2) from the state at large, and the
2637 appointments to the board made by the Lieutenant Governor shall be
2638 made one (1) from each of the four (4) Mississippi congressional
2639 districts as they exist on January 1, 2002, and each appointing
2640 officer shall make appointments from the congressional district
2641 having the smallest number of board members until the membership
2642 includes at least the minimum number from each congressional
2643 district as required; and the nominating organization shall submit
2644 nominations to the Governor or the Lieutenant Governor from the
2645 appropriate congressional district as required. Upon the
2646 expiration of his or her term of office, a board member shall
2647 continue to serve until his or her successor has been appointed
2648 and has qualified. No person may be appointed more than once to
2649 fill an unexpired term or more than two (2) consecutive full
2650 terms.

2651 (5) Any vacancy on the board before the expiration of a term
2652 shall be filled by appointment of the original appointing



2653 authority for the remainder of the unexpired term. Appointments
2654 to fill vacancies shall be made from nominations submitted by the
2655 appropriate organization as specified in subsection (2) of this
2656 section for the position being filled.

2657 (6) The appointing authorities shall give due regard to
2658 geographic distribution, race and sex in making all appointments
2659 to the board.

2660 (7) The board shall select one (1) of its members to serve
2661 as chairman during the term of his or her appointment to the
2662 board. No person may serve as chairman for more than four (4)
2663 years. The board may remove any member of the board or the
2664 chairman from his or her position as chairman for (a) malfeasance
2665 in office, or (b) conviction of a felony or a crime of moral
2666 turpitude while in office, or (c) failure to attend three (3)
2667 consecutive board meetings. However, no member may be removed
2668 until after a public hearing of the charges against him or her,
2669 and at least thirty (30) days' prior written notice to the accused
2670 member of the charges against him or her and of the date fixed for
2671 such hearing. No board member shall participate in any matter
2672 before the board in which he has a pecuniary interest, personal
2673 bias or other similar conflict of interest.

2674 (8) Board members shall receive no compensation for their
2675 services, but shall be reimbursed for their actual and necessary
2676 expenses incurred in the performance of official board business as
2677 provided in Section 25-3-41.

2678 (9) Four (4) social worker members and three (3) marriage
2679 and family therapist members of the board shall constitute a
2680 quorum of the board. In making its decisions and taking actions
2681 affecting the members of one (1) of the professions regulated by
2682 the board, the board shall consider the recommendations of the
2683 board members who are members of that profession.

2684 (10) The principal office of the board shall be in the City
2685 of Jackson, but the board may act and exercise all of its powers



2686 at any other place. The board shall adopt an official seal, which
2687 shall be judicially noticed and which shall be affixed to all
2688 licenses issued by the board.

2689 (11) The board is authorized to employ, subject to the
2690 approval of the State Personnel Board, an executive director and
2691 such attorneys, experts and other employees as it may from time to
2692 time find necessary for the proper performance of its duties and
2693 for which the necessary funds are available, and to set the salary
2694 of the executive director, subject to the approval of the State
2695 Personnel Board. The board is strongly encouraged to employ any
2696 employees of the State Department of Health who may be displaced
2697 as a result of the enactment of Laws, 1997, Chapter 516.

2698 (12) The board, by a majority vote, from time to time may
2699 make such provisions as it deems appropriate to authorize the
2700 performance by any board member or members, employee or other
2701 agent of the board of any function given the board in this chapter
2702 or Sections 73-54-1 through 73-54-39.

2703 **HOME INSPECTOR REGULATORY BOARD**

2704 **SECTION 43.** Section 73-60-5, Mississippi Code of 1972, is
2705 amended as follows:

2706 73-60-5. (1) There is hereby created, as an adjunct board
2707 to the Mississippi Real Estate Commission, a board to be known as
2708 the Home Inspector Regulatory Board, which shall consist of five
2709 (5) members appointed by the Governor, with the advice and consent
2710 of the Senate, to include one (1) representative from each of the
2711 four (4) Mississippi congressional districts existing on January
2712 1, 2002, and two (2) from the state at large and all shall be
2713 licensed home inspectors.

2714 (2) The Home Inspector Regulatory Board shall advise the
2715 commission or its designee on all matters relating to this
2716 chapter. The board shall meet no less than four (4) times
2717 annually and shall be reimbursed for expenses on a per diem basis
2718 pursuant to state law.



2719 **BOARD OF REGISTERED PROFESSIONAL GEOLOGISTS**

2720 **SECTION 44.** Section 73-63-9, Mississippi Code of 1972, is
2721 amended as follows:

2722 73-63-9. (1) There is created the Board of Registered
2723 Professional Geologists to administer this chapter. The board
2724 shall consist of five (5) registered professional geologists
2725 appointed by the Governor from nominees recommended by the
2726 committee created in subsection (3) of this section, but
2727 geologists initially appointed to the board shall be qualified for
2728 registration under this chapter and shall register within the
2729 first year of their term. The Governor shall require adequate
2730 disclosure of potential conflicts of interest by appointees to the
2731 board. The board shall, to the extent practicable, consist of one
2732 (1) member appointed from the governmental sector, one (1) member
2733 appointed from academia, one (1) member appointed from the
2734 geotechnical/environmental industrial sector, one (1) member
2735 appointed from the mining/mineral extraction industrial sector,
2736 and one (1) member appointed at large. The initial term of the
2737 members shall be as follows: two (2) members shall be appointed
2738 for terms of four (4) years, two (2) members shall be appointed
2739 for terms of three (3) years, and one (1) member shall be
2740 appointed for a term of two (2) years. Following appointment of
2741 the initial board, all terms shall be for four (4) years. The
2742 term of members shall begin and end on July 1 of the appropriate
2743 year regardless of the date of appointment. Upon expiration of a
2744 member's term, the Governor may appoint a new member or may
2745 reappoint the existing member to one (1) additional term. No
2746 member of the board shall serve more than two (2) consecutive
2747 terms. The members of the board as constituted on January 1,
2748 2002, whose terms have not expired shall serve the balance of
2749 their terms, after which time the membership of the board shall be
2750 appointed as follows: There shall be appointed one (1) member of
2751 the board from each of the four (4) Mississippi congressional



2752 districts as they exist on January 1, 2002, and the Governor shall
2753 make appointments from the congressional district having the
2754 smallest number of board members until the membership includes one
2755 (1) member from each district as required; and the nominating
2756 committee shall make recommendations to the Governor from the
2757 appropriate congressional district. Members shall hold office
2758 until their successors have been appointed and qualified.
2759 Vacancies in the membership of the board shall be filled for the
2760 unexpired term by appointment in the same manner as the original
2761 appointments. Before assuming the duties of office, each member
2762 of the board shall take the oath prescribed in Section 268 of the
2763 Constitution and shall give a surety bond in the amount of Fifty
2764 Thousand Dollars (\$50,000.00) to be approved by the Secretary of
2765 State, conditioned according to law and payable to the State of
2766 Mississippi. The premium on the bond shall be a proper and
2767 necessary expense of the board. Each member shall receive a
2768 certificate of appointment from the Governor. Original
2769 appointments to the board shall be made before October 1, 1997.

2770 (2) Each member of the board shall be a citizen of the
2771 United States, a resident of this state for at least five (5)
2772 years immediately preceding that person's appointment, and at
2773 least thirty (30) years of age.

2774 (3) (a) Except as provided in paragraph (b) of this
2775 subsection, the board annually shall appoint a nominating
2776 committee. No board member shall participate on the nominating
2777 committee during the year in which that member's term expires.
2778 The nominating committee shall solicit nominees for membership to
2779 the board by mailing a notice to each registered professional
2780 geologist shown on the roster maintained by the board and residing
2781 in the state. Within thirty (30) days following mailing of the
2782 notices, any registered professional geologist meeting the
2783 qualifications under subsection (2) of this section may place or
2784 have placed his or her name in nomination. The nominating



2785 committee shall compile a list of the nominees and submit that
2786 list to the registered professional geologists on the roster.
2787 Each geologist shall have one (1) vote and shall submit that vote
2788 in writing within fifteen (15) days following the mailing of the
2789 list of nominees. The nominating committee shall calculate the
2790 results and recommend to the Governor the three (3) nominees from
2791 the sector and congressional districts in which the vacancy occurs
2792 receiving the largest number of votes.

2793 (b) The Task Force/Advisory Committee on Geologic
2794 Registration shall recommend fifteen (15) nominees to the Governor
2795 for appointment to the initial board.

2796 **STATE BOARD OF MASSAGE THERAPY**

2797 **SECTION 45.** Section 73-67-9, Mississippi Code of 1972, is
2798 amended as follows:

2799 73-67-9. (1) There is created the State Board of Massage
2800 Therapy.

2801 (2) The board shall consist of five (5) members appointed by
2802 the Governor, with the advice and consent of the Senate, as
2803 follows: At least three (3) members shall be appointed from a
2804 list submitted by State representatives of one or more nationally
2805 recognized professional massage therapy association(s), one (1) to
2806 be appointed from each Mississippi Supreme Court District and all
2807 of whom must be residents of Mississippi and must have engaged in
2808 the practice of massage therapy within the state for at least
2809 three (3) years; one (1) member shall be a licensed health
2810 professional in a health field other than massage therapy; and one
2811 (1) member shall be a consumer at large who is not associated with
2812 or financially interested in the practice or business of massage
2813 therapy. The initial members of the board shall be appointed for
2814 staggered terms, as follows: one (1) member shall be appointed
2815 for a term that ends on June 30, 2002; one (1) member shall be
2816 appointed for a term that ends on June 30, 2003; one (1) member
2817 shall be appointed for a term that ends on June 30, 2004; and two



2818 (2) members shall be appointed for terms that end on June 30,
2819 2005, to be designated at the time of appointment. Appointments
2820 shall be made within ninety (90) days from the effective date of
2821 this chapter.

2822 (3) All subsequent appointments to the board shall be
2823 appointed by the Governor for terms of four (4) years from the
2824 expiration date of the previous term. No person shall be
2825 appointed for more than two (2) consecutive terms. By approval of
2826 the majority of the board, the service of a member may be extended
2827 at the completion of a four-year term until a new member is
2828 appointed or the current member is reappointed. The board shall
2829 elect one (1) of the appointed massage therapists as the chairman
2830 of the board.

2831 (4) A majority of the board may elect an executive secretary
2832 and other such individuals, including an attorney, as may be
2833 necessary to implement the provisions of this chapter. The board
2834 may hold additional meetings at such times and places as it deems
2835 necessary. A majority of the board shall constitute a quorum and
2836 a majority of the board shall be required to grant or revoke a
2837 certificate of registration.

2838 **SECTION 46.** This act shall take effect and be in force from
2839 and after July 1, 2002.

