

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

To: Fees, Salaries and
Administration

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2262

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

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

14 **PEER COMMITTEE**

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

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

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

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



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

37 * * *

38 **MISSISSIPPI DEPARTMENT OF TECHNOLOGY SERVICES**

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

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

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



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

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

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

96 **STATE BOARD OF CONTRACTORS**

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



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

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



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

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

143 **VETERANS AFFAIRS BOARD**

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

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



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



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

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

214 **WAR VETERANS MEMORIAL COMMISSION**

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

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



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

254 **VETERANS HOME PURCHASE BOARD**

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

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



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



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

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

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



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

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

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

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

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

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

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



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

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



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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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



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

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

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

479 **MISSISSIPPI EDUCATIONAL TELEVISION AUTHORITY**

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

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



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

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

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

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

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



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

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

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



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

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

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



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

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

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



627 **PREPAID AFFORDABLE COLLEGE TUITION BOARD**

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

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

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

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



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

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

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

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

678 **MISSISSIPPI LIBRARY COMMISSION**

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

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



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

724 **MISSISSIPPI COMMISSION ON THE ARTS**



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

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

746 **STATE BOARD OF HEALTH**

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

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

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



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

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

788 **MEDICAID MEDICAL CARE ADVISORY COMMITTEE**

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



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

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

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



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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

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

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

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

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



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

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

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

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



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

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

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

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

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

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



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

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

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

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

1010 **MISSISSIPPI COMMISSION FOR VOLUNTEER SERVICE**

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

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



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

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

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

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

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

1028 (e) A representative of local government.

1029 (f) A representative of local labor organizations.

1030 (g) A representative of business.

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

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

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

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

1041 (a) Local educators.

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

1045 (c) Representative of Native American tribes.

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

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



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

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

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

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



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

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

1089 **PRISON INDUSTRY CORPORATION BOARD OF DIRECTORS**

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

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



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

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



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

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

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

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

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

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

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

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

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

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



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

1188 **STATE PAROLE BOARD**

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

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

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



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

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

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

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

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



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

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

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

1259 **COMMISSION ON ENVIRONMENTAL QUALITY**

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

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



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

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

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

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

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



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

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

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

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

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



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

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

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

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

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

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



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

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

1384 **FORESTRY COMMISSION**

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

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



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

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

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

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

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

1435 **MISSISSIPPI BUSINESS FINANCE CORPORATION**

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

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



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

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

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



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

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

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

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



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

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



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

1578 **BOARD OF ANIMAL HEALTH**

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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



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

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

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

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

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



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

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

1687 **BOARD OF AGRICULTURAL AVIATION**

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

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



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

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

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

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

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



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

1735 **STATE BOARD OF ARCHITECTURE**

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

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

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

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

1763 **MISSISSIPPI AUCTIONEER COMMISSION**

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



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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

1830 **BOARD OF BARBER EXAMINERS**



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

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



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

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

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

1886 **STATE BOARD OF CHIROPRACTIC EXAMINERS**

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

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



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

1923 **MISSISSIPPI BOARD OF NURSING**

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

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



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

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



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

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

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

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

1991 **STATE BOARD OF OPTOMETRY**

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

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



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

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



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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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



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

2136 **STATE BOARD OF LICENSED PROFESSIONAL COUNSELORS**

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

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



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

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

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

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

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

2190 **MISSISSIPPI BOARD OF PSYCHOLOGY**

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



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

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



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

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

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

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

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

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

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

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

2258 **STATE BOARD OF PUBLIC ACCOUNTANCY**



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

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

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

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



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

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

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

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

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

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

2319 **REAL ESTATE APPRAISER LICENSING BOARD**

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

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



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

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

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



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

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

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

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

2383 **REAL ESTATE COMMISSION**

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

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



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

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



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

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

2437 **SOCIAL WORKER & FAMILY THERAPY BOARD**

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

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

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



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

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

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



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

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



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

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

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

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

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



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

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

2567 **HOME INSPECTOR REGULATORY BOARD**

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

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

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

2583 **BOARD OF REGISTERED PROFESSIONAL GEOLOGISTS**

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



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



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

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

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



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

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

2661 **STATE BOARD OF MASSAGE THERAPY**

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

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

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



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

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

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

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

