

By: Senator(s) Dawkins, Williamson

To: Fees, Salaries and Administration

SENATE BILL NO. 2377

1 AN ACT TO PROVIDE THAT FROM AND AFTER JULY 1, 2004,
 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, 41-4-3, 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, 69-9-3, 69-15-2, 73-1-5, 73-4-7,
 9 73-15-9, 73-19-7, 73-31-5, 73-33-3, 73-34-7, 73-53-8, 73-60-5,
 10 73-63-9 AND 73-67-9, MISSISSIPPI CODE OF 1972, IN CONFORMITY
 11 THERETO; AND FOR RELATED PURPOSES.

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

13 **PEER COMMITTEE**

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

16 5-3-55. The committee shall be composed of five (5) members
 17 from the Senate and five (5) members from the House of
 18 Representatives, one (1) from each of the congressional districts
 19 of the State of Mississippi, to be appointed by the Lieutenant
 20 Governor and the Speaker of the House of Representatives for a
 21 term concurrent with their term in their respective house.
 22 Beginning with the 2005 Regular Session, the committee shall be
 23 composed of five (5) members from the Senate and five (5) members
 24 from the House of Representatives, one (1) from each of the four
 25 (4) Mississippi congressional districts as they currently exist,
 26 and one (1) from the state at large, to be appointed by the
 27 Lieutenant Governor and the Speaker of the House for a term
 28 concurrent with their term in their respective house. * * * The
 29 Lieutenant Governor and Speaker shall make their appointments
 30 within fifteen (15) days after the first calendar day of the
 31 regular session in the first year of such four-year term. No

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

35 * * *

36 **MISSISSIPPI DEPARTMENT OF TECHNOLOGY SERVICES**

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

39 25-53-7. (1) The membership of the authority shall be
40 composed of five (5) members to be appointed by the Governor with
41 the advice and consent of the Senate. The initial terms of the
42 members shall be for one (1), two (2), three (3), four (4) and
43 five (5) years, respectively, and thereafter all terms shall be
44 for five (5) years. The initial appointments to the reconstituted
45 authority shall be made no later than June 30, 1984, for terms to
46 begin on July 1, 1984. The members of the authority as
47 constituted on July 1, 2004, whose terms have not expired shall
48 serve the balance of their terms, after which time the membership
49 of the authority shall be appointed as follows: There shall be
50 appointed one (1) member of the authority from each of the four
51 (4) Mississippi congressional districts as they currently exist,
52 and one (1) from the state at large, and the Governor shall make
53 appointments from the congressional district having the smallest
54 number of authority members until the membership includes one (1)
55 member from each district as required. Vacancies shall be filled
56 in the same manner as original appointments for the unexpired
57 portion of the term vacated. Each member of the authority shall
58 have a minimum of four (4) years' experience in an information
59 technology-related executive position or prior service as a member
60 of the authority.

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

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

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

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

93 STATE BOARD OF CONTRACTORS

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

96 31-3-3. There is hereby created the State Board of
97 Contractors of the State of Mississippi, which shall consist of

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

113 Upon the expiration of the term of office of any member of
114 the board, the Governor shall appoint a new member for a term of
115 five (5) years, such new appointments being made so as to maintain
116 on the board two (2) building contractors; two (2) road
117 contractors; two (2) residential builders; one (1) plumbing or
118 heating and air conditioning contractor; one (1) electrical
119 contractor; and one (1) water and sewer contractor; and one (1)
120 roofing contractor. The members of the board as constituted on
121 July 1, 2004, whose terms have not expired shall serve the balance
122 of their terms, after which time the membership of the board shall
123 be appointed as follows: There shall be appointed not more than
124 three (3) members of the board from each of the four (4)
125 Mississippi congressional districts as they currently exist, and
126 the Governor shall make appointments from the congressional
127 district having the smallest number of board members until the
128 membership includes not less than two (2) members from each
129 district as required. The Governor shall fill any vacancy by
130 appointment, such appointee to serve the balance of the term of

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

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

138 **VETERANS AFFAIRS BOARD**

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

141 35-1-1. (1) (a) There is hereby created a State Veterans
142 Affairs Board, to consist of seven (7) members, to be appointed by
143 the Governor, one (1) from each congressional district as they
144 existed on January 1, 1952, of the State of Mississippi. One (1)
145 shall be appointed for one (1) year, another for two (2) years,
146 another for three (3) years, another for four (4) years, another
147 for five (5) years, another for six (6) years, and another for
148 seven (7) years, thus staggered. At the end of such term for each
149 of said seven (7) members, a successor shall be appointed for a
150 term of seven (7) years, thus providing for seven (7) members, one
151 (1) of whom shall be appointed each year. In the event of death,
152 resignation or removal of a member of the board, such person
153 appointed to fill the vacancy shall be a legal resident of the
154 congressional district in which the vacancy shall occur, and shall
155 serve for the remainder of the term to which such member was
156 appointed. Members of the board shall be veterans of any war or
157 police action in which the Armed Forces of the United States have
158 been, are, or shall be committed for action, who have been
159 honorably discharged or honorably released.

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

164 the Governor, with the advice and consent of the Senate. One (1)
165 member shall be appointed from each congressional district as such
166 districts existed on March 1, 1992, and two (2) members shall be
167 appointed from the state at large. Of the initial congressional
168 district appointees to the board, one (1) shall serve for a term
169 of one (1) year, one (1) for a term of two (2) years, one (1) for
170 a term of three (3) years, one (1) for a term of four (4) years
171 and one (1) for a term of five (5) years. Of the initial at-large
172 appointees, one (1) (who shall be that person appointed in January
173 1992 from the First Congressional District under the provisions of
174 paragraph (a) of this subsection) shall serve for a term of three
175 (3) years and one (1) (who shall be that person appointed in
176 January 1992 from the Seventh Congressional District under the
177 provisions of paragraph (a) of this subsection) shall serve for a
178 term of five (5) years. All appointees after the initial
179 appointees shall serve for terms of five (5) years each. In the
180 event of death, resignation or removal of a member of the board,
181 the vacancy shall be filled by appointment of the Governor, with
182 the advice and consent of the Senate, from the congressional
183 district in which the vacancy occurs, for the length of the
184 unexpired term only. Members of the board shall be honorably
185 discharged or released veterans of any war or police action in
186 which the Armed Forces of the United States have been, are, or
187 shall be committed for action. No state/department commander of
188 any federally recognized veterans organization, no national
189 officer of any federally recognized veterans organization and no
190 member of the Mississippi Council of Veterans Organizations shall
191 be eligible for appointment to the board until the expiration of a
192 period of three (3) years after the termination of their service
193 in such disqualifying positions. The members of the board as
194 constituted on July 1, 2004, whose terms have not expired shall
195 serve the balance of their terms, after which time the membership
196 of the board shall be appointed as follows: There shall be

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

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

208 **WAR VETERANS MEMORIAL COMMISSION**

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

211 35-3-24. There is hereby created a War Veterans Memorial
212 Commission, which is hereby charged with the duty of carrying out
213 the provisions as hereinafter set forth, and it shall be referred
214 to in the succeeding sections hereof as the "commission." The
215 commission shall consist of seven (7) commissioners, one (1)
216 member each from the American Legion, the Veterans of Foreign
217 Wars, Disabled American Veterans, American Ex-Prisoners of War,
218 Veterans of World War I, Sons of Confederate Veterans, and the
219 Mississippi National Guard. The commissioners shall be appointed
220 by the Governor on the recommendation of the state executive
221 governing body of each respective organization entitled to a
222 member of the commission. The initial terms of the members shall
223 be as follows, to be designated by the Governor at the time of
224 appointment: (a) two (2) members shall be appointed for terms of
225 two (2) years each; (b) two (2) members for terms of four (4)
226 years each; (c) two (2) members for terms of six (6) years each;
227 and (d) the member from the American Ex-Prisoners of War for a
228 term of four (4) years. Thereafter, each term shall be for six
229 (6) years or until a successor in office has been appointed and

230 qualified. The members of the commission as constituted on July
231 1, 2004, whose terms have not expired shall serve the balance of
232 their terms, after which time the membership of the commission
233 shall be appointed as follows: There shall be appointed one (1)
234 member of the commission from each of the four (4) Mississippi
235 congressional districts as they currently exist, and three (3)
236 from the state at large, and the Governor shall make appointments
237 from the congressional district having the smallest number of
238 commission members until the membership includes at least one (1)
239 member from each congressional district as required; and the
240 appropriate organization/association shall submit nominations to
241 the Governor from the proper congressional district as required.
242 In the event of any vacancy on the commission, the Governor shall,
243 within thirty (30) days, designate a successor in the same manner
244 as the original appointment was made. No member of either branch
245 of the Legislature nor any state officer or employee shall serve
246 on the commission.

247 **VETERANS HOME PURCHASE BOARD**

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

250 35-7-7. The administration of the provisions hereof is
251 vested in a Veterans' Home Purchase Board consisting of six (6)
252 members who shall be appointed, or reappointed, by the Governor,
253 with the advice and consent of the Senate. Members appointed to
254 the board shall be veterans of either World War II, the Korean
255 Conflict, the Southeast Asia Conflict, the Persian Gulf Conflict
256 or have served in active duty for at least one hundred eighty
257 (180) days during a time of war or a conflict in which a campaign
258 ribbon or medal was issued and shall possess a background in
259 business, banking, real estate or the legal profession which
260 enables them to carry out the duties of the board. Appointments
261 shall be staggered, with each Governor appointing or reappointing
262 two (2) members in the first year of his administration; one (1)

263 member in the second year, two (2) members in the third year, and
264 one (1) member in the fourth year. Appointments for terms that
265 expire in 1988 shall be made as follows: one (1) shall be made
266 for a term ending on July 1, 1989; one (1) shall be made for a
267 term ending on July 1, 1991; and two (2) shall be made for a term
268 ending on July 1, 1992. Persons appointed to succeed the two (2)
269 members whose terms expired in 1986, or any such member holding
270 over after 1986 because no successor was appointed, shall serve
271 until July 1, 1990. After the expiration of the foregoing terms,
272 all appointments shall be for a term of four (4) years from the
273 expiration date of the previous term. From and after July 1,
274 1988, one (1) appointee shall be selected from each of the five
275 (5) congressional districts of this state as such districts are
276 composed on May 1, 1987, and one (1) appointee shall be selected
277 from the state at large. The members of the board as constituted
278 on July 1, 2004, whose terms have not expired shall serve the
279 balance of their terms, after which time the membership of the
280 board shall be appointed as follows: There shall be appointed one
281 (1) member of the board from each of the four (4) Mississippi
282 congressional districts as they currently exist, and two (2) from
283 the state at large, and the Governor shall make appointments from
284 the congressional district having the smallest number of board
285 members until the membership includes at least one (1) from each
286 congressional district as required. Any vacancy occurring during
287 a term shall be filled by appointment of a member for the
288 unexpired portion of the term.

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

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

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

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

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

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

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

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

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

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

348 37-4-3. (1) From and after July 1, 1986, there shall be a
349 State Board for Community and Junior Colleges which shall receive
350 and distribute funds appropriated by the Legislature for the use
351 of the public community and junior colleges and funds from federal
352 and other sources that are transmitted through the state
353 governmental organization for use by said colleges. This board
354 shall provide general coordination of the public community and
355 junior colleges, assemble reports and such other duties as may be
356 prescribed by law.

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

362 shall serve an initial term of five (5) years; two (2) members
363 from the Second Mississippi Congressional District, one (1) who
364 shall serve an initial term of five (5) years and one (1) who
365 shall serve an initial term of three (3) years; and two (2)
366 members from the Third Mississippi Congressional District, one (1)
367 who shall serve an initial term of four (4) years and one (1) who
368 shall serve an initial term of two (2) years; two (2) members from
369 the Fourth Mississippi Congressional District, one (1) who shall
370 serve an initial term of three (3) years and one (1) who shall
371 serve an initial term of four (4) years; and two (2) members from
372 the Fifth Mississippi Congressional District, one (1) who shall
373 serve an initial term of five (5) years and one (1) who shall
374 serve an initial term of two (2) years. The members of the board
375 as constituted on July 1, 2004, whose terms have not expired shall
376 serve the balance of their terms, after which time the membership
377 of the board shall be appointed as follows: There shall be
378 appointed two (2) members of the board from each of the four (4)
379 Mississippi congressional districts as they currently exist, and
380 the Governor shall make appointments from the congressional
381 district having the smallest number of board members until the
382 membership includes two (2) from each district as required. All
383 subsequent appointments shall be for a term of six (6) years and
384 continue until their successors are appointed and qualify. An
385 appointment to fill a vacancy which arises for reasons other than
386 by expiration of a term of office shall be for the unexpired term
387 only. No two (2) appointees shall reside in the same junior
388 college district. All members shall be appointed with the advice
389 and consent of the Senate.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

470 **MISSISSIPPI EDUCATIONAL TELEVISION AUTHORITY**

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

473 37-63-3. The Authority for Educational Television shall
474 consist of the State Superintendent of Public Education, or his
475 designee, and six (6) members appointed, with the advice and
476 consent of the Senate. The Governor shall appoint four (4)
477 members, one (1) of whom shall be actively engaged as a teacher or
478 principal in a secondary school system in the State of Mississippi
479 and one (1) of whom shall be actively engaged as a teacher or
480 principal in an elementary school system in the State of
481 Mississippi. Beginning July 1, 1994, the appointee actively
482 engaged as a teacher or principal in a secondary school shall be
483 appointed for an initial term of three (3) years. The member
484 actively engaged as a teacher or principal in an elementary school
485 shall be appointed for an initial term of four (4) years. The
486 remaining two (2) gubernatorial appointees shall serve until July
487 1, 1996. Beginning July 1, 1996, the Governor shall appoint two
488 (2) members for initial terms of three (3) and four (4) years,
489 with the Governor specifically designating which member shall be
490 appointed for three (3) years and which shall be appointed for
491 four (4) years. The gubernatorial appointees on the authority as
492 constituted on July 1, 2004, whose terms have not expired shall
493 serve the balance of their terms, after which time these

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

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

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

511 37-101-3. (1) The Governor * * * shall appoint the members
512 of the board * * * with the advice and consent of the Senate. The
513 Governor shall appoint only persons who are qualified electors
514 residing in the district from which each is appointed, and at
515 least twenty-five (25) years of age, and of the highest order of
516 intelligence, character, learning and fitness for the performance
517 of such duties, to the end that such board shall perform its high
518 and honorable duties to the greatest advantage of the people of
519 the state and such educational institutions, uninfluenced by any
520 political considerations. The board of trustees shall be composed
521 of twelve (12) members. The members of the board of trustees as
522 constituted on January 1, 2004, shall continue to serve until
523 expiration of their respective terms of office. Appointments made
524 to fill vacancies created by expiration of members' terms of
525 office occurring after January 1, 2004, shall be as follows: The
526 initial term of the members appointed in 2004 shall be for eleven

527 (11) years; the initial term of the members appointed in 2008
528 shall be for ten (10) years; and the initial term of the members
529 appointed in 2012 shall be for nine (9) years. After the
530 expiration of the initial terms, all terms shall be for nine (9)
531 years. Four (4) members of the board of trustees shall be
532 appointed from each of the three (3) Mississippi Supreme Court
533 districts and, as such vacancies occur, the Governor shall make
534 appointments from the Supreme Court district having the smallest
535 number of board members until the membership includes four (4)
536 members from each district.

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

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

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

567 **PREPAID AFFORDABLE COLLEGE TUITION BOARD**

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

570 37-155-7. (1) The board of directors shall consist of
571 thirteen (13) members as follows:

572 (a) Nine (9) voting members as follows: the State
573 Treasurer; the Commissioner of Higher Education, or his designee;
574 the Executive Director of the Community and Junior College Board,
575 or his designee; the Department of Finance and Administration
576 Executive Director, or his designee; and one (1) member from each
577 congressional district to be appointed by the Governor with the
578 advice and consent of the Senate. One (1) member shall be
579 appointed for an initial term of one (1) year; one (1) member
580 shall be appointed for an initial term of two (2) years; one (1)
581 member for an initial term of three (3) years; one (1) member for
582 an initial term of four (4) years; and one (1) member for an
583 initial term of five (5) years. On the expiration of any of the
584 terms of office, the Governor shall appoint successors by and with
585 the advice and consent of the Senate for terms of five (5) years
586 in each case. The gubernatorial appointments of the board as
587 constituted on July 1, 2004, whose terms have not expired shall
588 serve the balance of their terms, after which time the
589 gubernatorial appointments shall be made as follows: There shall
590 be appointed one (1) member of the board from each of the four (4)
591 Mississippi congressional districts as they currently exist, and
592 one (1) from the state at large, and the Governor shall make

593 appointments from the congressional district having the smallest
594 number of board members until the membership includes at least one
595 (1) member from each congressional district as required.

596 (b) Two (2) nonvoting, advisory members of the board
597 shall be appointed by each of the following officers: the
598 Lieutenant Governor and the Speaker of the House of
599 Representatives.

600 (2) Successors to the appointed members shall serve for the
601 length of the term for each appointing official and shall be
602 eligible for reappointment, and shall serve until a successor is
603 appointed and qualified. Any person appointed to fill a vacancy
604 on the board shall be appointed in a like manner and shall serve
605 for only the unexpired term.

606 (3) Each member appointed shall possess knowledge, skill and
607 experience in business or financial matters commensurate with the
608 duties and responsibilities of the trust fund.

609 (4) Members of the board of directors shall serve without
610 compensation, but shall be reimbursed for each day's official
611 duties of the board at the same per diem as established by Section
612 25-3-69 and actual travel and lodging expenses as established by
613 Section 25-3-41.

614 (5) The board of directors shall annually elect one (1)
615 member to serve as chairman of the board and one (1) member to
616 serve as vice chairman. The vice chairman shall act as chairman
617 in the absence of or upon the disability of the chairman or in the
618 event of a vacancy of the office of chairman.

619 (6) A majority of the currently serving members of the board
620 shall constitute a quorum for the purposes of conducting business
621 and exercising its official powers and duties. Any action taken
622 by the board shall be upon the vote of a majority of the members
623 present.

624 **MISSISSIPPI LIBRARY COMMISSION**

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

627 39-3-101. There is hereby created a board of commissioners
628 of the Mississippi Library Commission to be composed of five (5)
629 members appointed by the Governor with overlapping terms, the
630 members of the first board to be appointed one (1) for one (1)
631 year, one (1) for two (2) years, one (1) for three (3) years, one
632 (1) for four (4) years, one (1) for five (5) years, and their
633 successors each to be appointed for five-year terms, each member
634 to serve until his successor is appointed. Two (2) members shall
635 be appointed by the Governor from the state at large. Two (2)
636 members shall be appointed by the Governor from a list of not less
637 than six (6) names submitted by the Mississippi Library
638 Association, one (1) of whom shall be a librarian who is a
639 graduate of a library school accredited by the American Library
640 Association and actively engaged in full-time library work at the
641 time of the appointment and one (1) of whom shall be, at time of
642 the appointment, a member of a legally organized board of trustees
643 of a Mississippi free public library; and one (1) member shall be
644 the President of the Mississippi Federation of Women's Clubs, or a
645 member of said federation recommended by her; and which federation
646 member shall, when appointed, serve a full term as herein provided
647 for members to serve under a staggered term basis, and the
648 successor to the federation member shall be the president of the
649 federation then serving, or a member of the federation recommended
650 by her, when the term of the federation member shall expire; and
651 after the appointment of a federation member to the board, and
652 when her term as a member thereof shall expire, each succeeding
653 member of the federation who becomes a member of the board shall
654 serve a full term under the provisions of this article. The
655 members of the commission as constituted on July 1, 2004, whose
656 terms have not expired shall serve the balance of their terms,
657 after which time the membership of the board shall be appointed as

658 follows: There shall be appointed one (1) member of the
659 commission from each of the four (4) Mississippi congressional
660 districts as they currently exist, and the federation member shall
661 be considered an appointment from the state at large. The
662 Governor shall make appointments from the congressional district
663 having the smallest number of board members until the membership
664 includes one (1) member from each congressional district as
665 required, and the recommendations from the Mississippi Library
666 Association shall be made from the appropriate congressional
667 district. Vacancies created by resignation shall be filled by
668 appointment for the unexpired term.

669 **MISSISSIPPI COMMISSION ON THE ARTS**

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

672 39-11-1. There is hereby created and established a state
673 commission to be known as the Mississippi Arts Commission, to
674 consist of fifteen (15) members broadly representative of all
675 fields of the performing, visual, literary arts and the business
676 community, and who are to be appointed by the Governor from among
677 citizens of the state who have demonstrated a vital interest in
678 the performing, visual or literary arts. These members shall also
679 be representative of the different geographical areas of the
680 state. The members of the commission as constituted on July 1,
681 2004, whose terms have not expired shall serve the balance of
682 their terms, after which time the membership of the board shall be
683 appointed as follows: No more than four (4) members of the
684 commission shall be appointed from each of the four (4)
685 Mississippi congressional districts as they currently exist, and
686 the Governor shall make appointments from the congressional
687 district having the smallest number of commission members until
688 the membership includes at least three (3) members from each
689 district as required.

690 **STATE BOARD OF MENTAL HEALTH**

691 **SECTION 13.** Section 41-4-3, Mississippi Code of 1972, is
692 amended as follows:

693 41-4-3. (1) There is hereby created a State Board of Mental
694 Health, herein referred to as "board," consisting of nine (9)
695 members, to be appointed by the Governor, with the advice and
696 consent of the Senate, each of whom shall be a qualified elector.
697 One (1) member shall be appointed from each congressional district
698 as presently constituted; and four (4) members shall be appointed
699 from the state at large, one (1) of whom shall be a licensed
700 medical doctor who is a psychiatrist, one (1) of whom shall hold a
701 Ph.D. degree and be a licensed clinical psychologist, one (1) of
702 whom shall be a licensed medical doctor, and one (1) of whom shall
703 be a social worker with experience in the mental health field.

704 * * *

705 Each member of the initial board shall serve for a term of
706 years represented by the number of his congressional district; two
707 (2) state-at-large members shall serve for a term of six (6)
708 years; two (2) state-at-large members shall serve for a term of
709 seven (7) years; subsequent appointments shall be for seven-year
710 terms and the Governor shall fill any vacancy for the unexpired
711 term. The members of the board as constituted on July 1, 2004,
712 whose terms have not expired shall serve the balance of their
713 terms, after which time the membership of the board shall be
714 appointed as follows: There shall be appointed two (2) members of
715 the board from each of the four (4) Mississippi congressional
716 districts as they currently exist, and one (1) from the state at
717 large, to be designated at the time of appointment, and the
718 Governor shall make appointments from the congressional district
719 having the smallest number of board members until the membership
720 includes two (2) members from each congressional district as
721 required.

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

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

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

732 **MEDICAID MEDICAL CARE ADVISORY COMMITTEE**

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

735 43-13-107. (1) The Division of Medicaid is created in the
736 Office of the Governor and established to administer this article
737 and perform such other duties as are prescribed by law.

738 (2) (a) The Governor shall appoint a full-time executive
739 director, with the advice and consent of the Senate, who shall be
740 either (i) a physician with administrative experience in a medical
741 care or health program, or (ii) a person holding a graduate degree
742 in medical care administration, public health, hospital
743 administration, or the equivalent, or (iii) a person holding a
744 bachelor's degree in business administration or hospital
745 administration, with at least ten (10) years' experience in
746 management-level administration of Medicaid programs, and who
747 shall serve at the will and pleasure of the Governor. The
748 executive director shall be the official secretary and legal
749 custodian of the records of the division; shall be the agent of
750 the division for the purpose of receiving all service of process,
751 summons and notices directed to the division; and shall perform
752 such other duties as the Governor may prescribe from time to time.

753 (b) The executive director, with the approval of the
754 Governor and subject to the rules and regulations of the State
755 Personnel Board, shall employ such professional, administrative,
756 stenographic, secretarial, clerical and technical assistance as

757 may be necessary to perform the duties required in administering
758 this article and fix the compensation therefor, all in accordance
759 with a state merit system meeting federal requirements when the
760 salary of the executive director is not set by law, that salary
761 shall be set by the State Personnel Board. No employees of the
762 Division of Medicaid shall be considered to be staff members of
763 the immediate Office of the Governor; however, the provisions of
764 Section 25-9-107(c)(xv) shall apply to the executive director and
765 other administrative heads of the division.

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

770 (b) The advisory committee shall consist of not less
771 than eleven (11) members, as follows:

772 (i) The Governor shall appoint five (5) members,
773 one (1) from each congressional district as constituted on July 1,
774 2004, and one (1) from the state at large;

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

777 (iii) The Speaker of the House of Representatives
778 shall appoint three (3) members, one (1) from each Supreme Court
779 district.

780 All members appointed under this paragraph shall either be
781 health care providers or consumers of health care services. One
782 (1) member appointed by each of the appointing authorities shall
783 be a board certified physician.

784 (c) The respective Chairmen of the House Public Health
785 and Welfare Committee, the House Appropriations Committee, the
786 Senate Public Health and Welfare Committee and the Senate
787 Appropriations Committee, or their designees, one (1) member of
788 the State Senate appointed by the Lieutenant Governor and one (1)
789 member of the House of Representatives appointed by the Speaker of

790 the House, shall serve as ex officio nonvoting members of the
791 advisory committee.

792 (d) In addition to the committee members required by
793 paragraph (b), the advisory committee shall consist of such other
794 members as are necessary to meet the requirements of the federal
795 regulation applicable to the advisory committee, who shall be
796 appointed as provided in the federal regulation.

797 (e) The chairmanship of the advisory committee shall
798 alternate for twelve-month periods between the Chairmen of the
799 House and Senate Public Health and Welfare Committees, with the
800 Chairman of the House Public Health and Welfare Committee serving
801 as the first chairman.

802 (f) The members of the advisory committee specified in
803 paragraph (b) shall serve for terms that are concurrent with the
804 terms of members of the Legislature, and any member appointed
805 under paragraph (b) may be reappointed to the advisory committee.
806 The members of the advisory committee specified in paragraph (b)
807 shall serve without compensation, but shall receive reimbursement
808 to defray actual expenses incurred in the performance of committee
809 business as authorized by law. Legislators shall receive per diem
810 and expenses which may be paid from the contingent expense funds
811 of their respective houses in the same amounts as provided for
812 committee meetings when the Legislature is not in session.

813 (g) The advisory committee shall meet not less than
814 quarterly, and advisory committee members shall be furnished
815 written notice of the meetings at least ten (10) days before the
816 date of the meeting.

817 (h) The executive director shall submit to the advisory
818 committee all amendments, modifications and changes to the state
819 plan for the operation of the Medicaid program, for review by the
820 advisory committee before the amendments, modifications or changes
821 may be implemented by the division.

822 (i) The advisory committee, among its duties and
823 responsibilities, shall:

824 (i) Advise the division with respect to
825 amendments, modifications and changes to the state plan for the
826 operation of the Medicaid program;

827 (ii) Advise the division with respect to issues
828 concerning receipt and disbursement of funds and eligibility for
829 Medicaid;

830 (iii) Advise the division with respect to
831 determining the quantity, quality and extent of medical care
832 provided under this article;

833 (iv) Communicate the views of the medical care
834 professions to the division and communicate the views of the
835 division to the medical care professions;

836 (v) Gather information on reasons that medical
837 care providers do not participate in the Medicaid program and
838 changes that could be made in the program to encourage more
839 providers to participate in the Medicaid program, and advise the
840 division with respect to encouraging physicians and other medical
841 care providers to participate in the Medicaid program;

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

845 (4) (a) There is established a Drug Use Review Board, which
846 shall be the board that is required by federal law to:

847 (i) Review and initiate retrospective drug use,
848 review including ongoing periodic examination of claims data and
849 other records in order to identify patterns of fraud, abuse, gross
850 overuse, or inappropriate or medically unnecessary care, among
851 physicians, pharmacists and individuals receiving Medicaid
852 benefits or associated with specific drugs or groups of drugs.

853 (ii) Review and initiate ongoing interventions for
854 physicians and pharmacists, targeted toward therapy problems or

855 individuals identified in the course of retrospective drug use
856 reviews.

857 (iii) On an ongoing basis, assess data on drug use
858 against explicit predetermined standards using the compendia and
859 literature set forth in federal law and regulations.

860 (b) The board shall consist of not less than twelve
861 (12) members appointed by the Governor, or his designee.

862 (c) The board shall meet at least quarterly, and board
863 members shall be furnished written notice of the meetings at least
864 ten (10) days before the date of the meeting.

865 (d) The board meetings shall be open to the public,
866 members of the press, legislators and consumers. Additionally,
867 all documents provided to board members shall be available to
868 members of the Legislature in the same manner, and shall be made
869 available to others for a reasonable fee for copying. However,
870 patient confidentiality and provider confidentiality shall be
871 protected by blinding patient names and provider names with
872 numerical or other anonymous identifiers. The board meetings
873 shall be subject to the Open Meetings Act (Section 25-41-1 et
874 seq.). Board meetings conducted in violation of this section
875 shall be deemed unlawful.

876 (5) (a) There is established a Pharmacy and Therapeutics
877 Committee, which shall be appointed by the Governor, or his
878 designee.

879 (b) The committee shall meet at least quarterly, and
880 committee members shall be furnished written notice of the
881 meetings at least ten (10) days before the date of the meeting.

882 (c) The committee meetings shall be open to the public,
883 members of the press, legislators and consumers. Additionally,
884 all documents provided to committee members shall be available to
885 members of the Legislature in the same manner, and shall be made
886 available to others for a reasonable fee for copying. However,
887 patient confidentiality and provider confidentiality shall be

888 protected by blinding patient names and provider names with
889 numerical or other anonymous identifiers. The committee meetings
890 shall be subject to the Open Meetings Act (Section 25-41-1 et
891 seq.). Committee meetings conducted in violation of this section
892 shall be deemed unlawful.

893 (d) After a thirty-day public notice, the executive
894 director, or his or her designee, shall present the division's
895 recommendation regarding prior approval for a therapeutic class of
896 drugs to the committee. However, in circumstances where the
897 division deems it necessary for the health and safety of Medicaid
898 beneficiaries, the division may present to the committee its
899 recommendations regarding a particular drug without a thirty-day
900 public notice. In making such presentation, the division shall
901 state to the committee the circumstances which precipitate the
902 need for the committee to review the status of a particular drug
903 without a thirty-day public notice. The committee may determine
904 whether or not to review the particular drug under the
905 circumstances stated by the division without a thirty-day public
906 notice. If the committee determines to review the status of the
907 particular drug, it shall make its recommendations to the
908 division, after which the division shall file such recommendations
909 for a thirty-day public comment under the provisions of Section
910 25-43-7(1), Mississippi Code of 1972.

911 (e) Upon reviewing the information and recommendations,
912 the committee shall forward a written recommendation approved by a
913 majority of the committee to the executive director, or his or her
914 designee. The decisions of the committee regarding any
915 limitations to be imposed on any drug or its use for a specified
916 indication shall be based on sound clinical evidence found in
917 labeling, drug compendia, and peer reviewed clinical literature
918 pertaining to use of the drug in the relevant population.

919 (f) Upon reviewing and considering all recommendations,
920 including recommendation of the committee, comments, and data, the

921 executive director shall make a final determination whether to
922 require prior approval of a therapeutic class of drugs, or modify
923 existing prior approval requirements for a therapeutic class of
924 drugs.

925 (g) At least thirty (30) days before the executive
926 director implements new or amended prior authorization decisions,
927 written notice of the executive director's decision shall be
928 provided to all prescribing Medicaid providers, all Medicaid
929 enrolled pharmacies, and any other party who has requested the
930 notification. However, notice given under Section 25-43-7(1) will
931 substitute for and meet the requirement for notice under this
932 subsection.

933 (6) This section shall stand repealed on July 1, 2004.

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

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

937 43-13-409. (1) There is established a board of directors to
938 invest the funds in the Health Care Trust Fund and the Health Care
939 Expendable Fund. The board of directors shall consist of thirteen
940 (13) members as follows:

941 (a) Seven (7) voting members as follows: the State
942 Treasurer, or his designee, the Attorney General, or his designee,
943 and one (1) member from each congressional district to be
944 appointed by the Governor with the advice and consent of the
945 Senate. Of the members appointed by the Governor, one (1) member
946 shall be appointed for an initial term that expires on March 1,
947 2000; one (1) member shall be appointed for an initial term that
948 expires on March 1, 2001; one (1) member shall be appointed for an
949 initial term that expires on March 1, 2002; one (1) member shall
950 be appointed for an initial term that expires on March 1, 2003;
951 and one (1) member shall be appointed for an initial term that
952 expires on March 1, 2004. Upon the expiration of any of the
953 initial terms of office, the Governor shall appoint successors by

954 and with the advice and consent of the Senate for terms of five
955 (5) years from the expiration date of the previous term. Any
956 member appointed by the Governor shall be eligible for
957 reappointment. Each member appointed by the Governor shall
958 possess knowledge, skill and experience in business or financial
959 matters commensurate with the duties and responsibilities of the
960 board of directors in administering the Health Care Trust Fund and
961 the Health Care Expendable Fund. The members appointed by the
962 Governor as constituted on July 1, 2004, whose terms have not
963 expired shall serve the balance of their terms, after which time
964 the gubernatorial appointments shall be made as follows: There
965 shall be appointed one (1) member of the board from each of the
966 four (4) Mississippi congressional districts as they currently
967 exist, and one (1) from the state at large, and the Governor shall
968 make appointments from the congressional district having the
969 smallest number of board members until the membership includes one
970 (1) member from each district as required.

971 (b) Two (2) nonvoting, advisory members of the Senate
972 shall be appointed by the Lieutenant Governor, and one (1)
973 nonvoting, advisory representative of the health care community
974 shall be appointed by the Lieutenant Governor, who shall serve for
975 the length of the term of the appointing official and shall be
976 eligible for reappointment.

977 (c) Two (2) nonvoting, advisory members of the House of
978 Representatives shall be appointed by the Speaker of the House,
979 and one (1) nonvoting, advisory representative of the health care
980 community shall be appointed by the Speaker of the House, who
981 shall serve for the length of the term of the appointing official
982 and shall be eligible for reappointment.

983 (d) Any person appointed to fill a vacancy on the board
984 of directors shall be appointed in the same manner as for a
985 regular appointment and shall serve for the remainder of the
986 unexpired term only.

987 (2) Nonlegislative members of the board of directors shall
988 serve without compensation, but shall be reimbursed for each day's
989 official duties of the board at the same per diem as established
990 by Section 25-3-69, and actual travel and lodging expenses as
991 established by Section 25-3-41. Legislative members of the board
992 of directors shall receive the same per diem and expense
993 reimbursement as for attending committee meetings when the
994 Legislature is not in regular session.

995 (3) The State Treasurer shall be the chairman of the board
996 of directors. The board of directors shall annually elect one (1)
997 member to serve as vice chairman of the board. The vice chairman
998 shall act as chairman in the absence of or upon the disability of
999 the chairman or if there is a vacancy in the office of chairman.

1000 (4) All expenses of the board of directors in carrying out
1001 its duties and responsibilities under this article, including the
1002 payment of per diem and expenses of the nonlegislative members of
1003 the board, shall be paid from funds appropriated to the State
1004 Treasurer's office for that purpose.

1005 (5) The board of directors shall invest the funds in the
1006 Health Care Trust Fund and the Health Care Expendable Fund in any
1007 of the investments authorized for the Mississippi Prepaid
1008 Affordable College Tuition Program under Section 37-155-9, and
1009 those investments shall be subject to the limitations prescribed
1010 by Section 37-155-9.

1011 (6) In furtherance of the powers granted under subsection
1012 (5) of this section, the board of directors shall have such powers
1013 as necessary or convenient to carry out the purposes and
1014 provisions of this article, including, but not limited to, the
1015 following express powers:

1016 (a) To contract for necessary goods and services, to
1017 employ necessary personnel, and to engage the services of
1018 consultants for administrative and technical assistance in

1019 carrying out its duties and responsibilities in administering the
1020 Health Care Trust Fund and the Health Care Expendable Fund;

1021 (b) To administer the Health Care Trust Fund and the
1022 Health Care Expendable Fund in a manner that is sufficiently
1023 actuarially sound to meet the obligations of this article and to
1024 establish a comprehensive investment plan for the purposes of this
1025 article, which shall specify the investment policies to be
1026 utilized by the board of directors in administering the funds;

1027 (c) Subject to the terms, conditions, limitations and
1028 restrictions specified in Section 37-155-9, the board of directors
1029 shall have power to sell, assign, transfer and dispose of any of
1030 the securities and investments of the Health Care Trust Fund and
1031 the Health Care Expendable Fund, provided that any such sale,
1032 assignment or transfer has the majority approval of the entire
1033 board; and

1034 (d) To annually prepare or cause to be prepared a
1035 report setting forth in appropriate detail an accounting of the
1036 Health Care Trust Fund and the Health Care Expendable Fund and a
1037 description of the financial condition of the funds at the close
1038 of each fiscal year, including any recommendations for legislation
1039 regarding the investment authority of the board of directors over
1040 the funds. The report shall be submitted to the Governor and the
1041 Legislative Budget Office on or before September 1 of each fiscal
1042 year.

1043 **MISSISSIPPI COMMISSION FOR VOLUNTEER SERVICE**

1044 **SECTION 16.** Section 43-55-5, Mississippi Code of 1972, is
1045 amended as follows:

1046 43-55-5. (1) Members of the Commission for Volunteer
1047 Service shall be appointed by the Governor. The commission shall
1048 consist of no fewer than fifteen (15) and no more than twenty-five
1049 (25) members.

1050 (2) The commission members shall include as voting members,
1051 except as otherwise indicated, at least one (1) of each of the
1052 following:

1053 (a) An individual with expertise in the educational,
1054 training, and developmental needs of youth, particularly
1055 disadvantaged youth.

1056 (b) An individual with experience in promoting service
1057 and volunteerism among older adults.

1058 (c) A representative of a community-based agency.

1059 (d) The superintendent of the State Department of
1060 Education, or his or her designee.

1061 (e) A representative of local government.

1062 (f) A representative of local labor organizations.

1063 (g) A representative of business.

1064 (h) An individual between the ages of sixteen (16) and
1065 twenty-five (25) who is a participant or supervisor in a program
1066 as defined in Section 101 of Title I, 42 USCS 12511.

1067 (i) A representative of a national service program
1068 described in Section 122(a) of Title I, 42 USCS 12572.

1069 (j) The employee of the corporation designated under
1070 Section 195 of Title I, 42 USCS 12651f, as the representative of
1071 the corporation in this state, as a nonvoting member.

1072 (3) In addition to the members described in subsection (2),
1073 the commission may include as voting members any of the following:

1074 (a) Local educators.

1075 (b) Experts in the delivery of human, educational,
1076 environmental, or public safety services to communities and
1077 persons.

1078 (c) Representative of Native American tribes.

1079 (d) Out-of-school youth or other at-risk youth.

1080 (e) Representatives of entities that receive assistance
1081 under the Domestic Volunteer Service Act of 1973, Public Law
1082 93-113, 87 Stat. 394.

1083 (f) A member of the Board of Trustees of State
1084 Institutions of Higher Learning.

1085 (4) Not more than twenty-five percent (25%) of the voting
1086 commission members shall be officers or employees of this state.
1087 The Governor may appoint additional officers or employees of state
1088 agencies operating community service, youth service, education,
1089 social service, senior service, and job training programs, as
1090 nonvoting, ex officio members of the commission.

1091 (5) The Governor shall ensure, to the maximum extent
1092 possible, that the commission membership is diverse with respect
1093 to race, ethnicity, age, gender, and disability characteristics.

1094 (6) Except as provided in this subsection, members of the
1095 commission shall serve for staggered three-year terms expiring on
1096 October 1. The members constituting the Mississippi Commission
1097 for Volunteer Service under Executive Order No. 1994-742 on March
1098 28, 1996, shall serve on the commission for the remainder of the
1099 terms for which they were appointed. Of the additional members,
1100 the Governor shall appoint one-third (1/3) of the initial members
1101 for a term of one (1) year; one-third (1/3) for a term of two (2)
1102 years; and one-third (1/3) for a term of three (3) years.

1103 Following expiration of these initial terms, all appointments
1104 shall be for three-year renewable terms. The members of the
1105 commission as constituted on July 1, 2004, whose terms have not
1106 expired shall serve the balance of their terms, after which time
1107 the membership of the commission shall be appointed as follows:
1108 To the extent practicable, there shall be appointed one-fourth
1109 (1/4) of the membership of the commission from each of the four
1110 (4) Mississippi congressional districts as they currently exist,
1111 and the Governor shall make appointments from the congressional
1112 district having the smallest number of board members until
1113 one-fourth (1/4) of the membership is from each congressional
1114 district as required. Members of the commission may not serve
1115 more than two (2) consecutive terms.

1116 (7) A vacancy on the commission shall be filled in the same
1117 manner as the original appointments, and any member so appointed
1118 shall serve during the remainder of the term for which the vacancy
1119 occurred. The vacancy shall not affect the power of the remaining
1120 commission members to execute the duties of the commission.

1121 **PRISON INDUSTRY CORPORATION BOARD OF DIRECTORS**

1122 **SECTION 17.** Section 47-5-541, Mississippi Code of 1972, is
1123 amended as follows:

1124 47-5-541. (1) The corporation shall be governed by a board
1125 of directors. The board of directors of the nonprofit corporation
1126 shall be composed of the following eleven (11) members who shall
1127 be appointed by the Governor with the advice and consent of the
1128 Senate: one (1) representative of the manufacturing industry, one
1129 (1) representative of the agriculture industry, one (1)
1130 representative of the banking and finance industry, one (1)
1131 representative of the labor industry, one (1) representative from
1132 the marketing industry and six (6) members from the state at
1133 large. In addition, the State Commissioner of Corrections and the
1134 President of Mississippi Delta Community College shall be ex
1135 officio members of the board of directors with full voting
1136 privileges. In making initial appointments, three (3) members
1137 shall be appointed for a term of two (2) years; four (4) members
1138 shall be appointed for a term of three (3) years; and four (4)
1139 members shall be appointed for a term of four (4) years; to be
1140 designated by the Governor at the time of appointment; and all
1141 succeeding terms shall be for four (4) years from the expiration
1142 date of the previous term. Initial appointments shall be made
1143 within thirty (30) days after passage of Sections 47-5-531 through
1144 47-5-575. Any vacancy shall be filled by the Governor, with the
1145 advice and consent of the Senate. The members of the board as
1146 constituted on July 1, 2004, whose terms have not expired shall
1147 serve the balance of their terms, after which time the membership
1148 of the board of directors shall be appointed as follows: There

1149 shall be appointed two (2) members of the board from each of the
1150 four (4) Mississippi congressional districts as they currently
1151 exist, and three (3) from the state at large, and the Governor
1152 shall make appointments from the congressional district having the
1153 smallest number of board members until the membership includes at
1154 least two (2) members from each congressional district as
1155 required. The officers of the corporation shall consist of a
1156 chairman, vice chairman and a secretary-treasurer. The officers
1157 shall be selected by the members of the board. However, the
1158 Commissioner of Corrections and the President of Mississippi Delta
1159 Community College shall not be eligible to serve as an officer of
1160 the corporation. The superintendent for the Parchman facility of
1161 the Department of Corrections shall attend all meetings of the
1162 board of directors. In addition, the superintendents of the
1163 Rankin County and Greene County facilities of the Department of
1164 Corrections shall attend any meeting of the board of directors
1165 wherein the business relates to their respective facilities.

1166 (2) The board of directors shall select and employ a chief
1167 executive officer of the corporation who shall serve at the
1168 pleasure of the board. The board shall set the compensation of
1169 the chief executive officer. The chief executive officer shall be
1170 responsible for the general business and entire operations of the
1171 corporation, and shall be responsible for operating the
1172 corporation in compliance with the bylaws of the corporation and
1173 in compliance with any provision of law. The board shall be
1174 authorized and empowered to do only those acts provided by law and
1175 by the bylaws of the corporation. Except as otherwise
1176 specifically provided by law, such board shall have the authority
1177 to establish prison industries, to cease the operation of any
1178 industry which it deems unsuitable or unprofitable, to enter into
1179 any lease or contract for the corporation and it shall have the
1180 full authority to establish prices for any industry good.

1181 (3) No member of the board of directors shall vote on any
1182 matter that comes before the board that could result in pecuniary
1183 benefit for himself or for any entity in which such member has an
1184 interest.

1185 (4) In addition to the board of directors, an advisory board
1186 may be set up for the benefit of each industry which is
1187 established pursuant to the provisions of Sections 47-5-531
1188 through 47-5-575. Such boards shall be advisory only, and may be
1189 set up in the discretion of the board of directors of the
1190 corporation.

1191 (5) Each member of the board of directors of the corporation
1192 shall receive per diem as provided in Section 25-3-69 for each day
1193 or fraction thereof spent in actual discharge of his official
1194 duties and shall be reimbursed for mileage and actual expenses
1195 incurred in the performance of his official duties in accordance
1196 with the requirements of Section 25-3-41, Mississippi Code of
1197 1972.

1198 (6) The board of directors shall make and publish policies,
1199 rules and regulations governing all business functions, including
1200 but not limited to accounting, marketing, purchasing and
1201 personnel, not inconsistent with the terms of Sections 47-5-531
1202 through 47-5-575, as may be necessary for the efficient
1203 administration and operation of the corporation.

1204 (7) The chief executive officer of the corporation shall:

1205 (a) Employ all necessary employees of the corporation
1206 and dismiss them as is necessary;

1207 (b) Administer the daily operations of the corporation;

1208 (c) Upon approval of the board of directors, execute
1209 any contracts on behalf of the corporation; and

1210 (d) Take any further actions which are necessary and
1211 proper toward the achievement of the corporation purposes.

1212 (8) A member of the board of directors of the corporation
1213 shall not be liable for any civil damages for any personal injury

1214 or property damage caused to a person as a result of any acts or
1215 omissions committed in good faith in the exercise of their duties
1216 as members of the board of directors of the corporation, except
1217 where a member of the board engages in acts or omissions which are
1218 intentional, willful, wanton, reckless or grossly negligent.

1219 **STATE PAROLE BOARD**

1220 **SECTION 18.** Section 47-7-5, Mississippi Code of 1972, is
1221 amended as follows:

1222 47-7-5. (1) The State Parole Board, created under former
1223 Section 47-7-5, is hereby created, continued and reconstituted and
1224 shall be composed of five (5) members. The Governor shall appoint
1225 the members with the advice and consent of the Senate. All terms
1226 shall be at the will and pleasure of the Governor. The members of
1227 the State Parole Board as constituted on July 1, 2004, whose terms
1228 have not expired shall serve the balance of their terms, after
1229 which time the membership of the board shall be appointed as
1230 follows: There shall be appointed one (1) member of the board
1231 from each of the four (4) Mississippi congressional districts as
1232 they currently exist, and one (1) member from the state at large,
1233 and the Governor shall make appointments from the congressional
1234 district having the smallest number of board members until the
1235 membership includes one (1) member from each congressional
1236 district as required. Any vacancy shall be filled by the
1237 Governor, with the advice and consent of the Senate. The Governor
1238 shall appoint a chairman of the board.

1239 (2) Any person who is appointed to serve on the board shall
1240 possess at least a bachelor's degree or a high school diploma and
1241 four (4) years' work experience. Each member shall devote his
1242 full time to the duties of his office and shall not engage in any
1243 other business or profession or hold any other public office. A
1244 member shall not receive compensation or per diem in addition to
1245 his salary as prohibited under Section 25-3-38. Each member shall
1246 keep such hours and workdays as required of full-time state

1247 employees under Section 25-1-98. Individuals shall be appointed
1248 to serve on the board without reference to their political
1249 affiliations. Each board member, including the chairman, may be
1250 reimbursed for actual and necessary expenses as authorized by
1251 Section 25-3-41; but a member shall not be reimbursed for travel
1252 expenses from his residence to the nearest State Penitentiary.

1253 (3) The board shall have exclusive responsibility for the
1254 granting of parole as provided by Sections 47-7-3 and 47-7-17 and
1255 shall have exclusive authority for revocation of the same. The
1256 board shall have exclusive responsibility for investigating
1257 clemency recommendations upon request of the Governor.

1258 (4) The board, its members and staff, shall be immune from
1259 civil liability for any official acts taken in good faith and in
1260 exercise of the board's legitimate governmental authority.

1261 (5) The budget of the board shall be funded through a
1262 separate line item within the general appropriation bill for the
1263 support and maintenance of the department. Employees of the
1264 department which are employed by or assigned to the board shall
1265 work under the guidance and supervision of the board. There shall
1266 be an executive secretary to the board who shall be responsible
1267 for all administrative and general accounting duties related to
1268 the board. The executive secretary shall keep and preserve all
1269 records and papers pertaining to the board.

1270 (6) The board shall have no authority or responsibility for
1271 supervision of offenders granted a release for any reason,
1272 including, but not limited to, probation, parole or executive
1273 clemency or other offenders requiring the same through interstate
1274 compact agreements. The supervision shall be provided exclusively
1275 by the staff of the Division of Community Corrections of the
1276 department.

1277 (7) The State Parole Board shall review and investigate all
1278 cases where offenders have been diagnosed with a serious illness.
1279 If the Medical Director of the Department of Corrections certifies

1280 to the State Parole Board that an offender is suffering from a
1281 terminal illness, the State Parole Board shall parole the offender
1282 with the approval and consent of the Commissioner of the
1283 Department of Corrections and the medical director.

1284 (8) (a) The Parole Board shall maintain a central registry
1285 of paroled inmates. The Parole Board shall place the following
1286 information on the registry: name, address, photograph, crime for
1287 which paroled, the date of the end of parole or flat-time date and
1288 other information deemed necessary. The Parole Board shall
1289 immediately remove information on a parolee at the end of his
1290 parole or flat-time date.

1291 (b) When a person is placed on parole, the Parole Board
1292 shall inform the parolee of the duty to report to the Parole
1293 Officer any change in address ten (10) days before changing
1294 address.

1295 (c) The Parole Board shall utilize an Internet website
1296 or other electronic means to release or publish the information.

1297 (d) Records maintained on the registry shall be open to
1298 law enforcement agencies and the public and shall be available no
1299 later than July 1, 2003.

1300 (9) This section shall stand repealed on July 1, 2004.

1301 **COMMISSION ON ENVIRONMENTAL QUALITY**

1302 **SECTION 19.** Section 49-2-5, Mississippi Code of 1972, is
1303 amended as follows:

1304 49-2-5. (1) There is hereby created the Mississippi
1305 Commission on Environmental Quality, to be composed of seven (7)
1306 persons appointed by the Governor, with the advice and consent of
1307 the Senate, for a term of seven (7) years. One (1) person shall
1308 be appointed from each congressional district as constituted
1309 January 1, 1978, and two (2) members shall be appointed from the
1310 state at large. The initial terms of the members from
1311 congressional districts shall be for one (1), two (2), three (3),
1312 four (4) and five (5) years respectively, and the initial terms of

1313 the members from the state at large shall be one (1) for six (6)
1314 years and one (1) for seven (7) years. Thereafter, all terms
1315 shall be for seven (7) years. The members serving on the
1316 predecessor Commission on Natural Resources on June 30, 1989,
1317 shall continue to serve as members of the successor Commission on
1318 Environmental Quality until the expiration of the term of their
1319 appointment to the predecessor commission. The members of the
1320 commission as constituted on July 1, 2004, whose terms have not
1321 expired shall serve the balance of their terms, after which time
1322 the membership of the commission shall be appointed as follows:
1323 There shall be appointed one (1) member of the commission from
1324 each of the four (4) Mississippi congressional districts as they
1325 currently exist, and three (3) from the state at large, and the
1326 Governor shall make appointments from the congressional district
1327 having the smallest number of commission members until the
1328 membership includes one (1) member from each district as required.

1329 (2) The commission shall elect from its membership a
1330 chairman who shall preside over meetings and a vice chairman who
1331 shall preside in the absence of the chairman or when the chairman
1332 shall be excused.

1333 (3) The commission shall adopt rules and regulations
1334 governing times and places for meetings, and governing the manner
1335 of conducting its business. Each member of the commission shall
1336 take the oath prescribed by Section 268 of the Constitution and
1337 shall enter into bond in the amount of Thirty Thousand Dollars
1338 (\$30,000.00) to be approved by the Secretary of State, conditioned
1339 according to law and payable to the State of Mississippi before
1340 assuming the duties of office. Any member who shall not attend
1341 three (3) consecutive regular meetings of the commission shall be
1342 subject to removal by a majority vote of the commission members.

1343 (4) The members of the commission shall receive no annual
1344 salary, but shall receive per diem compensation as authorized by
1345 law for each day devoted to the discharge of official duties, and

1346 shall be entitled to reimbursement for all actual and necessary
1347 expenses incurred in the discharge of their duties, including
1348 mileage as authorized by law.

1349 The commission shall be composed of persons with extensive
1350 knowledge of or practical experience in at least one (1) of the
1351 matters of jurisdiction of the commission.

1352 (5) The commission is authorized and empowered to use and
1353 expend any funds received by it from any source for the purposes
1354 of this chapter. Such funds shall be expended in accordance with
1355 the statutes governing the expenditure of state funds.

1356 **COMMISSION ON WILDLIFE, FISHERIES & PARKS**

1357 **SECTION 20.** Section 49-4-4, Mississippi Code of 1972, is
1358 amended as follows:

1359 49-4-4. (1) There is hereby created the Mississippi
1360 Commission on Wildlife, Fisheries and Parks, to be composed of
1361 five (5) persons appointed by the Governor, with the advice and
1362 consent of the Senate, for a term of five (5) years. One (1)
1363 person shall be appointed from each congressional district. The
1364 initial terms of the members shall be one (1), two (2), three (3),
1365 four (4) and five (5) years, respectively. Thereafter, all terms
1366 shall be for five (5) years. An appointment to fill a vacancy
1367 which arises for reasons other than by expiration of a term of
1368 office shall be made from the respective congressional district
1369 for the unexpired term only. The members of the commission as
1370 constituted on July 1, 2004, whose terms have not expired shall
1371 serve the balance of their terms, after which time the membership
1372 of the commission shall be appointed as follows: There shall be
1373 appointed one (1) member of the commission from each of the four
1374 (4) Mississippi congressional districts as they currently exist,
1375 and one (1) from the state at large, and the Governor shall make
1376 appointments from the congressional district having the smallest
1377 number of commission members until the membership includes at
1378 least one (1) member from each congressional district as required.

1379 (2) The commission shall elect from its membership a
1380 chairman who shall preside over meetings and a vice chairman who
1381 shall preside in the absence of the chairman or when the chairman
1382 shall be excused.

1383 (3) The commission shall adopt rules and regulations
1384 governing times and places for meetings and governing the manner
1385 of conducting its business. Each member of the commission shall
1386 take the oath prescribed by Section 268 of the Constitution, and
1387 shall enter into bond in the amount of Thirty Thousand Dollars
1388 (\$30,000.00) to be approved by the Secretary of State, conditioned
1389 according to law, and payable to the State of Mississippi before
1390 assuming the duties of office. Any member who shall not attend
1391 three (3) consecutive regular meetings of the commission shall be
1392 subject to removal by a majority vote of the commission members.

1393 (4) The members of the commission shall receive no annual
1394 salary but shall receive per diem compensation as authorized by
1395 law for each day devoted to the discharge of official duties and
1396 shall be entitled to reimbursement for all actual and necessary
1397 expenses incurred in the discharge of their duties, including
1398 mileage as authorized by law.

1399 The commission shall be composed of persons with a
1400 demonstrated history of involvement in at least one (1) of the
1401 matters of jurisdiction of the commission and whose employment and
1402 activities are not in conflict. All of the commissioners shall be
1403 an active outdoorsman holding a resident hunting or fishing
1404 license in at least five (5) of the ten (10) years preceding
1405 appointment. A member shall not have a record of conviction of
1406 violation of fish or game laws and regulations within five (5)
1407 years preceding appointment or a record of any felony conviction.

1408 (5) The commission shall have the power to adopt, amend and
1409 repeal such regulations and rules as may be necessary for the
1410 operation of the department.

1411 (6) The commission shall have the power and authority to
1412 issue all licenses and permits under the jurisdiction of the
1413 department.

1414 (7) In the furtherance of its duties and responsibilities,
1415 the commission may conduct hearings, gather testimony and perform
1416 other functions required to carry out its powers and duties as
1417 prescribed by statute.

1418 (8) The commission shall have all power for conserving,
1419 managing and developing wildlife and fishery resources except for
1420 saltwater aquatic life and marine resources under the jurisdiction
1421 of the Mississippi Commission on Marine Resources.

1422 **FORESTRY COMMISSION**

1423 **SECTION 21.** Section 49-19-1, Mississippi Code of 1972, is
1424 amended as follows:

1425 49-19-1. (1) There shall be a State Forestry Commission
1426 composed of nine (9) members, who shall be qualified electors of
1427 the state. The Dean of the School of Forest Resources at
1428 Mississippi State University shall be an ex officio member of the
1429 commission, with full voting authority. The Governor shall
1430 appoint eight (8) members, with the advice and consent of the
1431 Senate, for a term of six (6) years. The Governor shall appoint
1432 one (1) member from each congressional district as constituted at
1433 the time the appointments are made and shall appoint the remainder
1434 of the members from the state at large. The members of the
1435 commission as constituted on July 1, 2004, whose terms have not
1436 expired shall serve the balance of their terms, after which time
1437 the membership of the commission shall be appointed as follows:
1438 There shall be appointed two (2) members of the commission from
1439 each of the four (4) Mississippi congressional districts as they
1440 currently exist, and the Governor shall make appointments from the
1441 congressional district having the smallest number of board members
1442 until the membership includes two (2) members from each district
1443 as required. A member * * * must be a certified tree farmer who

1444 owns eighty (80) or more acres of forest land or a person who
1445 derives a major portion of his personal income from forest-related
1446 business, industry or other related activities. * * *

1447 (2) The members of the commission shall receive no annual
1448 salary but each member of the commission shall receive a per diem
1449 plus expenses and mileage as authorized by law for each day
1450 devoted to the discharge of official duties. No member of the
1451 commission shall receive total per diem in excess of twenty-four
1452 (24) days' compensation per annum.

1453 (3) If a vacancy occurs in the office of an appointed member
1454 of the commission, the vacancy shall be filled by appointment for
1455 the balance of the unexpired term.

1456 (4) The commission shall elect from its membership a
1457 chairman, who shall preside over meetings, and a vice chairman,
1458 who shall preside in the absence of the chairman or when the
1459 chairman is excused.

1460 (5) The commission shall adopt rules and regulations
1461 governing times and places for meetings, and governing the manner
1462 of conducting its business. Each member of the commission shall
1463 take the oath prescribed by Section 268 of the Constitution and
1464 shall enter into bond in the amount of Thirty Thousand Dollars
1465 (\$30,000.00) to be approved by the Secretary of State, conditioned
1466 according to law and payable to the State of Mississippi before
1467 assuming the duties of office.

1468 (6) Any appointment made to the commission contrary to this
1469 section shall be void, and it is unlawful for the State Fiscal
1470 Officer to pay any per diem or authorize the expenses of the
1471 appointee.

1472 **MISSISSIPPI BUSINESS FINANCE CORPORATION**

1473 **SECTION 22.** Section 57-10-167, Mississippi Code of 1972, is
1474 amended as follows:

1475 57-10-167. There is hereby established the Certified
1476 Development Company of Mississippi, Inc., a public corporation,

1477 which shall be an incorporated certified development company
1478 pursuant to Section 503 of the Small Business Investment Act of
1479 1958, as amended.

1480 The Certified Development Company of Mississippi, Inc.,
1481 hereinafter referred to as the "committee" unless the context
1482 clearly indicates otherwise, shall be composed of twenty-five (25)
1483 members as follows:

1484 (a) The State Treasurer; the Executive Director of the
1485 University Research Center, or his designee; the Executive
1486 Director of the Mississippi Development Authority; the Executive
1487 Director of the Small Business Development Center; six (6) persons
1488 associated with small business to be appointed by the Governor,
1489 one (1) for a term of one (1) year, one (1) for a term of two (2)
1490 years, one (1) for a term of three (3) years, one (1) for a term
1491 of four (4) years, one (1) for a term of five (5) years and one
1492 (1) for a term of six (6) years; three (3) persons associated with
1493 small business to be appointed by the Lieutenant Governor, one (1)
1494 for a term of one (1) year, one (1) for a term of two (2) years
1495 and one (1) for a term of three (3) years; five (5) persons
1496 involved in banking or small business to be appointed by the
1497 Governor, one (1) for a term of one (1) year, one (1) for a term
1498 of two (2) years, one (1) for a term of three (3) years, one (1)
1499 for a term of four (4) years and one (1) for a term of five (5)
1500 years; and two (2) persons involved in banking or small business
1501 to be appointed by the Lieutenant Governor, one (1) for a term of
1502 one (1) year and one (1) for a term of two (2) years. The members
1503 described above and serving on the committee on June 30, 1984,
1504 shall continue to serve on the committee until the expiration of
1505 their terms.

1506 (b) For terms to begin on July 1, 1984, the Governor
1507 shall appoint one (1) person associated with small business for a
1508 term of six (6) years; the Secretary of State shall appoint one
1509 (1) person associated with small business for a term of one (1)

1510 year; the Attorney General shall appoint one (1) person involved
1511 in banking or small business for a term of six (6) years; and the
1512 State Treasurer shall appoint two (2) persons, one (1) for a term
1513 of one (1) year and one (1) for a term of two (2) years, and after
1514 the expiration of the term of the person appointed hereinabove by
1515 the Attorney General, that vacancy shall be filled thereafter by a
1516 person involved in banking or small business appointed by the
1517 State Treasurer for a term of six (6) years.

1518 The members of the committee as constituted on July 1, 2004,
1519 who are appointed by the Governor and whose terms have not expired
1520 shall serve the balance of their terms, after which time these
1521 members shall be appointed as follows: The Governor shall appoint
1522 three (3) members of the board from each of the four (4)
1523 Mississippi congressional districts as they currently exist, and
1524 the Governor shall make appointments from the congressional
1525 district having the smallest number of members until the
1526 membership includes three (3) members from each district as
1527 required.

1528 All appointments after the initial appointment shall be for
1529 terms of six (6) years each. All such appointments will be
1530 subject to the approval of the Senate. An appointment to fill a
1531 vacancy existing for any reason other than the expiration of a
1532 term shall be for the balance of the unexpired term. Members
1533 serving by reason of their ex officio designation shall continue
1534 to serve as long as they occupy the position which entitles them
1535 to membership.

1536 Members who are officers or employees of the state shall
1537 receive no compensation for their services, and other committee
1538 members shall receive a per diem as provided in Section 25-3-69,
1539 Mississippi Code of 1972. All members shall receive reimbursement
1540 for actual traveling and subsistence expenses incurred in the
1541 performance of their duties under this article, such reimbursement
1542 to be as provided in Section 25-3-41, Mississippi Code of 1972.

1576 of the member appointed from the Fifth Congressional District
1577 shall expire on June 30, 1978. Each member shall serve until his
1578 successor is appointed and qualified. At the expiration of the
1579 term of the member initially appointed by the Attorney General
1580 each successor member shall be appointed for a term of four (4)
1581 years by the incumbent Attorney General, and at the expiration of
1582 the term of the member appointed by the Secretary of State each
1583 successor member shall be appointed for a term of four (4) years
1584 by the incumbent Secretary. At the expiration of a term for which
1585 each of the initial appointments of the Governor is made, each
1586 successor member shall be appointed for a term of seven (7) years
1587 except that the term of the member appointed from the state at
1588 large shall be coterminous with that of the Governor making the
1589 appointment. The members of the commission appointed by the
1590 Governor as constituted on July 1, 2004, whose terms have not
1591 expired shall serve the balance of their terms, after which time
1592 the gubernatorial appointments shall be made as follows: The
1593 Governor shall appoint one (1) member of the commission from each
1594 of the four (4) Mississippi congressional districts as they
1595 currently exist, and two (2) from the state at large, and the
1596 Governor shall make appointments from the congressional district
1597 having the smallest number of commission members until the
1598 membership includes one (1) from each congressional district as
1599 required.

1600 One of the members appointed from the state at large by the
1601 Governor shall be designated by him to serve as chairman of the
1602 commission and one (1) of the other members appointed by the
1603 Governor shall be designated by him to serve as vice chairman. In
1604 the absence of the chairman at any meeting of the commission the
1605 vice chairman shall preside and perform the duties of the
1606 chairman.

1607 In the event of a vacancy created by the death, resignation
1608 or removal of any member of the commission the vacancy shall be

1609 filled by appointment of the Governor, Attorney General or the
1610 Secretary of State, as the case may be, for the unexpired portion
1611 of the term. All appointments hereunder shall be made with the
1612 advice and consent of the Senate.

1613 **EGG MARKETING BOARD**

1614 **SECTION 24.** Section 69-7-253, Mississippi Code of 1972, is
1615 amended as follows:

1616 69-7-253. There is hereby continued the Mississippi Egg
1617 Marketing Board with domicile at the capital city of the state.
1618 The board shall be composed of five (5) members: one (1) member
1619 shall be the Commissioner of Agriculture and Commerce as ex
1620 officio member. One (1) member shall be an egg producer as
1621 defined in this article. Three (3) members shall be employed by
1622 or associated with egg industry related businesses, or disciplines
1623 which include poultry support, marketing, promotion, home
1624 economist, extension poultry science agencies and the Mississippi
1625 Department of Agriculture and Commerce. No more than one (1)
1626 industry-related business or discipline member shall be employed
1627 by, associated with or have a financial interest in the same
1628 company or subsidiary.

1629 The Governor shall appoint the members, with the advice and
1630 consent of the Senate. The Governor shall appoint a member from a
1631 list of not more than three (3) producers and not less than three
1632 (3) individuals representing egg industry related businesses or
1633 disciplines, provided by the board based upon a poll of its
1634 members. The members of the board as constituted on July 1, 2004,
1635 whose terms have not expired shall serve the balance of their
1636 terms, after which time the membership of the board shall be
1637 appointed as follows: There shall be appointed one (1) member of
1638 the board from each of the four (4) Mississippi congressional
1639 districts as they currently exist, and the Governor shall make
1640 appointments from the congressional district having the smallest
1641 number of board members until the membership includes one (1)

1642 member from each congressional district as required; and the board
1643 shall provide the Governor with its recommendations from the
1644 appropriate congressional district. The terms shall be for six
1645 (6) years. Each member shall serve, after the completion of his
1646 term, until his successor is appointed and duly qualified. Each
1647 vacancy shall be filled by appointment for the unexpired term.

1648 The terms of office of persons appointed under the original
1649 act shall continue until the expiration of the terms to which they
1650 were appointed, the intent of this article being to continue the
1651 Mississippi Egg Marketing Board.

1652 **SOYBEAN PROMOTION BOARD**

1653 **SECTION 25.** Section 69-9-3, Mississippi Code of 1972, is
1654 amended as follows:

1655 69-9-3. (1) The Mississippi Soybean Promotion Board is
1656 hereby created, to be composed of twelve (12) members to be
1657 appointed by the Governor to serve terms of three (3) years, as
1658 hereinafter provided. All of the twelve (12) members of the board
1659 shall be producers of soybeans in the State of Mississippi.
1660 Within ten (10) days following the effective date of this chapter,
1661 each of the following organizations, namely, Mississippi Farm
1662 Bureau Federation, Inc., Mississippi Feed and Grain Association,
1663 Mississippi Soybean Association and Delta Council shall submit the
1664 names of six (6) soybean producers to the Governor, and he shall
1665 appoint three (3) members from the nominees of each organization
1666 to serve on the board on rotating three-year terms. The original
1667 board shall be appointed with members of each of the aforementioned
1668 organizations appointed as follows: one (1) for one (1) year, one
1669 (1) for two (2) years, and one (1) for three (3) years. Each year
1670 thereafter, not less than thirty (30) days prior to the expiration
1671 of the terms of expiring board members, the aforementioned
1672 organizations shall submit the names of three (3) nominees to the
1673 Governor and succeeding boards shall be appointed by the Governor
1674 in the same manner, giving equal representation to each

1675 organization. The members of the board as constituted on July 1,
1676 2004, whose terms have not expired shall serve the balance of
1677 their terms, after which time the membership of the board shall be
1678 appointed as follows: There shall be appointed three (3) members
1679 of the board from each of the four (4) Mississippi congressional
1680 districts as they currently exist, and the Governor shall make
1681 appointments from the congressional district having the smallest
1682 number of board members until the membership includes three (3)
1683 members from each congressional district as required; and the
1684 proper association shall submit nominations to the Governor from
1685 the appropriate congressional district as required. Vacancies
1686 which occur shall be filled in the same manner as the original
1687 appointments were made.

1688 (2) The members of the board shall meet and organize
1689 immediately after their appointment, and shall elect a chairman,
1690 vice chairman and secretary-treasurer from the membership of the
1691 board, whose duties shall be those customarily exercised by such
1692 officers or specifically designated by the board. The chairman,
1693 vice chairman and secretary-treasurer shall be bonded in an amount
1694 not less than Twenty Thousand Dollars (\$20,000.00). The cost of
1695 said bonds shall be paid from the funds received under the
1696 provisions of this chapter. Such bond shall be a security for any
1697 illegal act of such member of the board and recovery thereon may
1698 be had by the state for any injury by such illegal act of such
1699 member. The board may establish rules and regulations for its own
1700 government and the administration of the affairs of the board.

1701 **BOARD OF ANIMAL HEALTH**

1702 **SECTION 26.** Section 69-15-2, Mississippi Code of 1972, is
1703 amended as follows:

1704 69-15-2. (1) The Mississippi Board of Animal Health is to
1705 be composed of the Commissioner of Agriculture and Commerce, the
1706 Dean of the College of Veterinary Medicine and the heads of the
1707 Animal and Dairy Science and Poultry Science Departments at

1708 Mississippi State University of Agriculture and Applied Science
1709 and one (1) person appointed by the President of Alcorn State
1710 University from its land grant staff as five (5) ex officio
1711 members with full voting rights, and eleven (11) other members of
1712 the board to be appointed by the Governor as hereinafter provided.
1713 The board shall select annually a chairman and vice chairman from
1714 any members of the board.

1715 (2) The Governor, with the advice and consent of the Senate,
1716 shall appoint eleven (11) other members from the following groups
1717 or associations from a written list of three (3) recommendations
1718 from such groups or associations:

1719 One (1) licensed and practicing veterinarian who holds a
1720 Doctor of Veterinary Medicine Degree, from a written list of three
1721 (3) recommendations submitted by the Mississippi State Veterinary
1722 Medical Association;

1723 One (1) general farmer from a written list of three (3)
1724 recommendations submitted by the Mississippi Farm Bureau
1725 Federation;

1726 One (1) poultry breeder and producer from a written list of
1727 three (3) recommendations submitted by the Mississippi Poultry
1728 Improvement Association;

1729 One (1) sheep breeder and producer from a written list of
1730 three (3) recommendations submitted by the Mississippi Sheep
1731 Producers' Association;

1732 One (1) beef cattle breeder and producer from a written list
1733 of three (3) recommendations submitted by the Mississippi
1734 Cattlemen's Association;

1735 One (1) swine breeder and producer from a written list of
1736 three (3) recommendations submitted by the Mississippi Pork
1737 Producers' Association;

1738 One (1) dairy breeder and producer from a written list of
1739 three (3) recommendations submitted by the American Dairy
1740 Association of Mississippi;

1741 One (1) horse breeder and producer from a written list of
1742 three (3) recommendations submitted by the Mississippi Horse
1743 Council;

1744 One (1) catfish breeder and producer from a written list of
1745 three (3) recommendations submitted by the Mississippi Catfish
1746 Association;

1747 One (1) member of the Mississippi Independent Meat Packers'
1748 Association from a written list of three (3) recommendations
1749 submitted by the Mississippi Independent Meat Packers'
1750 Association;

1751 One (1) member of the Mississippi Livestock Auction
1752 Association from a written list of three (3) recommendations
1753 submitted by the Mississippi Livestock Auction Association.

1754 All members shall take and subscribe to the general oath of
1755 office as provided in Section 268, Mississippi Constitution of
1756 1890, and file the same with the Commissioner of Agriculture and
1757 Commerce.

1758 (3) Effective August 1, 1968, the dairy producer member
1759 shall be appointed for a one-year term; the Livestock Auction
1760 Association member shall be appointed for a two-year term; and the
1761 meat packer member shall be appointed for a three-year term; the
1762 catfish producer member shall be appointed for a four-year term;
1763 and the horse producer member shall be appointed for a five-year
1764 term.

1765 Effective August 1, 1969, the poultry producer member shall
1766 be appointed for a two-year term; on August 1, 1970, the sheep
1767 producer member shall be appointed for a three-year term; on
1768 August 1, 1971, the swine producing member shall be appointed for
1769 a four-year term; on August 1, 1972, the general farmer member
1770 shall be appointed for a five-year term; on August 1, 1973, the
1771 veterinarian member shall be appointed for a six-year term; and on
1772 August 1, 1974, the beef cattle producer member shall be appointed
1773 for a seven-year term.

1774 The members of the board as constituted on July 1, 2004, who
1775 are appointed by the Governor and whose terms have not expired
1776 shall serve the balance of their terms, after which time the
1777 membership of the board shall be appointed as follows: Not more
1778 than three (3) members of the board shall be appointed from any of
1779 the four (4) Mississippi congressional districts as they currently
1780 exist, and the Governor shall make appointments from the
1781 congressional district having the smallest number of board members
1782 until the membership includes not less than two (2) members from
1783 each district as required.

1784 All subsequent appointments shall be for four-year terms,
1785 except for appointments to fill vacancies which shall be for the
1786 unexpired term only.

1787 (4) (a) "Commissioner" means the Commissioner of
1788 Agriculture and Commerce.

1789 (b) "Department" means the Department of Agriculture
1790 and Commerce.

1791 (5) On or before July 1, 1998, the board shall appoint, from
1792 a written list of not less than three (3) licensed veterinarians
1793 submitted by the commissioner, the State Veterinarian.

1794 (6) There is created an advisory council to advise the Board
1795 of Animal Health on matters concerning the board. The council
1796 shall be composed of the Chairman of the Senate Agriculture
1797 Committee, the Chairman of the House Agriculture Committee, and
1798 one (1) appointee of the Lieutenant Governor and one (1) appointee
1799 of the Speaker of the House of Representatives. The members of
1800 the advisory council shall serve in an advisory capacity only.
1801 For attending meetings of the council, such legislators shall
1802 receive per diem and expenses which shall be paid from the
1803 contingent expense funds of their respective houses in the same
1804 amounts provided for committee meetings when the Legislature is
1805 not in session; however, no per diem or expenses for attending
1806 meetings of the council shall be paid while the Legislature is in

1807 session. No per diem and expenses shall be paid except for
1808 attending meetings of the council without prior approval of the
1809 proper committee in their respective houses.

1810 **STATE BOARD OF ARCHITECTURE**

1811 **SECTION 27.** Section 73-1-5, Mississippi Code of 1972, is
1812 amended as follows:

1813 73-1-5. The State Board of Architecture is composed of five
1814 (5) members who are licensed architects residing in this state and
1815 who have been engaged in the practice of architecture not less
1816 than seven (7) years. It is the duty of the board to carry out
1817 the purposes of this chapter as herein provided.

1818 The Governor shall appoint the members of the board, and each
1819 member shall serve for a term of five (5) years. The terms shall
1820 be staggered so that the term of not more than one (1) member
1821 shall expire each year on June 1. The members of the board as
1822 constituted on July 1, 2004, whose terms have not expired shall
1823 serve the balance of their terms, after which time the membership
1824 of the board shall be appointed as follows: There shall be
1825 appointed one (1) member of the board from each of the four (4)
1826 Mississippi congressional districts as they currently exist, and
1827 one (1) from the state at large, and the Governor shall make
1828 appointments from the congressional district having the smallest
1829 number of board members until the membership includes one (1)
1830 member from each district as required.

1831 Each member shall hold over after the expiration of his term
1832 until his successor is duly appointed and qualified. The Governor
1833 shall fill any vacancy occurring in the membership of the board
1834 for the unexpired term of such membership. The Governor may
1835 remove any of the members of said board for inefficiency, neglect
1836 of duty or dishonorable conduct.

1837 **MISSISSIPPI AUCTIONEER COMMISSION**

1838 **SECTION 28.** Section 73-4-7, Mississippi Code of 1972, is
1839 amended as follows:

1840 73-4-7. (1) The Mississippi Auctioneer Commission is
1841 created, and it shall have the authority to make such rules and
1842 regulations as are reasonable and necessary for the orderly
1843 regulation of the auctioneering profession and the protection of
1844 the public, which rules and regulations are not inconsistent with
1845 the Mississippi Constitution of 1890 and state laws. The
1846 commission shall have the following powers:

1847 (a) The power to set reasonable license fees, to
1848 collect and hold such fees and to disburse such fees in any manner
1849 not inconsistent with this chapter.

1850 (b) The power to make such rules and regulations as
1851 will promote the orderly functioning of the auction profession and
1852 ensure the protection of the public.

1853 (c) The power to hire and retain such staff and support
1854 personnel as are necessary to conduct business and assure
1855 compliance with this chapter.

1856 (d) The power to conduct investigations, hold hearings,
1857 subpoena witnesses, make findings of fact and otherwise enforce
1858 the disciplinary provisions contained in this chapter.

1859 (2) The Mississippi Auctioneer Commission shall consist of
1860 five (5) members, one (1) from each congressional district, who
1861 shall be appointed by the Governor. All appointees shall possess
1862 the following minimum qualifications:

1863 (a) An appointee shall be a citizen of Mississippi.

1864 (b) An appointee shall have been engaged as an
1865 auctioneer for a period of not less than five (5) years
1866 immediately preceding his appointment.

1867 (c) An appointee shall be of good reputation,
1868 trustworthy and knowledgeable in the auction profession.

1869 An individual may not act as a member of the commission while
1870 holding another elected or appointed office in either the state or
1871 federal government or while owning a school or other facility to
1872 train individuals to be auctioneers.

1906 73-15-9. (1) There is hereby created a board to be known as
1907 the Mississippi Board of Nursing, composed of thirteen (13)
1908 members, two (2) of whom shall be nurse educators; three (3) of
1909 whom shall be registered nurses in clinical practice, two (2) to
1910 have as basic nursing preparation an associate degree or diploma
1911 and one (1) to have as basic nursing preparation a baccalaureate
1912 degree; one (1) of whom shall be a registered nurse at large; one
1913 (1) of whom shall be a registered nurse practitioner; four (4) of
1914 whom shall be licensed practical nurses; one (1) of whom shall be
1915 a licensed physician who shall always be a member of the State
1916 Board of Medical Licensure; and one (1) of whom shall represent
1917 consumers of health services. There shall be at least one (1)
1918 board member from each congressional district in the state;
1919 provided, however, that the physician member, the consumer
1920 representative member and one (1) registered nurse member shall be
1921 at large always. The members of the board as constituted on July
1922 1, 2004, whose terms have not expired shall serve the balance of
1923 their terms, after which time the membership of the board shall be
1924 appointed as follows: There shall be appointed not less than two
1925 (2) members and not more than three (3) members of the board from
1926 each of the four (4) Mississippi congressional districts as they
1927 currently exist, and the Governor shall make appointments from the
1928 congressional district having the smallest number of board members
1929 until the membership includes at least two (2) members from each
1930 congressional district as required, and the nominating
1931 organization and/or association shall make nominations to the
1932 Governor from the appropriate congressional district.

1933 (2) Members of the Mississippi Board of Nursing, excepting
1934 the member of the State Board of Medical Licensure, shall be
1935 appointed by the Governor, with the advice and consent of the
1936 Senate, from lists of nominees submitted by any Mississippi
1937 registered nurse organization and/or association chartered by the
1938 State of Mississippi whose board of directors is elected by the

1939 membership and whose membership includes registered nurses
1940 statewide, for the nomination of registered nurses, and by the
1941 Mississippi Federation of Licensed Practical Nurses and the
1942 Mississippi Licensed Practical Nurses' Association for the
1943 nomination of a licensed practical nurse. Nominations submitted
1944 by any such registered nurse organization or association to fill
1945 vacancies on the board shall be made and voted on by registered
1946 nurses only. Each list of nominees shall contain a minimum of
1947 three (3) names for each vacancy to be filled. The list of names
1948 shall be submitted at least thirty (30) days before the expiration
1949 of the term for each position. If such list is not submitted, the
1950 Governor is authorized to make an appointment from the group
1951 affected and without nominations. Appointments made to fill
1952 vacancies for unexpired terms shall be for the duration of such
1953 terms and until a successor is duly appointed.

1954 (3) Members of the board shall be appointed in staggered
1955 terms for four (4) years or until a successor shall be duly
1956 qualified. No member may serve more than two (2) consecutive full
1957 terms. Members of the board serving on July 1, 1988, shall
1958 continue to serve for their appointed terms.

1959 (4) Vacancies occurring by reason of resignation, death or
1960 otherwise shall be filled by appointment of the Governor upon
1961 nominations from a list of nominees from the affected group to be
1962 submitted within not more than thirty (30) days after such a
1963 vacancy occurs. In the absence of such list, the Governor is
1964 authorized to fill such vacancy in accordance with the provisions
1965 for making full-term appointments. All vacancy appointments shall
1966 be for the unexpired terms.

1967 (5) Any member may be removed from the board by the Governor
1968 after a hearing by the board and provided such removal is
1969 recommended by the executive committee of the affected group.

1970

STATE BOARD OF OPTOMETRY

1971 **SECTION 30.** Section 73-19-7, Mississippi Code of 1972, is
1972 amended as follows:

1973 73-19-7. The Governor, with the advice and consent of the
1974 Senate, shall appoint a State Board of Optometry, consisting of
1975 five (5) persons, citizens of Mississippi, each of whom shall be a
1976 nonmedical man or woman actually engaged in the practice of
1977 optometry for five (5) years next preceding his appointment.
1978 Within ninety (90) days after March 25, 1974, the Governor shall
1979 appoint: one (1) member for a term of one (1) year, one (1)
1980 member for a term of two (2) years, one (1) member for a term of
1981 three (3) years, one (1) member for a term of four (4) years, and
1982 one (1) member for a term of five (5) years; and upon the
1983 expiration of all such terms their successors shall be appointed
1984 by the Governor for a term of five (5) years. From and after July
1985 1, 1983, the appointments to the board shall be made with one (1)
1986 member to be appointed from each of the congressional districts as
1987 existing on January 1, 1980; provided that the present members of
1988 the State Board of Optometry whose terms have not expired by July
1989 1, 1983, shall continue to serve until their terms of office have
1990 expired. Each member shall remain in office after the expiration
1991 of his term until his successor shall be duly appointed and
1992 qualified. The members of the board as constituted on July 1,
1993 2004, whose terms have not expired shall serve the balance of
1994 their terms, after which time the membership of the board shall be
1995 appointed as follows: There shall be appointed one (1) member of
1996 the board from each of the four (4) Mississippi congressional
1997 districts as they currently exist, and one (1) from the state at
1998 large, and the Governor shall make appointments from the
1999 congressional district having the smallest number of board members
2000 until the membership includes one (1) member from each
2001 congressional district as required; and the Mississippi Optometric
2002 Association shall make nominations to the Governor from the
2003 appropriate congressional district.

2004 No person so appointed shall be a stockholder in or a member
2005 of the faculty or of the board of trustees of any school of
2006 optometry, or serve to exceed two (2) five-year terms.

2007 Vacancies on said board shall be filled by appointment by the
2008 Governor, with the advice and consent of the Senate, from a list
2009 of names submitted by the Mississippi Optometric Association
2010 consisting of three (3) of its members, or by appointment of any
2011 qualified member of the association.

2012 **MISSISSIPPI BOARD OF PSYCHOLOGY**

2013 **SECTION 31.** Section 73-31-5, Mississippi Code of 1972, is
2014 amended as follows:

2015 73-31-5. (1) There is hereby created a Mississippi Board of
2016 Psychology consisting of seven (7) members who are citizens of the
2017 United States and residing in the State of Mississippi. One (1)
2018 member of the board shall be a person who is not a psychologist or
2019 a mental health professional but who has expressed a continuing
2020 interest in the field of psychology. Each board member shall
2021 otherwise be licensed under this chapter. At all times the board
2022 shall be composed of three (3) members who are faculty at
2023 institutions of higher learning that grant doctoral degrees, or
2024 staff or faculty of an American Psychological Association approved
2025 doctoral level internship. Three (3) members of the board shall
2026 be engaged in the professional practice of psychology. The
2027 membership of the board shall reflect a diversity of practice
2028 specialties.

2029 (2) When the term of each psychologist member ends the
2030 Governor shall, within thirty (30) days, appoint as his successor,
2031 for a term of five (5) years, a psychologist who holds a doctoral
2032 degree from an institution of higher education and who has been
2033 licensed under this chapter. When the term of the member who is
2034 not a psychologist ends, the Governor shall, within thirty (30)
2035 days, appoint a qualified person as his successor for a term of
2036 five (5) years. No board member shall serve for consecutive

2037 terms. Any vacancy occurring in the board membership other than
2038 by expiration of term shall be filled by the Governor by
2039 appointment for the unexpired term of such member. All
2040 appointments of psychologist members of the board shall be made
2041 from a list containing the names of at least three (3) eligible
2042 nominees for each vacancy submitted by the Mississippi
2043 Psychological Association. Each board member shall receive a
2044 certificate of appointment from the Governor before entering on
2045 the discharge of his duties, and within thirty (30) days from the
2046 effective date of his appointment shall subscribe an oath for the
2047 faithful performance of his official duty before any officer
2048 authorized to administer oaths in this state, and shall file the
2049 same with the Secretary of State. To enable the board to have
2050 regular, planned changes in membership the following one-time
2051 changes in length of terms of board members is enacted:

2052 (a) One (1) of the two (2) practice members appointed
2053 in 1998 will serve a three-year term.

2054 (b) The practice member appointed in 2002 will serve a
2055 three-year term.

2056 (c) One of the two (2) academic members appointed in
2057 2002 will serve a four-year term.

2058 The members of the board as constituted on July 1, 2004,
2059 whose terms have not expired shall serve the balance of their
2060 terms, after which time the membership of the board shall be
2061 appointed as follows: There shall be appointed one (1) member of
2062 the board from each of the four (4) Mississippi congressional
2063 districts as they currently exist, and three (3) from the state at
2064 large, and the Governor shall make appointments from the
2065 congressional district having the smallest number of board members
2066 until the membership includes at least one (1) member from each
2067 congressional district as required; and the association shall
2068 nominate members to the Governor from the appropriate
2069 congressional district as required.

2070 (3) The Governor may remove any board member for misconduct,
2071 incompetency, or neglect of duty after giving the board member a
2072 written statement of the charges and an opportunity to be heard
2073 thereon.

2074 (4) Each board member shall serve without compensation, but
2075 shall receive actual traveling and incidental expenses necessarily
2076 incurred while engaged in the discharge of official duties.

2077 This section shall stand repealed from and after July 1,
2078 2011.

2079 **STATE BOARD OF PUBLIC ACCOUNTANCY**

2080 **SECTION 32.** Section 73-33-3, Mississippi Code of 1972, is
2081 amended as follows:

2082 73-33-3. (1) There shall be a board of public accountancy,
2083 consisting of seven (7) members, who are qualified electors of
2084 this state; their duties, powers and qualifications are herein
2085 prescribed by this chapter. The members of the Mississippi State
2086 Board of Public Accountancy shall be appointed from holders of
2087 certificates issued under and by virtue of this chapter.

2088 (2) The present members of the Mississippi State Board of
2089 Public Accountancy shall continue to serve until January 1, 1984.
2090 After January 1, 1984, the appointments to the board shall be as
2091 hereinafter provided.

2092 The Governor shall appoint five (5) members from the
2093 congressional districts as they are presently constituted, as
2094 follows: The initial member from the First Congressional District
2095 shall be appointed for a term of one (1) year; the initial member
2096 from the Second Congressional District shall be for a term of two
2097 (2) years; the initial member from the Third Congressional
2098 District shall be appointed for a term of three (3) years; the
2099 initial member from the Fourth Congressional District shall be
2100 appointed for a term of four (4) years; the initial member from
2101 the Fifth Congressional District shall be appointed for a term of
2102 five (5) years. The members of the board as constituted on July

2103 1, 2004, who are appointed from congressional districts and whose
2104 terms have not expired shall serve the balance of their terms,
2105 after which time the membership of the board shall be appointed as
2106 follows: There shall be appointed one (1) member of the board
2107 from each of the four (4) Mississippi congressional districts as
2108 they currently exist, and the Governor shall make appointments
2109 from the congressional district having the smallest number of
2110 board members until the membership includes one (1) member from
2111 each district as required. In addition, the Governor shall
2112 appoint three (3) members from the state at large, each of whom
2113 shall serve for an initial term of four (4) years. Subsequent
2114 terms for all members shall be for five (5) years.

2115 All terms shall begin on January 1 of the appropriate year.
2116 No member of the board shall hold any elected office.
2117 Appointments made to fill a vacancy of a term shall be made by the
2118 appointing officer within sixty (60) days after the vacancy
2119 occurs. Any person appointed to fill an unexpired term shall hold
2120 office only for and during the unexpired term of the member he
2121 succeeds.

2122 (3) Each member of the board shall take the oath prescribed
2123 by Section 268 of the Mississippi Constitution. The board shall
2124 elect from among its membership, to serve one-year terms, a
2125 chairman who shall preside over meetings and a vice chairman who
2126 shall preside in the absence of the chairman or when the chairman
2127 shall be excused. A majority of the membership of the board shall
2128 constitute a quorum for the transaction of any business. Any
2129 board member who shall not attend three (3) consecutive regular
2130 meetings of the board for reasons other than illness of said
2131 member shall be subject to removal by a majority vote of the board
2132 members.

2133 (4) The board shall hold regular meetings and special
2134 meetings as may be necessary for the purposes of conducting such
2135 business as may be required. The board shall adopt rules and

2136 regulations governing times and places for meetings, and governing
2137 the manner of conducting its business. All meetings of the board
2138 shall be open to the public.

2139 **REAL ESTATE APPRAISER LICENSING BOARD**

2140 **SECTION 33.** Section 73-34-7, Mississippi Code of 1972, is
2141 amended as follows:

2142 73-34-7. (1) (a) There is hereby established, as an
2143 adjunct board to the Mississippi Real Estate Commission, a board
2144 to be known as the Mississippi Real Estate Appraiser Licensing and
2145 Certification Board, which shall consist of six (6) members. Five
2146 (5) members shall be appointed by the Governor, with the advice
2147 and consent of the Senate, one (1) from each congressional
2148 district as such district existed on January 1, 1989; the
2149 Administrator of the Mississippi Real Estate Commission shall be
2150 an ex officio, nonvoting member.

2151 (b) The initial appointments made by the Governor shall
2152 be in compliance with guidelines issued by the Federal Financial
2153 Institutions Examination Council, or its designee; and the
2154 appointees shall serve for terms ending on December 31, 1991. Not
2155 more than two (2) positions on the board shall be filled with
2156 appointees who hold membership in the same professional
2157 organization.

2158 (c) From and after January 1, 1992, gubernatorial
2159 appointments shall be made pursuant to the procedure established
2160 in this paragraph (c). The five (5) members shall be appointed by
2161 the Governor, with the advice and consent of the Senate, one (1)
2162 from each congressional district as such district existed on
2163 January 1, 1992. At least three (3) members shall be certified
2164 general real estate appraisers or at least two (2) members shall
2165 be certified general real estate appraisers and one (1) member may
2166 be a certified residential real estate appraiser. Not more than
2167 two (2) positions on the board shall be filled with appointees who
2168 hold membership in the same professional organization. Of the

2169 initial appointments made pursuant to this paragraph (c), two (2)
2170 shall serve for three (3) years, two (2) shall serve for two (2)
2171 years and one (1) shall serve for one (1) year. Thereafter, each
2172 member shall serve for a term of four (4) years. Upon the
2173 expiration of a member's term, such member shall continue to serve
2174 until the appointment and qualification of a successor.
2175 Commencing with appointments made in 1992, no person shall be
2176 appointed as a member of the board for more than two (2)
2177 consecutive terms. The Governor may remove an appointed member
2178 for cause. The members of the board as constituted on July 1,
2179 2004, whose terms have not expired shall serve the balance of
2180 their terms, after which time the gubernatorial appointments to
2181 the board shall be made as follows: There shall be appointed one
2182 (1) member of the board from each of the four (4) Mississippi
2183 congressional districts as they currently exist, and one (1) from
2184 the state at large, and the Governor shall make appointments from
2185 the congressional district having the smallest number of board
2186 members until the membership includes at least one (1) member from
2187 each congressional district as required.

2188 (2) The board shall meet not less than twice a calendar
2189 year. Written notice shall be given to each member of the time
2190 and place of each meeting of the board at least ten (10) days
2191 prior to the scheduled date of the meeting.

2192 (3) A quorum of the board shall be three (3) voting members;
2193 commencing January 1, 1992, at least one (1) present must be a
2194 licensed certified general real estate appraiser or a certified
2195 residential real estate appraiser. Appointed members of the board
2196 are entitled to mileage and actual expenses as authorized by
2197 Section 25-3-41 and per diem as provided by Section 25-3-69; ex
2198 officio members are entitled to mileage and actual expenses only.

2199 (4) The board shall elect a chairman and such other officers
2200 as it deems necessary. Such officers shall serve as such for
2201 terms established by the board.

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SOCIAL WORKER & FAMILY THERAPY BOARD

SECTION 34. Section 73-53-8, Mississippi Code of 1972, is amended as follows:

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

(2) Of the social worker members of the board, two (2) must be licensed social workers, and four (4) must be licensed master social workers or licensed certified social workers or a combination thereof. The marriage and family therapist members of the board must be licensed marriage and family therapists. For at least five (5) years immediately preceding his or her appointment, each marriage and family therapist appointee must have been actively engaged as a marriage and family therapist in rendering professional services in marriage and family therapy, or in the education and training of master's, doctoral or post-doctoral students of marriage and family therapy, or in marriage and family therapy research, and during the two (2) years preceding his or her appointment, must have spent the majority of the time devoted to that activity in this state. The initial marriage and family therapist appointees shall be deemed to be and shall become licensed practicing marriage and family therapists immediately upon their appointment and qualification as members of the board. All subsequent marriage and family therapist appointees to the board must be licensed marriage and family therapists before their appointment.

(3) The Governor shall appoint six (6) members of the board, four (4) of which shall be social workers and two (2) of which shall be marriage and family therapists, and the Lieutenant Governor shall appoint four (4) members of the board, two (2) of

2235 which shall be social workers and two (2) of which shall be
2236 marriage and family therapists. Social worker members of the
2237 board shall be appointed from nominations submitted by the
2238 Mississippi Chapter of the National Association of Social Workers,
2239 and marriage and family therapist members of the board shall be
2240 appointed from nominations submitted by the Mississippi Marriage
2241 and Family Therapy Association. All appointments shall be made
2242 with the advice and consent of the Senate.

2243 (4) The initial appointments to the board shall be made as
2244 follows: The Governor shall appoint one (1) social worker member
2245 for a term that expires on June 30, 1999, one (1) social worker
2246 member for a term that expires on June 30, 2001, two (2) social
2247 worker members for terms that expire on June 30, 2002, one (1)
2248 marriage and family therapist member for a term that expires on
2249 June 30, 1998, and one (1) marriage and family therapist member
2250 for a term that expires on June 30, 2000. The Lieutenant Governor
2251 shall appoint one (1) social worker member for a term that expires
2252 on June 30, 1998, one (1) social worker member for a term that
2253 expires on June 30, 2000, one (1) marriage and family therapist
2254 member for a term that expires on June 30, 1999, and one (1)
2255 marriage and family therapist member of the board for a term that
2256 expires on June 30, 2001. After the expiration of the initial
2257 terms, all subsequent appointments shall be made by the original
2258 appointing authorities for terms of four (4) years from the
2259 expiration date of the previous term. The members of the board as
2260 constituted on July 1, 2004, whose terms have not expired shall
2261 serve the balance of their terms, after which time the membership
2262 of the board shall be appointed as follows: The appointments to
2263 the board made by the Governor shall be made one (1) from each of
2264 the four (4) Mississippi congressional districts as they currently
2265 exist, and two (2) from the state at large, and the appointments
2266 to the board made by the Lieutenant Governor shall be made one (1)
2267 from each of the four (4) Mississippi congressional districts as

2268 they exist on January 1, 2002, and each appointing officer shall
2269 make appointments from the congressional district having the
2270 smallest number of board members until the membership includes at
2271 least the minimum number from each congressional district as
2272 required; and the nominating organization shall submit nominations
2273 to the Governor or the Lieutenant Governor from the appropriate
2274 congressional district as required. Upon the expiration of his or
2275 her term of office, a board member shall continue to serve until
2276 his or her successor has been appointed and has qualified. No
2277 person may be appointed more than once to fill an unexpired term
2278 or more than two (2) consecutive full terms.

2279 (5) Any vacancy on the board before the expiration of a term
2280 shall be filled by appointment of the original appointing
2281 authority for the remainder of the unexpired term. Appointments
2282 to fill vacancies shall be made from nominations submitted by the
2283 appropriate organization as specified in subsection (2) of this
2284 section for the position being filled.

2285 (6) The appointing authorities shall give due regard to
2286 geographic distribution, race and sex in making all appointments
2287 to the board.

2288 (7) The board shall select one (1) of its members to serve
2289 as chairman during the term of his or her appointment to the
2290 board. No person may serve as chairman for more than four (4)
2291 years. The board may remove any member of the board or the
2292 chairman from his or her position as chairman for (a) malfeasance
2293 in office, or (b) conviction of a felony or a crime of moral
2294 turpitude while in office, or (c) failure to attend three (3)
2295 consecutive board meetings. However, no member may be removed
2296 until after a public hearing of the charges against him or her,
2297 and at least thirty (30) days' prior written notice to the accused
2298 member of the charges against him or her and of the date fixed for
2299 such hearing. No board member shall participate in any matter

2300 before the board in which he has a pecuniary interest, personal
2301 bias or other similar conflict of interest.

2302 (8) Board members shall receive no compensation for their
2303 services, but shall be reimbursed for their actual and necessary
2304 expenses incurred in the performance of official board business as
2305 provided in Section 25-3-41.

2306 (9) Four (4) social worker members and three (3) marriage
2307 and family therapist members of the board shall constitute a
2308 quorum of the board. In making its decisions and taking actions
2309 affecting the members of one (1) of the professions regulated by
2310 the board, the board shall consider the recommendations of the
2311 board members who are members of that profession.

2312 (10) The principal office of the board shall be in the City
2313 of Jackson, but the board may act and exercise all of its powers
2314 at any other place. The board shall adopt an official seal, which
2315 shall be judicially noticed and which shall be affixed to all
2316 licenses issued by the board.

2317 (11) The board is authorized to employ, subject to the
2318 approval of the State Personnel Board, an executive director and
2319 such attorneys, experts and other employees as it may, from time
2320 to time, find necessary for the proper performance of its duties
2321 and for which the necessary funds are available, and to set the
2322 salary of the executive director, subject to the approval of the
2323 State Personnel Board. The board is strongly encouraged to employ
2324 any employees of the State Department of Health who may be
2325 displaced as a result of the enactment of Laws, 1997, Chapter 516.

2326 (12) The board, by a majority vote, from time to time may
2327 make such provisions as it deems appropriate to authorize the
2328 performance by any board member or members, employee or other
2329 agent of the board of any function given the board in this chapter
2330 or Sections 73-54-1 through 73-54-39.

2331 **HOME INSPECTOR REGULATORY BOARD**

2332 **SECTION 35.** Section 73-60-5, Mississippi Code of 1972, is
2333 amended as follows:

2334 73-60-5. (1) There is hereby created, as an adjunct board
2335 to the Mississippi Real Estate Commission, a board to be known as
2336 the Home Inspector Regulatory Board, which shall consist of five
2337 (5) members appointed by the Governor, with the advice and consent
2338 of the Senate, to include one (1) Representative from each of the
2339 four (4) Mississippi congressional districts currently existing,
2340 and two (2) from the state at large and all shall be licensed home
2341 inspectors.

2342 (2) The Home Inspector Regulatory Board shall advise the
2343 commission or its designee on all matters relating to this
2344 chapter. The board shall meet no less than four (4) times
2345 annually and shall be reimbursed for expenses on a per diem basis
2346 pursuant to state law.

2347 **BOARD OF REGISTERED PROFESSIONAL GEOLOGISTS**

2348 **SECTION 36.** Section 73-63-9, Mississippi Code of 1972, is
2349 amended as follows:

2350 73-63-9. (1) There is created the Board of Registered
2351 Professional Geologists to administer this chapter. The board
2352 shall consist of five (5) registered professional geologists
2353 appointed by the Governor from nominees recommended by the
2354 committee created in subsection (3) of this section, but
2355 geologists initially appointed to the board shall be qualified for
2356 registration under this chapter and shall register within the
2357 first year of their term. The Governor shall require adequate
2358 disclosure of potential conflicts of interest by appointees to the
2359 board. The board shall, to the extent practicable, consist of one
2360 (1) member appointed from the governmental sector, one (1) member
2361 appointed from academia, one (1) member appointed from the
2362 geotechnical/environmental industrial sector, one (1) member
2363 appointed from the mining/mineral extraction industrial sector,
2364 and one (1) member appointed at large. The initial term of the

2365 members shall be as follows: two (2) members shall be appointed
2366 for terms of four (4) years, two (2) members shall be appointed
2367 for terms of three (3) years, and one (1) member shall be
2368 appointed for a term of two (2) years. Following appointment of
2369 the initial board, all terms shall be for four (4) years. The
2370 term of members shall begin and end on July 1 of the appropriate
2371 year regardless of the date of appointment. Upon expiration of a
2372 member's term, the Governor may appoint a new member or may
2373 reappoint the existing member to one (1) additional term. No
2374 member of the board shall serve more than two (2) consecutive
2375 terms. The members of the board as constituted on July 1, 2004,
2376 whose terms have not expired shall serve the balance of their
2377 terms, after which time the membership of the board shall be
2378 appointed as follows: There shall be appointed one (1) member of
2379 the board from each of the four (4) Mississippi congressional
2380 districts as they currently exist, and the Governor shall make
2381 appointments from the congressional district having the smallest
2382 number of board members until the membership includes one (1)
2383 member from each district as required; and the nominating
2384 committee shall make recommendations to the Governor from the
2385 appropriate congressional district. Members shall hold office
2386 until their successors have been appointed and qualified.
2387 Vacancies in the membership of the board shall be filled for the
2388 unexpired term by appointment in the same manner as the original
2389 appointments. Before assuming the duties of office, each member
2390 of the board shall take the oath prescribed in Section 268 of the
2391 Constitution and shall give a surety bond in the amount of Fifty
2392 Thousand Dollars (\$50,000.00) to be approved by the Secretary of
2393 State, conditioned according to law and payable to the State of
2394 Mississippi. The premium on the bond shall be a proper and
2395 necessary expense of the board. Each member shall receive a
2396 certificate of appointment from the Governor. Original
2397 appointments to the board shall be made before October 1, 1997.

2398 (2) Each member of the board shall be a citizen of the
2399 United States, a resident of this state for at least five (5)
2400 years immediately preceding that person's appointment, and at
2401 least thirty (30) years of age.

2402 (3) (a) Except as provided in paragraph (b) of this
2403 subsection, the board annually shall appoint a nominating
2404 committee. No board member shall participate on the nominating
2405 committee during the year in which that member's term expires.
2406 The nominating committee shall solicit nominees for membership to
2407 the board by mailing a notice to each registered professional
2408 geologist shown on the roster maintained by the board and residing
2409 in the state. Within thirty (30) days following mailing of the
2410 notices, any registered professional geologist meeting the
2411 qualifications under subsection (2) of this section may place or
2412 have placed his or her name in nomination. The nominating
2413 committee shall compile a list of the nominees and submit that
2414 list to the registered professional geologists on the roster.
2415 Each geologist shall have one (1) vote and shall submit that vote
2416 in writing within fifteen (15) days following the mailing of the
2417 list of nominees. The nominating committee shall calculate the
2418 results and recommend to the Governor the three (3) nominees from
2419 the sector and congressional districts in which the vacancy occurs
2420 receiving the largest number of votes.

2421 (b) The Task Force/Advisory Committee on Geologic
2422 Registration shall recommend fifteen (15) nominees to the Governor
2423 for appointment to the initial board.

2424 **STATE BOARD OF MASSAGE THERAPY**

2425 **SECTION 37.** Section 73-67-9, Mississippi Code of 1972, is
2426 amended as follows:

2427 73-67-9. (1) There is created the State Board of Massage
2428 Therapy.

2429 (2) The board shall consist of five (5) members appointed by
2430 the Governor, with the advice and consent of the Senate, as

2431 follows: At least three (3) members shall be appointed from a
2432 list submitted by state representatives of one or more nationally
2433 recognized professional massage therapy association(s), one (1) to
2434 be appointed from each Mississippi Supreme Court District and all
2435 of whom must be residents of Mississippi and must have engaged in
2436 the practice of massage therapy within the state for at least
2437 three (3) years, one (1) member shall be a licensed health
2438 professional in a health field other than massage therapy and one
2439 (1) member shall be a consumer at large who is not associated with
2440 or financially interested in the practice or business of massage
2441 therapy. The initial members of the board shall be appointed for
2442 staggered terms, as follows: one (1) member shall be appointed
2443 for a term that ends on June 30, 2002; one (1) member shall be
2444 appointed for a term that ends on June 30, 2003; one (1) member
2445 shall be appointed for a term that ends on June 30, 2004; and two
2446 (2) members shall be appointed for terms that end on June 30,
2447 2005, to be designated at the time of appointment. Appointments
2448 shall be made within ninety (90) days from July 1, 2001.

2449 (3) All subsequent appointments to the board shall be
2450 appointed by the Governor for terms of four (4) years from the
2451 expiration date of the previous term. No person shall be
2452 appointed for more than two (2) consecutive terms. By approval of
2453 the majority of the board, the service of a member may be extended
2454 at the completion of a four-year term until a new member is
2455 appointed or the current member is reappointed. The board shall
2456 elect one (1) of the appointed massage therapists as the chairman
2457 of the board.

2458 (4) A majority of the board may elect an executive secretary
2459 and other such individuals, including an attorney, as may be
2460 necessary to implement the provisions of this chapter. The board
2461 may hold additional meetings at such times and places as it deems
2462 necessary. A majority of the board shall constitute a quorum and

2463 a majority of the board shall be required to grant or revoke a
2464 certificate of registration.

2465 **SECTION 38.** This act shall take effect and be in force from
2466 and after July 1, 2004.