

By: Senator(s) Dawkins

To: Fees, Salaries and  
Administration

## SENATE BILL NO. 2426

1 AN ACT TO PROVIDE THAT FROM AND AFTER JULY 1, 2007,  
 2 APPOINTMENTS TO CERTAIN EXECUTIVE AGENCY BOARDS AND COMMISSIONS  
 3 SHALL BE MADE FROM THE FOUR MISSISSIPPI CONGRESSIONAL DISTRICTS ON  
 4 A PHASED-IN BASIS; TO AMEND SECTIONS 25-53-7, 31-3-3, 35-1-1,  
 5 35-3-24, 35-7-7, 37-4-3, 37-63-3, 37-101-3, 37-155-7, 39-3-101,  
 6 39-11-1, 41-4-3, 43-13-107, 43-13-409, 43-55-5, 47-5-541, 49-2-5,  
 7 49-4-4, 57-10-167, 69-7-253, 69-9-3, 69-15-2, 73-1-5, 73-4-7,  
 8 73-15-9, 73-19-7, 73-31-5, 73-33-3, 73-53-8 AND 73-67-9,  
 9 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED  
 10 PURPOSES.

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

12 **MISSISSIPPI DEPARTMENT OF TECHNOLOGY SERVICES**

13 **SECTION 1.** Section 25-53-7, Mississippi Code of 1972, is  
 14 amended as follows:

15 25-53-7. (1) The membership of the authority shall be  
 16 composed of five (5) members to be appointed by the Governor with  
 17 the advice and consent of the Senate. The initial terms of the  
 18 members shall be for one (1), two (2), three (3), four (4) and  
 19 five (5) years, respectively, and thereafter all terms shall be  
 20 for five (5) years. The initial appointments to the reconstituted  
 21 authority shall be made no later than June 30, 1984, for terms to  
 22 begin on July 1, 1984. The members of the authority as  
 23 constituted on July 1, 2007, whose terms have not expired shall  
 24 serve the balance of their terms, after which time the membership  
 25 of the authority shall be appointed as follows: There shall be  
 26 appointed one (1) member of the authority from each of the four  
 27 (4) Mississippi congressional districts as they currently exist,  
 28 and one (1) from the state at large, and the Governor shall make  
 29 appointments from the congressional district having the smallest  
 30 number of authority members until the membership includes one (1)  
 31 member from each district as required. Vacancies shall be filled

32 in the same manner as original appointments for the unexpired  
33 portion of the term vacated. Each member of the authority shall  
34 have a minimum of four (4) years' experience in an information  
35 technology-related executive position or prior service as a member  
36 of the authority.

37 (2) Each member of the authority shall be required to  
38 furnish a surety bond in the minimum amount of Fifty Thousand  
39 Dollars (\$50,000.00) to be approved by the Secretary of State,  
40 conditioned according to law and payable to the State of  
41 Mississippi, before entering upon his duties. The premiums on  
42 such bonds shall be paid from any funds available to the authority  
43 for such purpose.

44 (3) No member of the authority, nor its executive director,  
45 shall, during his term as such member or director, have any  
46 substantial beneficial interest in any corporation or other  
47 organization engaged in the information technology business either  
48 as manufacturer, supplier, lessor, or otherwise. All members and  
49 the executive director shall fully disclose in writing any such  
50 beneficial interest, and such disclosure shall be entered on the  
51 minutes of the authority.

52 (4) The Lieutenant Governor may designate one (1) Senator  
53 and the Speaker of the House of Representatives may designate one  
54 (1) Representative to attend any meeting of the authority. The  
55 appointing authorities may designate an alternate member from  
56 their respective houses to serve when the regular designee is  
57 unable to attend such meetings of the authority. Such legislative  
58 designees shall have no jurisdiction or vote on any matter within  
59 the jurisdiction of the authority. For attending meetings of the  
60 authority, such legislators shall receive per diem and expenses  
61 which shall be paid from the contingent expense funds of their  
62 respective houses in the same amounts as provided for committee  
63 meetings when the Legislature is not in session; however, no per  
64 diem and expenses for attending meetings of the authority will be

65 paid while the Legislature is in session. No per diem and  
66 expenses will be paid except for attending meetings of the  
67 authority without prior approval of the proper committee in their  
68 respective houses.

69 **STATE BOARD OF CONTRACTORS**

70 **SECTION 2.** Section 31-3-3, Mississippi Code of 1972, is  
71 amended as follows:

72 31-3-3. There is hereby created the State Board of  
73 Contractors of the State of Mississippi, which shall consist of  
74 ten (10) members who shall be appointed by the Governor. All  
75 appointments to the board after July 1, 1980, shall be made with  
76 the advice and consent of the Senate. Two (2) road contractors;  
77 two (2) building contractors; two (2) residential builders as  
78 defined in Section 73-59-1; one (1) plumbing or heating and air  
79 conditioning contractor; one (1) electrical contractor; and one  
80 (1) water and sewer contractor shall compose the board. From and  
81 after July 1, 1992, the Governor shall appoint one (1) additional  
82 member who shall be a roofing contractor and whose term of office  
83 shall be five (5) years. Each member shall be an actual resident  
84 of the State of Mississippi and must have been actually engaged in  
85 the contracting business for a period of not less than ten (10)  
86 years before appointment. The initial terms of the two (2)  
87 residential builders shall be for two (2) and four (4) years,  
88 respectively, beginning July 1, 1993.

89 Upon the expiration of the term of office of any member of  
90 the board, the Governor shall appoint a new member for a term of  
91 five (5) years, such new appointments being made so as to maintain  
92 on the board two (2) building contractors; two (2) road  
93 contractors; two (2) residential builders; one (1) plumbing or  
94 heating and air conditioning contractor; one (1) electrical  
95 contractor; and one (1) water and sewer contractor; and one (1)  
96 roofing contractor. The members of the board as constituted on  
97 July 1, 2007, whose terms have not expired shall serve the balance

98 of their terms, after which time the membership of the board shall  
99 be appointed as follows: There shall be appointed not more than  
100 three (3) members of the board from each of the four (4)  
101 Mississippi congressional districts as they currently exist, and  
102 the Governor shall make appointments from the congressional  
103 district having the smallest number of board members until the  
104 membership includes not less than two (2) members from each  
105 district as required. The Governor shall fill any vacancy by  
106 appointment, such appointee to serve the balance of the term of  
107 the original appointee. The Governor may remove any member of the  
108 board for misconduct, incompetency or willful neglect of duty.

109 In the event the Governor fails to appoint a member of the  
110 board within twelve (12) months of the occurrence of the vacancy,  
111 such vacancy shall be filled by majority vote of the board,  
112 subject to advice and consent of the Senate and the requirements  
113 of this section.

114 **VETERANS AFFAIRS BOARD**

115 **SECTION 3.** Section 35-1-1, Mississippi Code of 1972, is  
116 amended as follows:

117 35-1-1. (1) (a) There is hereby created a State Veterans  
118 Affairs Board, to consist of seven (7) members, to be appointed by  
119 the Governor, one (1) from each congressional district as they  
120 existed on January 1, 1952, of the State of Mississippi. One (1)  
121 shall be appointed for one (1) year, another for two (2) years,  
122 another for three (3) years, another for four (4) years, another  
123 for five (5) years, another for six (6) years, and another for  
124 seven (7) years, thus staggered. At the end of such term for each  
125 of said seven (7) members, a successor shall be appointed for a  
126 term of seven (7) years, thus providing for seven (7) members, one  
127 (1) of whom shall be appointed each year. In the event of death,  
128 resignation or removal of a member of the board, such person  
129 appointed to fill the vacancy shall be a legal resident of the  
130 congressional district in which the vacancy shall occur, and shall

131 serve for the remainder of the term to which such member was  
132 appointed. Members of the board shall be veterans of any war or  
133 police action in which the Armed Forces of the United States have  
134 been, are, or shall be committed for action, who have been  
135 honorably discharged or honorably released.

136 (b) From and after May 14, 1992, terms of all members  
137 then serving on the State Veterans Affairs Board shall terminate,  
138 and the board shall be reconstituted as follows: The board shall  
139 consist of seven (7) members. All members shall be appointed by  
140 the Governor, with the advice and consent of the Senate. One (1)  
141 member shall be appointed from each congressional district as such  
142 districts existed on March 1, 1992, and two (2) members shall be  
143 appointed from the state at large. Of the initial congressional  
144 district appointees to the board, one (1) shall serve for a term  
145 of one (1) year, one (1) for a term of two (2) years, one (1) for  
146 a term of three (3) years, one (1) for a term of four (4) years  
147 and one (1) for a term of five (5) years. Of the initial at-large  
148 appointees, one (1) (who shall be that person appointed in January  
149 1992 from the First Congressional District under the provisions of  
150 paragraph (a) of this subsection) shall serve for a term of three  
151 (3) years and one (1) (who shall be that person appointed in  
152 January 1992 from the Seventh Congressional District under the  
153 provisions of paragraph (a) of this subsection) shall serve for a  
154 term of five (5) years. All appointees after the initial  
155 appointees shall serve for terms of five (5) years each. In the  
156 event of death, resignation or removal of a member of the board,  
157 the vacancy shall be filled by appointment of the Governor, with  
158 the advice and consent of the Senate, from the congressional  
159 district in which the vacancy occurs, for the length of the  
160 unexpired term only. Members of the board shall be honorably  
161 discharged or released veterans of any war or police action in  
162 which the Armed Forces of the United States have been, are, or  
163 shall be committed for action. No state/department commander of

164 any federally recognized veterans organization, no national  
165 officer of any federally recognized veterans organization and no  
166 member of the Mississippi Council of Veterans Organizations shall  
167 be eligible for appointment to the board until the expiration of a  
168 period of three (3) years after the termination of their service  
169 in such disqualifying positions. The members of the board as  
170 constituted on July 1, 2007, whose terms have not expired shall  
171 serve the balance of their terms, after which time the membership  
172 of the board shall be appointed as follows: There shall be  
173 appointed one (1) member of the board from each of the four (4)  
174 Mississippi congressional districts as they currently exist, and  
175 three (3) from the state at large, and the Governor shall make  
176 appointments from the congressional district having the smallest  
177 number of board members until the membership includes at least one  
178 (1) member from each congressional district as required.

179 (2) Members of the board shall annually elect as chairman  
180 one of their number and another member as vice chairman. Members  
181 of the board shall hold regular monthly meetings and such other  
182 meetings as may be called by the chairman or the vice chairman in  
183 his absence.

#### 184 **WAR VETERANS MEMORIAL COMMISSION**

185 **SECTION 4.** Section 35-3-24, Mississippi Code of 1972, is  
186 amended as follows:

187 35-3-24. There is hereby created a War Veterans Memorial  
188 Commission, which is hereby charged with the duty of carrying out  
189 the provisions as hereinafter set forth, and it shall be referred  
190 to in the succeeding sections hereof as the "commission." The  
191 commission shall consist of seven (7) commissioners, one (1)  
192 member each from the American Legion, the Veterans of Foreign  
193 Wars, Disabled American Veterans, American Ex-Prisoners of War,  
194 Veterans of World War I, Sons of Confederate Veterans, and the  
195 Mississippi National Guard. The commissioners shall be appointed  
196 by the Governor on the recommendation of the state executive

197 governing body of each respective organization entitled to a  
198 member of the commission. The initial terms of the members shall  
199 be as follows, to be designated by the Governor at the time of  
200 appointment: (a) two (2) members shall be appointed for terms of  
201 two (2) years each; (b) two (2) members for terms of four (4)  
202 years each; (c) two (2) members for terms of six (6) years each;  
203 and (d) the member from the American Ex-Prisoners of War for a  
204 term of four (4) years. Thereafter, each term shall be for six  
205 (6) years or until a successor in office has been appointed and  
206 qualified. The members of the commission as constituted on July  
207 1, 2007, whose terms have not expired shall serve the balance of  
208 their terms, after which time the membership of the commission  
209 shall be appointed as follows: There shall be appointed one (1)  
210 member of the commission from each of the four (4) Mississippi  
211 congressional districts as they currently exist, and three (3)  
212 from the state at large, and the Governor shall make appointments  
213 from the congressional district having the smallest number of  
214 commission members until the membership includes at least one (1)  
215 member from each congressional district as required; and the  
216 appropriate organization/association shall submit nominations to  
217 the Governor from the proper congressional district as required.  
218 In the event of any vacancy on the commission, the Governor shall,  
219 within thirty (30) days, designate a successor in the same manner  
220 as the original appointment was made. No member of either branch  
221 of the Legislature nor any state officer or employee shall serve  
222 on the commission.

#### 223 **VETERANS HOME PURCHASE BOARD**

224 **SECTION 5.** Section 35-7-7, Mississippi Code of 1972, is  
225 amended as follows:

226 35-7-7. The administration of the provisions hereof is  
227 vested in a Veterans' Home Purchase Board consisting of six (6)  
228 members who shall be appointed, or reappointed, by the Governor,  
229 with the advice and consent of the Senate. Members appointed to

230 the board shall be veterans of either World War II, the Korean  
231 Conflict, the Southeast Asia Conflict, the Persian Gulf Conflict  
232 or have served in active duty for at least one hundred eighty  
233 (180) days during a time of war or a conflict in which a campaign  
234 ribbon or medal was issued and shall possess a background in  
235 business, banking, real estate or the legal profession which  
236 enables them to carry out the duties of the board. Appointments  
237 shall be staggered, with each Governor appointing or reappointing  
238 two (2) members in the first year of his administration; one (1)  
239 member in the second year, two (2) members in the third year, and  
240 one (1) member in the fourth year. Appointments for terms that  
241 expire in 1988 shall be made as follows: one (1) shall be made  
242 for a term ending on July 1, 1989; one (1) shall be made for a  
243 term ending on July 1, 1991; and two (2) shall be made for a term  
244 ending on July 1, 1992. Persons appointed to succeed the two (2)  
245 members whose terms expired in 1986, or any such member holding  
246 over after 1986 because no successor was appointed, shall serve  
247 until July 1, 1990. After the expiration of the foregoing terms,  
248 all appointments shall be for a term of four (4) years from the  
249 expiration date of the previous term. From and after July 1,  
250 1988, one (1) appointee shall be selected from each of the five  
251 (5) congressional districts of this state as such districts are  
252 composed on May 1, 1987, and one (1) appointee shall be selected  
253 from the state at large. The members of the board as constituted  
254 on July 1, 2007, whose terms have not expired shall serve the  
255 balance of their terms, after which time the membership of the  
256 board shall be appointed as follows: There shall be appointed one  
257 (1) member of the board from each of the four (4) Mississippi  
258 congressional districts as they currently exist, and two (2) from  
259 the state at large, and the Governor shall make appointments from  
260 the congressional district having the smallest number of board  
261 members until the membership includes at least one (1) from each  
262 congressional district as required. Any vacancy occurring during



263 a term shall be filled by appointment of a member for the  
264 unexpired portion of the term.

265 The board is hereby authorized and empowered to make and  
266 promulgate such reasonable rules and regulations under this  
267 chapter as it shall deem to be necessary or advisable and to  
268 enforce the same. The board shall have authority to render final  
269 decision on the purchase application process, approval of  
270 purchases, funding of purchase commitments, servicing loans and  
271 default, property security, management, resale, release from  
272 security, and all other matters relating to the purchases and  
273 loans made under this law. The board shall likewise by an order  
274 spread on its minutes elect a chairman and vice chairman to serve  
275 for one-year terms, and all such officers are eligible to succeed  
276 themselves in such offices. The chairman may appoint a  
277 three-member loan committee from the membership of the board and  
278 shall specify the conditions, responsibilities and authority of  
279 such committee.

280 Each member of the board and his successor shall be  
281 reimbursed all his actual and necessary traveling and other  
282 expenses incurred in the attendance of the meetings of the board  
283 or in the performance of other duties in connection with the  
284 business of the board as provided for state officers and employees  
285 in Section 25-3-41, and shall be allowed a per diem as provided in  
286 Section 25-3-69 for such attendance; provided that the number of  
287 days per diem shall not exceed sixty-six (66) days for the  
288 chairman and fifty (50) days for other members of the board during  
289 any one (1) fiscal year. The above limitation of days per year  
290 shall not apply to board members appointed on a full-time basis to  
291 the loan committee.

292 The director, or other executive officer employed by the  
293 board, shall execute a surety bond in the sum of One Hundred  
294 Thousand Dollars (\$100,000.00), conditioned upon the faithful  
295 performance of his duties and upon his accounting for all monies

296 coming into his hands; and each employee handling funds shall  
297 execute a like bond in the sum of Fifteen Thousand Dollars  
298 (\$15,000.00), and the premiums thereon shall be paid from the  
299 funds provided for administering this chapter.

300 The board may designate one (1) of its employees as the  
301 acting director or executive officer by a vote of the majority of  
302 the members of the board, officially recorded in the minutes of a  
303 regular or special meeting, and such acting director shall be  
304 vested with all the authority conferred upon the director by the  
305 provisions of this chapter; but such acting director may not serve  
306 for a continuous period of time in excess of six (6) months, and  
307 the acting director, when so designated, will be required to  
308 furnish surety bond in the same amount and under the same  
309 conditions as the director. The purpose of this provision is to  
310 designate an executive officer during any temporary illness,  
311 absence or incapacity of the regularly designated director.

312 The board may select and employ such expert, technical and  
313 clerical assistance as in its judgment may be necessary in the  
314 proper administration of said board and fix the salaries of such  
315 employees.

316 The board is empowered to employ auditors and accountants to  
317 examine the books, accounts and records of the board if it so  
318 desires, and the board is also authorized to employ legal counsel  
319 if it deems such a course necessary in the proper administration  
320 of its affairs.

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

322 **SECTION 6.** Section 37-4-3, Mississippi Code of 1972, is  
323 amended as follows:

324 37-4-3. (1) From and after July 1, 1986, there shall be a  
325 State Board for Community and Junior Colleges which shall receive  
326 and distribute funds appropriated by the Legislature for the use  
327 of the public community and junior colleges and funds from federal  
328 and other sources that are transmitted through the state

329 governmental organization for use by said colleges. This board  
330 shall provide general coordination of the public community and  
331 junior colleges, assemble reports and such other duties as may be  
332 prescribed by law.

333 (2) The board shall consist of ten (10) members of which  
334 none shall be an elected official and none shall be engaged in the  
335 educational profession. The Governor shall appoint two (2)  
336 members from the First Mississippi Congressional District, one (1)  
337 who shall serve an initial term of two (2) years and one (1) who  
338 shall serve an initial term of five (5) years; two (2) members  
339 from the Second Mississippi Congressional District, one (1) who  
340 shall serve an initial term of five (5) years and one (1) who  
341 shall serve an initial term of three (3) years; and two (2)  
342 members from the Third Mississippi Congressional District, one (1)  
343 who shall serve an initial term of four (4) years and one (1) who  
344 shall serve an initial term of two (2) years; two (2) members from  
345 the Fourth Mississippi Congressional District, one (1) who shall  
346 serve an initial term of three (3) years and one (1) who shall  
347 serve an initial term of four (4) years; and two (2) members from  
348 the Fifth Mississippi Congressional District, one (1) who shall  
349 serve an initial term of five (5) years and one (1) who shall  
350 serve an initial term of two (2) years. The members of the board  
351 as constituted on July 1, 2007, whose terms have not expired shall  
352 serve the balance of their terms, after which time the membership  
353 of the board shall be appointed as follows: There shall be  
354 appointed two (2) members of the board from each of the four (4)  
355 Mississippi congressional districts as they currently exist, and  
356 the Governor shall make appointments from the congressional  
357 district having the smallest number of board members until the  
358 membership includes two (2) from each district as required. All  
359 subsequent appointments shall be for a term of six (6) years and  
360 continue until their successors are appointed and qualify. An  
361 appointment to fill a vacancy which arises for reasons other than

362 by expiration of a term of office shall be for the unexpired term  
363 only. No two (2) appointees shall reside in the same junior  
364 college district. All members shall be appointed with the advice  
365 and consent of the Senate.

366 (3) There shall be a chairman and vice chairman of the  
367 board, elected by and from the membership of the board; and the  
368 chairman shall be the presiding officer of the board. The board  
369 shall adopt rules and regulations governing times and places for  
370 meetings and governing the manner of conducting its business.

371 (4) The members of the board shall receive no annual salary,  
372 but shall receive per diem compensation as authorized by Section  
373 25-3-69, Mississippi Code of 1972, for each day devoted to the  
374 discharge of official board duties and shall be entitled to  
375 reimbursement for all actual and necessary expenses incurred in  
376 the discharge of their duties, including mileage as authorized by  
377 Section 25-3-41, Mississippi Code of 1972.

378 (5) The board shall name a director for the state system of  
379 public junior and community colleges, who shall serve at the  
380 pleasure of the board. Such director shall be the chief executive  
381 officer of the board, give direction to the board staff, carry out  
382 the policies set forth by the board, and work with the presidents  
383 of the several community and junior colleges to assist them in  
384 carrying out the mandates of the several boards of trustees and in  
385 functioning within the state system and policies established by  
386 the State Board for Community and Junior Colleges. The State  
387 Board for Community and Junior Colleges shall set the salary of  
388 the Director of the State System of Community and Junior Colleges.  
389 The Legislature shall provide adequate funds for the State Board  
390 for Community and Junior Colleges, its activities and its staff.

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

393           (a) To authorize disbursements of state appropriated  
394 funds to community and junior colleges through orders in the  
395 minutes of the board.

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

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

400           (d) To require community and junior colleges to supply  
401 such information as the board may request and compile, publish and  
402 make available such reports based thereon as the board may deem  
403 advisable.

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

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

415           (g) To approve applications from community and junior  
416 colleges for state funds for vocational-technical education  
417 facilities.

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

420           (i) To appoint members to the Post-Secondary  
421 Educational Assistance Board.

422           (j) To appoint members to the Authority for Educational  
423 Television.

424           (k) To contract with other boards, commissions,  
425 governmental entities, foundations, corporations or individuals

426 for programs, services, grants and awards when such are needed for  
427 the operation and development of the state public community and  
428 junior college system.

429 (l) To fix standards for community and junior colleges  
430 to qualify for appropriations, and qualifications for community  
431 and junior college teachers.

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

435 (n) To approve or disapprove of any proposed inclusion  
436 within municipal corporate limits of state-owned buildings and  
437 grounds of any community college or junior college and to approve  
438 or disapprove of land use development, zoning requirements,  
439 building codes and delivery of governmental services applicable to  
440 state-owned buildings and grounds of any community college or  
441 junior college. Any agreement by a local board of trustees of a  
442 community college or junior college to annexation of state-owned  
443 property or other conditions described in this paragraph shall be  
444 void unless approved by the board and by the board of supervisors  
445 of the county in which the state-owned property is located.

446 **MISSISSIPPI EDUCATIONAL TELEVISION AUTHORITY**

447 **SECTION 7.** Section 37-63-3, Mississippi Code of 1972, is  
448 amended as follows:

449 37-63-3. The Authority for Educational Television shall  
450 consist of the State Superintendent of Public Education, or his  
451 designee, and six (6) members appointed, with the advice and  
452 consent of the Senate. The Governor shall appoint four (4)  
453 members, one (1) of whom shall be actively engaged as a teacher or  
454 principal in a secondary school system in the State of Mississippi  
455 and one (1) of whom shall be actively engaged as a teacher or  
456 principal in an elementary school system in the State of  
457 Mississippi. Beginning July 1, 1994, the appointee actively  
458 engaged as a teacher or principal in a secondary school shall be

459 appointed for an initial term of three (3) years. The member  
460 actively engaged as a teacher or principal in an elementary school  
461 shall be appointed for an initial term of four (4) years. The  
462 remaining two (2) gubernatorial appointees shall serve until July  
463 1, 1996. Beginning July 1, 1996, the Governor shall appoint two  
464 (2) members for initial terms of three (3) and four (4) years,  
465 with the Governor specifically designating which member shall be  
466 appointed for three (3) years and which shall be appointed for  
467 four (4) years. The gubernatorial appointees on the authority as  
468 constituted on July 1, 2007, whose terms have not expired shall  
469 serve the balance of their terms, after which time these  
470 appointments shall be made as follows: The gubernatorial  
471 appointees shall be appointed one (1) from each of the four (4)  
472 Mississippi congressional districts as they currently exist, and  
473 the Governor shall make appointments from the congressional  
474 district having the smallest number of authority members until the  
475 membership includes one (1) member from each district as required.  
476 The State Board for Community and Junior Colleges shall appoint  
477 one (1) member, and the Board of Trustees of the State  
478 Institutions of Higher Learning shall appoint one (1) member.  
479 After the expiration of the initial terms, all members shall serve  
480 for terms of four (4) years. An appointment to fill a vacancy  
481 among the gubernatorial appointees, other than by expiration of a  
482 term of office, shall be made by the Governor for the balance of  
483 the unexpired term.

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

485 **SECTION 8.** Section 37-101-3, Mississippi Code of 1972, is  
486 amended as follows:

487 (1) The Governor, \* \* \* shall appoint the members of the  
488 board \* \* \* with the advice and consent of the Senate. The  
489 Governor shall appoint only persons who are qualified electors  
490 residing in the district from which each is appointed, and at  
491 least twenty-five (25) years of age, and of the highest order of

492 intelligence, character, learning and fitness for the performance  
493 of such duties, to the end that such board shall perform its high  
494 and honorable duties to the greatest advantage of the people of  
495 the state and such educational institutions, uninfluenced by any  
496 political considerations. The board of trustees shall be composed  
497 of twelve (12) members. The members of the board of trustees as  
498 constituted on January 1, 2004, shall continue to serve until  
499 expiration of their respective terms of office. Appointments made  
500 to fill vacancies created by expiration of members' terms of  
501 office occurring after January 1, 2004, shall be as follows: The  
502 initial term of the members appointed in 2004 shall be for eleven  
503 (11) years; the initial term of the members appointed in 2008  
504 shall be for ten (10) years; and the initial term of the members  
505 appointed in 2012 shall be for nine (9) years. After the  
506 expiration of the initial terms, all terms shall be for nine (9)  
507 years. Four (4) members of the board of trustees shall be  
508 appointed from each of the three (3) Mississippi Supreme Court  
509 districts and, as such vacancies occur, the Governor shall make  
510 appointments from the Supreme Court district having the smallest  
511 number of board members until the membership includes four (4)  
512 members from each district.

513       The current president, or his/her designee, of the Student  
514 Body President's Council of Mississippi (SBPCM) shall have a  
515 reserved seat at each meeting of the Board of Trustees of State  
516 Institutions of Higher Learning. No less than once a year, the  
517 board shall seek the advise and counsel of the student body  
518 president's organization.

519       (2) In case of a vacancy on the board by death or  
520 resignation of a member, or from any \* \* \* cause other than the  
521 expiration of such member's term of office, the board shall elect  
522 his successor who shall hold office until the end of the next  
523 session of the Legislature. During such term of the session of  
524 the Legislature, the Governor shall appoint the successor member



525 of the board from the district from which his predecessor was  
526 appointed, to hold office for the balance of the unexpired term  
527 for which such original trustee was appointed, to the end that  
528 one-third (1/3) of such trustees' terms will expire each three (3)  
529 years.

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

549 **PREPAID AFFORDABLE COLLEGE TUITION BOARD**

550 **SECTION 9.** Section 37-155-7, Mississippi Code of 1972, is  
551 amended as follows:

552 37-155-7. (1) The board of directors shall consist of  
553 thirteen (13) members as follows:

554 (a) Nine (9) voting members as follows: the State  
555 Treasurer; the Commissioner of Higher Education, or his designee;  
556 the Executive Director of the Community and Junior College Board,  
557 or his designee; the Department of Finance and Administration

558 Executive Director, or his designee; and one (1) member from each  
559 congressional district to be appointed by the Governor with the  
560 advice and consent of the Senate. One (1) member shall be  
561 appointed for an initial term of one (1) year; one (1) member  
562 shall be appointed for an initial term of two (2) years; one (1)  
563 member for an initial term of three (3) years; one (1) member for  
564 an initial term of four (4) years; and one (1) member for an  
565 initial term of five (5) years. On the expiration of any of the  
566 terms of office, the Governor shall appoint successors by and with  
567 the advice and consent of the Senate for terms of five (5) years  
568 in each case. The gubernatorial appointments of the board as  
569 constituted on July 1, 2007, whose terms have not expired shall  
570 serve the balance of their terms, after which time the  
571 gubernatorial appointments shall be made as follows: There shall  
572 be appointed one (1) member of the board from each of the four (4)  
573 Mississippi congressional districts as they currently exist, and  
574 one (1) from the state at large, and the Governor shall make  
575 appointments from the congressional district having the smallest  
576 number of board members until the membership includes at least one  
577 (1) member from each congressional district as required.

578 (b) Two (2) nonvoting, advisory members of the board  
579 shall be appointed by each of the following officers: the  
580 Lieutenant Governor and the Speaker of the House of  
581 Representatives.

582 (2) Successors to the appointed members shall serve for the  
583 length of the term for each appointing official and shall be  
584 eligible for reappointment, and shall serve until a successor is  
585 appointed and qualified. Any person appointed to fill a vacancy  
586 on the board shall be appointed in a like manner and shall serve  
587 for only the unexpired term.

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

591 (4) Members of the board of directors shall serve without  
592 compensation, but shall be reimbursed for each day's official  
593 duties of the board at the same per diem as established by Section  
594 25-3-69 and actual travel and lodging expenses as established by  
595 Section 25-3-41.

596 (5) The board of directors shall annually elect one (1)  
597 member to serve as chairman of the board and one (1) member to  
598 serve as vice chairman. The vice chairman shall act as chairman  
599 in the absence of or upon the disability of the chairman or in the  
600 event of a vacancy of the office of chairman.

601 (6) A majority of the currently serving members of the board  
602 shall constitute a quorum for the purposes of conducting business  
603 and exercising its official powers and duties. Any action taken  
604 by the board shall be upon the vote of a majority of the members  
605 present.

606 **MISSISSIPPI LIBRARY COMMISSION**

607 **SECTION 10.** Section 39-3-101, Mississippi Code of 1972, is  
608 amended as follows:

609 39-3-101. There is hereby created a board of commissioners  
610 of the Mississippi Library Commission to be composed of five (5)  
611 members appointed by the Governor with overlapping terms, the  
612 members of the first board to be appointed one (1) for one (1)  
613 year, one (1) for two (2) years, one (1) for three (3) years, one  
614 (1) for four (4) years, one (1) for five (5) years, and their  
615 successors each to be appointed for five-year terms, each member  
616 to serve until his successor is appointed. Two (2) members shall  
617 be appointed by the Governor from the state at large. Two (2)  
618 members shall be appointed by the Governor from a list of not less  
619 than six (6) names submitted by the Mississippi Library  
620 Association, one (1) of whom shall be a librarian who is a  
621 graduate of a library school accredited by the American Library  
622 Association and actively engaged in full-time library work at the  
623 time of the appointment and one (1) of whom shall be, at time of

624 the appointment, a member of a legally organized board of trustees  
625 of a Mississippi free public library; and one (1) member shall be  
626 the President of the Mississippi Federation of Women's Clubs, or a  
627 member of said federation recommended by her; and which federation  
628 member shall, when appointed, serve a full term as herein provided  
629 for members to serve under a staggered term basis, and the  
630 successor to the federation member shall be the president of the  
631 federation then serving, or a member of the federation recommended  
632 by her, when the term of the federation member shall expire; and  
633 after the appointment of a federation member to the board, and  
634 when her term as a member thereof shall expire, each succeeding  
635 member of the federation who becomes a member of the board shall  
636 serve a full term under the provisions of this article. The  
637 members of the commission as constituted on July 1, 2007, whose  
638 terms have not expired shall serve the balance of their terms,  
639 after which time the membership of the board shall be appointed as  
640 follows: There shall be appointed one (1) member of the  
641 commission from each of the four (4) Mississippi congressional  
642 districts as they currently exist, and the federation member shall  
643 be considered an appointment from the state at large. The  
644 Governor shall make appointments from the congressional district  
645 having the smallest number of board members until the membership  
646 includes one (1) member from each congressional district as  
647 required, and the recommendations from the Mississippi Library  
648 Association shall be made from the appropriate congressional  
649 district. Vacancies created by resignation shall be filled by  
650 appointment for the unexpired term.

651 **MISSISSIPPI COMMISSION ON THE ARTS**

652 **SECTION 11.** Section 39-11-1, Mississippi Code of 1972, is  
653 amended as follows:

654 39-11-1. There is hereby created and established a state  
655 commission to be known as the Mississippi Arts Commission, to  
656 consist of fifteen (15) members broadly representative of all

657 fields of the performing, visual, literary arts and the business  
658 community, and who are to be appointed by the Governor from among  
659 citizens of the state who have demonstrated a vital interest in  
660 the performing, visual or literary arts. These members shall also  
661 be representative of the different geographical areas of the  
662 state. The members of the commission as constituted on July 1,  
663 2007, whose terms have not expired shall serve the balance of  
664 their terms, after which time the membership of the board shall be  
665 appointed as follows: No more than four (4) members of the  
666 commission shall be appointed from each of the four (4)  
667 Mississippi congressional districts as they currently exist, and  
668 the Governor shall make appointments from the congressional  
669 district having the smallest number of commission members until  
670 the membership includes at least three (3) members from each  
671 district as required.

672 **STATE BOARD OF MENTAL HEALTH**

673 **SECTION 12.** Section 41-4-3, Mississippi Code of 1972, is  
674 amended as follows:

675 41-4-3. (1) There is hereby created a State Board of Mental  
676 Health, herein referred to as "board," consisting of nine (9)  
677 members, to be appointed by the Governor, with the advice and  
678 consent of the Senate, each of whom shall be a qualified elector.  
679 One (1) member shall be appointed from each congressional district  
680 as presently constituted; and four (4) members shall be appointed  
681 from the state at large, one (1) of whom shall be a licensed  
682 medical doctor who is a psychiatrist, one (1) of whom shall hold a  
683 Ph.D. degree and be a licensed clinical psychologist, one (1) of  
684 whom shall be a licensed medical doctor, and one (1) of whom shall  
685 be a social worker with experience in the mental health field.

686 \* \* \*

687 Each member of the initial board shall serve for a term of  
688 years represented by the number of his congressional district; two  
689 (2) state-at-large members shall serve for a term of six (6)

690 years; two (2) state-at-large members shall serve for a term of  
691 seven (7) years; subsequent appointments shall be for seven-year  
692 terms and the Governor shall fill any vacancy for the unexpired  
693 term. The members of the board as constituted on July 1, 2007,  
694 whose terms have not expired shall serve the balance of their  
695 terms, after which time the membership of the board shall be  
696 appointed as follows: There shall be appointed two (2) members of  
697 the board from each of the four (4) Mississippi congressional  
698 districts as they currently exist, and one (1) from the state at  
699 large, to be designated at the time of appointment, and the  
700 Governor shall make appointments from the congressional district  
701 having the smallest number of board members until the membership  
702 includes two (2) members from each congressional district as  
703 required.

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

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

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

714 **MEDICAID MEDICAL CARE ADVISORY COMMITTEE**

715 **SECTION 13.** Section 43-13-107, Mississippi Code of 1972, is  
716 amended as follows:

717 43-13-107. (1) The Division of Medicaid is created in the  
718 Office of the Governor and established to administer this article  
719 and perform such other duties as are prescribed by law.

720 (2) (a) The Governor shall appoint a full-time executive  
721 director, with the advice and consent of the Senate, who shall be  
722 either (i) a physician with administrative experience in a medical

723 care or health program, or (ii) a person holding a graduate degree  
724 in medical care administration, public health, hospital  
725 administration, or the equivalent, or (iii) a person holding a  
726 bachelor's degree in business administration or hospital  
727 administration, with at least ten (10) years' experience in  
728 management-level administration of Medicaid programs. The  
729 executive director shall be the official secretary and legal  
730 custodian of the records of the division; shall be the agent of  
731 the division for the purpose of receiving all service of process,  
732 summons and notices directed to the division; and shall perform  
733 such other duties as the Governor may prescribe from time to time.

734 (b) The Governor shall appoint a full-time Deputy  
735 Director of Administration, with the advice and consent of the  
736 Senate, who shall have at least a bachelor's degree from an  
737 accredited college or university, and/or shall possess a special  
738 knowledge of Medicaid as pertaining to the State of Mississippi.  
739 The Deputy Director of Administration may perform those duties of  
740 the executive director that the executive director has not  
741 expressly retained for himself.

742 (c) The executive director and the Deputy Director of  
743 Administration of the Division of Medicaid shall perform all other  
744 duties that are now or may be imposed upon them by law.

745 (d) The terms of office of the executive director and  
746 the Deputy Director of Administration shall be concurrent with the  
747 terms of the Governor appointing them. In the event of a vacancy,  
748 the same shall be filled by the Governor for the unexpired portion  
749 of the term in which the vacancy occurs. However, the incumbent  
750 executive director and Deputy Director of Administration shall  
751 serve until the appointment and qualification of their successors.

752 (e) The executive director and the Deputy Director of  
753 Administration shall, before entering upon the discharge of the  
754 duties of their offices, take and subscribe to the oath of office  
755 prescribed by the Mississippi Constitution and shall file the same

756 in the Office of the Secretary of State, and each shall execute a  
757 bond in some surety company authorized to do business in the state  
758 in the penal sum of One Hundred Thousand Dollars (\$100,000.00),  
759 conditioned for the faithful and impartial discharge of the duties  
760 of their offices. The premium on those bonds shall be paid as  
761 provided by law out of funds appropriated to the Division of  
762 Medicaid for contractual services.

763 (f) The executive director, with the approval of the  
764 Governor and subject to the rules and regulations of the State  
765 Personnel Board, shall employ such professional, administrative,  
766 stenographic, secretarial, clerical and technical assistance as  
767 may be necessary to perform the duties required in administering  
768 this article and fix the compensation for those persons, all in  
769 accordance with a state merit system meeting federal requirements.  
770 When the salary of the executive director is not set by law, that  
771 salary shall be set by the State Personnel Board. No employees of  
772 the Division of Medicaid shall be considered to be staff members  
773 of the immediate Office of the Governor; however, the provisions  
774 of Section 25-9-107(c)(xv) shall apply to the executive director  
775 and other administrative heads of the division.

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

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

782 (i) The Governor shall appoint five (5) members,  
783 one (1) from each congressional district currently existing, and  
784 one (1) from the state at large;

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



787                   (iii) The Speaker of the House of Representatives  
788 shall appoint three (3) members, one (1) from each Supreme Court  
789 district.

790           All members appointed under this paragraph shall either be  
791 health care providers or consumers of health care services. One  
792 (1) member appointed by each of the appointing authorities shall  
793 be a board certified physician.

794           (c) The respective Chairmen of the House Medicaid  
795 Committee, the House Public Health and Human Services Committee,  
796 the House Appropriations Committee, the Senate Public Health and  
797 Welfare Committee and the Senate Appropriations Committee, or  
798 their designees, two (2) members of the State Senate appointed by  
799 the Lieutenant Governor and one (1) member of the House of  
800 Representatives appointed by the Speaker of the House, shall serve  
801 as ex officio nonvoting members of the advisory committee.

802           (d) In addition to the committee members required by  
803 paragraph (b), the advisory committee shall consist of such other  
804 members as are necessary to meet the requirements of the federal  
805 regulation applicable to the advisory committee, who shall be  
806 appointed as provided in the federal regulation.

807           (e) The chairmanship of the advisory committee shall  
808 alternate for twelve-month periods between the Chairmen of the  
809 House Medicaid Committee and the Senate Public Health and Welfare  
810 Committee.

811           (f) The members of the advisory committee specified in  
812 paragraph (b) shall serve for terms that are concurrent with the  
813 terms of members of the Legislature, and any member appointed  
814 under paragraph (b) may be reappointed to the advisory committee.  
815 The members of the advisory committee specified in paragraph (b)  
816 shall serve without compensation, but shall receive reimbursement  
817 to defray actual expenses incurred in the performance of committee  
818 business as authorized by law. Legislators shall receive per diem  
819 and expenses, which may be paid from the contingent expense funds

820 of their respective houses in the same amounts as provided for  
821 committee meetings when the Legislature is not in session.

822 (g) The advisory committee shall meet not less than  
823 quarterly, and advisory committee members shall be furnished  
824 written notice of the meetings at least ten (10) days before the  
825 date of the meeting.

826 (h) The executive director shall submit to the advisory  
827 committee all amendments, modifications and changes to the state  
828 plan for the operation of the Medicaid program, for review by the  
829 advisory committee before the amendments, modifications or changes  
830 may be implemented by the division.

831 (i) The advisory committee, among its duties and  
832 responsibilities, shall:

833 (i) Advise the division with respect to  
834 amendments, modifications and changes to the state plan for the  
835 operation of the Medicaid program;

836 (ii) Advise the division with respect to issues  
837 concerning receipt and disbursement of funds and eligibility for  
838 Medicaid;

839 (iii) Advise the division with respect to  
840 determining the quantity, quality and extent of medical care  
841 provided under this article;

842 (iv) Communicate the views of the medical care  
843 professions to the division and communicate the views of the  
844 division to the medical care professions;

845 (v) Gather information on reasons that medical  
846 care providers do not participate in the Medicaid program and  
847 changes that could be made in the program to encourage more  
848 providers to participate in the Medicaid program, and advise the  
849 division with respect to encouraging physicians and other medical  
850 care providers to participate in the Medicaid program;

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

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

856 (i) Review and initiate retrospective drug use,  
857 review including ongoing periodic examination of claims data and  
858 other records in order to identify patterns of fraud, abuse, gross  
859 overuse, or inappropriate or medically unnecessary care, among  
860 physicians, pharmacists and individuals receiving Medicaid  
861 benefits or associated with specific drugs or groups of drugs.

862 (ii) Review and initiate ongoing interventions for  
863 physicians and pharmacists, targeted toward therapy problems or  
864 individuals identified in the course of retrospective drug use  
865 reviews.

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

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

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

874 (d) The board meetings shall be open to the public,  
875 members of the press, legislators and consumers. Additionally,  
876 all documents provided to board members shall be available to  
877 members of the Legislature in the same manner, and shall be made  
878 available to others for a reasonable fee for copying. However,  
879 patient confidentiality and provider confidentiality shall be  
880 protected by blinding patient names and provider names with  
881 numerical or other anonymous identifiers. The board meetings  
882 shall be subject to the Open Meetings Act (Section 25-41-1 et

883 seq.). Board meetings conducted in violation of this section  
884 shall be deemed unlawful.

885 (5) (a) There is established a Pharmacy and Therapeutics  
886 Committee, which shall be appointed by the Governor, or his  
887 designee.

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

891 (c) The committee meetings shall be open to the public,  
892 members of the press, legislators and consumers. Additionally,  
893 all documents provided to committee members shall be available to  
894 members of the Legislature in the same manner, and shall be made  
895 available to others for a reasonable fee for copying. However,  
896 patient confidentiality and provider confidentiality shall be  
897 protected by blinding patient names and provider names with  
898 numerical or other anonymous identifiers. The committee meetings  
899 shall be subject to the Open Meetings Act (Section 25-41-1 et  
900 seq.). Committee meetings conducted in violation of this section  
901 shall be deemed unlawful.

902 (d) After a thirty-day public notice, the executive  
903 director, or his or her designee, shall present the division's  
904 recommendation regarding prior approval for a therapeutic class of  
905 drugs to the committee. However, in circumstances where the  
906 division deems it necessary for the health and safety of Medicaid  
907 beneficiaries, the division may present to the committee its  
908 recommendations regarding a particular drug without a thirty-day  
909 public notice. In making that presentation, the division shall  
910 state to the committee the circumstances that precipitate the need  
911 for the committee to review the status of a particular drug  
912 without a thirty-day public notice. The committee may determine  
913 whether or not to review the particular drug under the  
914 circumstances stated by the division without a thirty-day public  
915 notice. If the committee determines to review the status of the

916 particular drug, it shall make its recommendations to the  
917 division, after which the division shall file those  
918 recommendations for a thirty-day public comment under the  
919 provisions of Section 25-43-7(1).

920 (e) Upon reviewing the information and recommendations,  
921 the committee shall forward a written recommendation approved by a  
922 majority of the committee to the executive director or his or her  
923 designee. The decisions of the committee regarding any  
924 limitations to be imposed on any drug or its use for a specified  
925 indication shall be based on sound clinical evidence found in  
926 labeling, drug compendia, and peer reviewed clinical literature  
927 pertaining to use of the drug in the relevant population.

928 (f) Upon reviewing and considering all recommendations  
929 including recommendation of the committee, comments, and data, the  
930 executive director shall make a final determination whether to  
931 require prior approval of a therapeutic class of drugs, or modify  
932 existing prior approval requirements for a therapeutic class of  
933 drugs.

934 (g) At least thirty (30) days before the executive  
935 director implements new or amended prior authorization decisions,  
936 written notice of the executive director's decision shall be  
937 provided to all prescribing Medicaid providers, all Medicaid  
938 enrolled pharmacies, and any other party who has requested the  
939 notification. However, notice given under Section 25-43-7(1) will  
940 substitute for and meet the requirement for notice under this  
941 subsection.

942 (h) Members of the committee shall dispose of matters  
943 before the committee in an unbiased and professional manner. If a  
944 matter being considered by the committee presents a real or  
945 apparent conflict of interest for any member of the committee,  
946 that member shall disclose the conflict in writing to the  
947 committee chair and recuse himself or herself from any discussions  
948 and/or actions on the matter.

949 (6) This section shall stand repealed on July 1, 2007.

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

951 **SECTION 14.** Section 43-13-409, Mississippi Code of 1972, is  
952 amended as follows:

953 43-13-409. (1) There is established a board of directors to  
954 invest the funds in the Health Care Trust Fund and the Health Care  
955 Expendable Fund. The board of directors shall consist of thirteen  
956 (13) members as follows:

957 (a) Seven (7) voting members as follows: the State  
958 Treasurer, or his designee, the Attorney General, or his designee,  
959 and one (1) member from each congressional district to be  
960 appointed by the Governor with the advice and consent of the  
961 Senate. Of the members appointed by the Governor, one (1) member  
962 shall be appointed for an initial term that expires on March 1,  
963 2000; one (1) member shall be appointed for an initial term that  
964 expires on March 1, 2001; one (1) member shall be appointed for an  
965 initial term that expires on March 1, 2002; one (1) member shall  
966 be appointed for an initial term that expires on March 1, 2003;  
967 and one (1) member shall be appointed for an initial term that  
968 expires on March 1, 2004. Upon the expiration of any of the  
969 initial terms of office, the Governor shall appoint successors by  
970 and with the advice and consent of the Senate for terms of five  
971 (5) years from the expiration date of the previous term. Any  
972 member appointed by the Governor shall be eligible for  
973 reappointment. Each member appointed by the Governor shall  
974 possess knowledge, skill and experience in business or financial  
975 matters commensurate with the duties and responsibilities of the  
976 board of directors in administering the Health Care Trust Fund and  
977 the Health Care Expendable Fund. The members appointed by the  
978 Governor as constituted on July 1, 2007, whose terms have not  
979 expired shall serve the balance of their terms, after which time  
980 the gubernatorial appointments shall be made as follows: There  
981 shall be appointed one (1) member of the board from each of the

982 four (4) Mississippi congressional districts as they currently  
983 exist, and one (1) from the state at large, and the Governor shall  
984 make appointments from the congressional district having the  
985 smallest number of board members until the membership includes one  
986 (1) member from each district as required.

987           (b) Two (2) nonvoting, advisory members of the Senate  
988 shall be appointed by the Lieutenant Governor, and one (1)  
989 nonvoting, advisory representative of the health care community  
990 shall be appointed by the Lieutenant Governor, who shall serve for  
991 the length of the term of the appointing official and shall be  
992 eligible for reappointment.

993           (c) Two (2) nonvoting, advisory members of the House of  
994 Representatives shall be appointed by the Speaker of the House,  
995 and one (1) nonvoting, advisory representative of the health care  
996 community shall be appointed by the Speaker of the House, who  
997 shall serve for the length of the term of the appointing official  
998 and shall be eligible for reappointment.

999           (d) Any person appointed to fill a vacancy on the board  
1000 of directors shall be appointed in the same manner as for a  
1001 regular appointment and shall serve for the remainder of the  
1002 unexpired term only.

1003           (2) Nonlegislative members of the board of directors shall  
1004 serve without compensation, but shall be reimbursed for each day's  
1005 official duties of the board at the same per diem as established  
1006 by Section 25-3-69, and actual travel and lodging expenses as  
1007 established by Section 25-3-41. Legislative members of the board  
1008 of directors shall receive the same per diem and expense  
1009 reimbursement as for attending committee meetings when the  
1010 Legislature is not in regular session.

1011           (3) The State Treasurer shall be the chairman of the board  
1012 of directors. The board of directors shall annually elect one (1)  
1013 member to serve as vice chairman of the board. The vice chairman

1014 shall act as chairman in the absence of or upon the disability of  
1015 the chairman or if there is a vacancy in the office of chairman.

1016 (4) All expenses of the board of directors in carrying out  
1017 its duties and responsibilities under this article, including the  
1018 payment of per diem and expenses of the nonlegislative members of  
1019 the board, shall be paid from funds appropriated to the State  
1020 Treasurer's office for that purpose.

1021 (5) The board of directors shall invest the funds in the  
1022 Health Care Trust Fund and the Health Care Expendable Fund in any  
1023 of the investments authorized for the Mississippi Prepaid  
1024 Affordable College Tuition Program under Section 37-155-9, and  
1025 those investments shall be subject to the limitations prescribed  
1026 by Section 37-155-9.

1027 (6) In furtherance of the powers granted under subsection  
1028 (5) of this section, the board of directors shall have such powers  
1029 as necessary or convenient to carry out the purposes and  
1030 provisions of this article, including, but not limited to, the  
1031 following express powers:

1032 (a) To contract for necessary goods and services, to  
1033 employ necessary personnel, and to engage the services of  
1034 consultants for administrative and technical assistance in  
1035 carrying out its duties and responsibilities in administering the  
1036 Health Care Trust Fund and the Health Care Expendable Fund;

1037 (b) To administer the Health Care Trust Fund and the  
1038 Health Care Expendable Fund in a manner that is sufficiently  
1039 actuarially sound to meet the obligations of this article and to  
1040 establish a comprehensive investment plan for the purposes of this  
1041 article, which shall specify the investment policies to be  
1042 utilized by the board of directors in administering the funds;

1043 (c) Subject to the terms, conditions, limitations and  
1044 restrictions specified in Section 37-155-9, the board of directors  
1045 shall have power to sell, assign, transfer and dispose of any of  
1046 the securities and investments of the Health Care Trust Fund and



1047 the Health Care Expendable Fund, provided that any such sale,  
1048 assignment or transfer has the majority approval of the entire  
1049 board; and

1050 (d) To annually prepare or cause to be prepared a  
1051 report setting forth in appropriate detail an accounting of the  
1052 Health Care Trust Fund and the Health Care Expendable Fund and a  
1053 description of the financial condition of the funds at the close  
1054 of each fiscal year, including any recommendations for legislation  
1055 regarding the investment authority of the board of directors over  
1056 the funds. The report shall be submitted to the Governor and the  
1057 Legislative Budget Office on or before September 1 of each fiscal  
1058 year.

1059 **MISSISSIPPI COMMISSION FOR VOLUNTEER SERVICE**

1060 **SECTION 15.** Section 43-55-5, Mississippi Code of 1972, is  
1061 amended as follows:

1062 43-55-5. (1) Members of the Commission for Volunteer  
1063 Service shall be appointed by the Governor. The commission shall  
1064 consist of no fewer than fifteen (15) and no more than twenty-five  
1065 (25) members.

1066 (2) The commission members shall include as voting members,  
1067 except as otherwise indicated, at least one (1) of each of the  
1068 following:

1069 (a) An individual with expertise in the educational,  
1070 training, and developmental needs of youth, particularly  
1071 disadvantaged youth.

1072 (b) An individual with experience in promoting service  
1073 and volunteerism among older adults.

1074 (c) A representative of a community-based agency.

1075 (d) The superintendent of the State Department of  
1076 Education, or his or her designee.

1077 (e) A representative of local government.

1078 (f) A representative of local labor organizations.

1079 (g) A representative of business.

1080           (h) An individual between the ages of sixteen (16) and  
1081 twenty-five (25) who is a participant or supervisor in a program  
1082 as defined in Section 101 of Title I, 42 USCS 12511.

1083           (i) A representative of a national service program  
1084 described in Section 122(a) of Title I, 42 USCS 12572.

1085           (j) The employee of the corporation designated under  
1086 Section 195 of Title I, 42 USCS 12651f, as the representative of  
1087 the corporation in this state, as a nonvoting member.

1088           (3) In addition to the members described in subsection (2),  
1089 the commission may include as voting members any of the following:

1090           (a) Local educators.

1091           (b) Experts in the delivery of human, educational,  
1092 environmental, or public safety services to communities and  
1093 persons.

1094           (c) Representative of Native American tribes.

1095           (d) Out-of-school youth or other at-risk youth.

1096           (e) Representatives of entities that receive assistance  
1097 under the Domestic Volunteer Service Act of 1973, Public Law  
1098 93-113, 87 Stat. 394.

1099           (f) A member of the Board of Trustees of State  
1100 Institutions of Higher Learning.

1101           (4) Not more than twenty-five percent (25%) of the voting  
1102 commission members shall be officers or employees of this state.  
1103 The Governor may appoint additional officers or employees of state  
1104 agencies operating community service, youth service, education,  
1105 social service, senior service, and job training programs, as  
1106 nonvoting, ex officio members of the commission.

1107           (5) The Governor shall ensure, to the maximum extent  
1108 possible, that the commission membership is diverse with respect  
1109 to race, ethnicity, age, gender, and disability characteristics.

1110           (6) Except as provided in this subsection, members of the  
1111 commission shall serve for staggered three-year terms expiring on  
1112 October 1. The members constituting the Mississippi Commission

1113 for Volunteer Service under Executive Order No. 1994-742 on March  
1114 28, 1996, shall serve on the commission for the remainder of the  
1115 terms for which they were appointed. Of the additional members,  
1116 the Governor shall appoint one-third (1/3) of the initial members  
1117 for a term of one (1) year; one-third (1/3) for a term of two (2)  
1118 years; and one-third (1/3) for a term of three (3) years.  
1119 Following expiration of these initial terms, all appointments  
1120 shall be for three-year renewable terms. The members of the  
1121 commission as constituted on July 1, 2007, whose terms have not  
1122 expired shall serve the balance of their terms, after which time  
1123 the membership of the commission shall be appointed as follows:  
1124 To the extent practicable, there shall be appointed one-fourth  
1125 (1/4) of the membership of the commission from each of the four  
1126 (4) Mississippi congressional districts as they currently exist,  
1127 and the Governor shall make appointments from the congressional  
1128 district having the smallest number of board members until  
1129 one-fourth (1/4) of the membership is from each congressional  
1130 district as required. Members of the commission may not serve  
1131 more than two (2) consecutive terms.

1132 (7) A vacancy on the commission shall be filled in the same  
1133 manner as the original appointments, and any member so appointed  
1134 shall serve during the remainder of the term for which the vacancy  
1135 occurred. The vacancy shall not affect the power of the remaining  
1136 commission members to execute the duties of the commission.

1137 **PRISON INDUSTRY CORPORATION BOARD OF DIRECTORS**

1138 **SECTION 16.** Section 47-5-541, Mississippi Code of 1972, is  
1139 amended as follows:

1140 47-5-541. (1) The corporation shall be governed by a board  
1141 of directors. The board of directors of the nonprofit corporation  
1142 shall be composed of the following eleven (11) members who shall  
1143 be appointed by the Governor with the advice and consent of the  
1144 Senate: one (1) representative of the manufacturing industry, one  
1145 (1) representative of the agriculture industry, one (1)

1146 representative of the banking and finance industry, one (1)  
1147 representative of the labor industry, one (1) representative from  
1148 the marketing industry and six (6) members from the state at  
1149 large. In addition, the State Commissioner of Corrections and the  
1150 President of Mississippi Delta Community College shall be ex  
1151 officio members of the board of directors with full voting  
1152 privileges. In making initial appointments, three (3) members  
1153 shall be appointed for a term of two (2) years; four (4) members  
1154 shall be appointed for a term of three (3) years; and four (4)  
1155 members shall be appointed for a term of four (4) years; to be  
1156 designated by the Governor at the time of appointment; and all  
1157 succeeding terms shall be for four (4) years from the expiration  
1158 date of the previous term. Initial appointments shall be made  
1159 within thirty (30) days after passage of Sections 47-5-531 through  
1160 47-5-575. Any vacancy shall be filled by the Governor, with the  
1161 advice and consent of the Senate. The members of the board as  
1162 constituted on July 1, 2007, whose terms have not expired shall  
1163 serve the balance of their terms, after which time the membership  
1164 of the board of directors shall be appointed as follows: There  
1165 shall be appointed two (2) members of the board from each of the  
1166 four (4) Mississippi congressional districts as they currently  
1167 exist, and three (3) from the state at large, and the Governor  
1168 shall make appointments from the congressional district having the  
1169 smallest number of board members until the membership includes at  
1170 least two (2) members from each congressional district as  
1171 required. The officers of the corporation shall consist of a  
1172 chairman, vice chairman and a secretary-treasurer. The officers  
1173 shall be selected by the members of the board. However, the  
1174 Commissioner of Corrections and the President of Mississippi Delta  
1175 Community College shall not be eligible to serve as an officer of  
1176 the corporation. The superintendent for the Parchman facility of  
1177 the Department of Corrections shall attend all meetings of the  
1178 board of directors. In addition, the superintendents of the

1179 Rankin County and Greene County facilities of the Department of  
1180 Corrections shall attend any meeting of the board of directors  
1181 wherein the business relates to their respective facilities.

1182 (2) The board of directors shall select and employ a chief  
1183 executive officer of the corporation who shall serve at the  
1184 pleasure of the board. The board shall set the compensation of  
1185 the chief executive officer. The chief executive officer shall be  
1186 responsible for the general business and entire operations of the  
1187 corporation, and shall be responsible for operating the  
1188 corporation in compliance with the bylaws of the corporation and  
1189 in compliance with any provision of law. The board shall be  
1190 authorized and empowered to do only those acts provided by law and  
1191 by the bylaws of the corporation. Except as otherwise  
1192 specifically provided by law, such board shall have the authority  
1193 to establish prison industries, to cease the operation of any  
1194 industry which it deems unsuitable or unprofitable, to enter into  
1195 any lease or contract for the corporation and it shall have the  
1196 full authority to establish prices for any industry good.

1197 (3) No member of the board of directors shall vote on any  
1198 matter that comes before the board that could result in pecuniary  
1199 benefit for himself or for any entity in which such member has an  
1200 interest.

1201 (4) In addition to the board of directors, an advisory board  
1202 may be set up for the benefit of each industry which is  
1203 established pursuant to the provisions of Sections 47-5-531  
1204 through 47-5-575. Such boards shall be advisory only, and may be  
1205 set up in the discretion of the board of directors of the  
1206 corporation.

1207 (5) Each member of the board of directors of the corporation  
1208 shall receive per diem as provided in Section 25-3-69 for each day  
1209 or fraction thereof spent in actual discharge of his official  
1210 duties and shall be reimbursed for mileage and actual expenses  
1211 incurred in the performance of his official duties in accordance

1212 with the requirements of Section 25-3-41, Mississippi Code of  
1213 1972.

1214 (6) The board of directors shall make and publish policies,  
1215 rules and regulations governing all business functions, including  
1216 but not limited to accounting, marketing, purchasing and  
1217 personnel, not inconsistent with the terms of Sections 47-5-531  
1218 through 47-5-575, as may be necessary for the efficient  
1219 administration and operation of the corporation.

1220 (7) The chief executive officer of the corporation shall:

1221 (a) Employ all necessary employees of the corporation  
1222 and dismiss them as is necessary;

1223 (b) Administer the daily operations of the corporation;

1224 (c) Upon approval of the board of directors, execute  
1225 any contracts on behalf of the corporation; and

1226 (d) Take any further actions which are necessary and  
1227 proper toward the achievement of the corporation purposes.

1228 (8) A member of the board of directors of the corporation  
1229 shall not be liable for any civil damages for any personal injury  
1230 or property damage caused to a person as a result of any acts or  
1231 omissions committed in good faith in the exercise of their duties  
1232 as members of the board of directors of the corporation, except  
1233 where a member of the board engages in acts or omissions which are  
1234 intentional, willful, wanton, reckless or grossly negligent.

1235 **COMMISSION ON ENVIRONMENTAL QUALITY**

1236 **SECTION 17.** Section 49-2-5, Mississippi Code of 1972, is  
1237 amended as follows:

1238 49-2-5. (1) There is hereby created the Mississippi  
1239 Commission on Environmental Quality, to be composed of seven (7)  
1240 persons appointed by the Governor, with the advice and consent of  
1241 the Senate, for a term of seven (7) years. One (1) person shall  
1242 be appointed from each congressional district as constituted  
1243 January 1, 1978, and two (2) members shall be appointed from the  
1244 state at large. The initial terms of the members from

1245 congressional districts shall be for one (1), two (2), three (3),  
1246 four (4) and five (5) years respectively, and the initial terms of  
1247 the members from the state at large shall be one (1) for six (6)  
1248 years and one (1) for seven (7) years. Thereafter, all terms  
1249 shall be for seven (7) years. The members serving on the  
1250 predecessor Commission on Natural Resources on June 30, 1989,  
1251 shall continue to serve as members of the successor Commission on  
1252 Environmental Quality until the expiration of the term of their  
1253 appointment to the predecessor commission. The members of the  
1254 commission as constituted on July 1, 2007, whose terms have not  
1255 expired shall serve the balance of their terms, after which time  
1256 the membership of the commission shall be appointed as follows:  
1257 There shall be appointed one (1) member of the commission from  
1258 each of the four (4) Mississippi congressional districts as they  
1259 currently exist, and three (3) from the state at large, and the  
1260 Governor shall make appointments from the congressional district  
1261 having the smallest number of commission members until the  
1262 membership includes one (1) member from each district as required.

1263 (2) The commission shall elect from its membership a  
1264 chairman who shall preside over meetings and a vice chairman who  
1265 shall preside in the absence of the chairman or when the chairman  
1266 shall be excused.

1267 (3) The commission shall adopt rules and regulations  
1268 governing times and places for meetings, and governing the manner  
1269 of conducting its business. Each member of the commission shall  
1270 take the oath prescribed by Section 268 of the Mississippi  
1271 Constitution and shall enter into bond in the amount of Thirty  
1272 Thousand Dollars (\$30,000.00) to be approved by the Secretary of  
1273 State, conditioned according to law and payable to the State of  
1274 Mississippi before assuming the duties of office. Any member who  
1275 shall not attend three (3) consecutive regular meetings of the  
1276 commission shall be subject to removal by a majority vote of the  
1277 commission members.

1278 (4) The members of the commission shall receive no annual  
1279 salary, but shall receive per diem compensation as authorized by  
1280 law for each day devoted to the discharge of official duties, and  
1281 shall be entitled to reimbursement for all actual and necessary  
1282 expenses incurred in the discharge of their duties, including  
1283 mileage as authorized by law.

1284 The commission shall be composed of persons with extensive  
1285 knowledge of or practical experience in at least one (1) of the  
1286 matters of jurisdiction of the commission.

1287 (5) The commission is authorized and empowered to use and  
1288 expend any funds received by it from any source for the purposes  
1289 of this chapter. Such funds shall be expended in accordance with  
1290 the statutes governing the expenditure of state funds.

1291 **COMMISSION ON WILDLIFE, FISHERIES & PARKS**

1292 **SECTION 18.** Section 49-4-4, Mississippi Code of 1972, is  
1293 amended as follows:

1294 49-4-4. (1) There is hereby created the Mississippi  
1295 Commission on Wildlife, Fisheries and Parks, to be composed of  
1296 five (5) persons appointed by the Governor, with the advice and  
1297 consent of the Senate, for a term of five (5) years. One (1)  
1298 person shall be appointed from each congressional district. The  
1299 initial terms of the members shall be one (1), two (2), three (3),  
1300 four (4) and five (5) years, respectively. Thereafter, all terms  
1301 shall be for five (5) years. An appointment to fill a vacancy  
1302 which arises for reasons other than by expiration of a term of  
1303 office shall be made from the respective congressional district  
1304 for the unexpired term only. The members of the commission as  
1305 constituted on July 1, 2007, whose terms have not expired shall  
1306 serve the balance of their terms, after which time the membership  
1307 of the commission shall be appointed as follows: There shall be  
1308 appointed one (1) member of the commission from each of the four  
1309 (4) Mississippi congressional districts as they currently exist,  
1310 and one (1) from the state at large, and the Governor shall make



1311 appointments from the congressional district having the smallest  
1312 number of commission members until the membership includes at  
1313 least one (1) member from each congressional district as required.

1314 (2) The commission shall elect from its membership a  
1315 chairman who shall preside over meetings and a vice chairman who  
1316 shall preside in the absence of the chairman or when the chairman  
1317 shall be excused.

1318 (3) The commission shall adopt rules and regulations  
1319 governing times and places for meetings and governing the manner  
1320 of conducting its business. Each member of the commission shall  
1321 take the oath prescribed by Section 268 of the Mississippi  
1322 Constitution, and shall enter into bond in the amount of Thirty  
1323 Thousand Dollars (\$30,000.00) to be approved by the Secretary of  
1324 State, conditioned according to law, and payable to the State of  
1325 Mississippi before assuming the duties of office. Any member who  
1326 shall not attend three (3) consecutive regular meetings of the  
1327 commission shall be subject to removal by a majority vote of the  
1328 commission members.

1329 (4) The members of the commission shall receive no annual  
1330 salary but shall receive per diem compensation as authorized by  
1331 law for each day devoted to the discharge of official duties and  
1332 shall be entitled to reimbursement for all actual and necessary  
1333 expenses incurred in the discharge of their duties, including  
1334 mileage as authorized by law.

1335 The commission shall be composed of persons with a  
1336 demonstrated history of involvement in at least one (1) of the  
1337 matters of jurisdiction of the commission and whose employment and  
1338 activities are not in conflict. All of the commissioners shall be  
1339 an active outdoorsman holding a resident hunting or fishing  
1340 license in at least five (5) of the ten (10) years preceding  
1341 appointment. A member shall not have a record of conviction of  
1342 violation of fish or game laws and regulations within five (5)  
1343 years preceding appointment or a record of any felony conviction.

1344 (5) The commission shall have the power to adopt, amend and  
1345 repeal such regulations and rules as may be necessary for the  
1346 operation of the department.

1347 (6) The commission shall have the power and authority to  
1348 issue all licenses and permits under the jurisdiction of the  
1349 department.

1350 (7) In the furtherance of its duties and responsibilities,  
1351 the commission may conduct hearings, gather testimony and perform  
1352 other functions required to carry out its powers and duties as  
1353 prescribed by statute.

1354 (8) The commission shall have all power for conserving,  
1355 managing and developing wildlife and fishery resources except for  
1356 saltwater aquatic life and marine resources under the jurisdiction  
1357 of the Mississippi Commission on Marine Resources.

1358 **MISSISSIPPI BUSINESS FINANCE CORPORATION**

1359 **SECTION 19.** Section 57-10-167, Mississippi Code of 1972, is  
1360 amended as follows:

1361 57-10-167. There is hereby established the Certified  
1362 Development Company of Mississippi, Inc., a public corporation,  
1363 which shall be an incorporated certified development company  
1364 pursuant to Section 503 of the Small Business Investment Act of  
1365 1958, as amended.

1366 The Certified Development Company of Mississippi, Inc.,  
1367 hereinafter referred to as the "committee" unless the context  
1368 clearly indicates otherwise, shall be composed of twenty-five (25)  
1369 members as follows:

1370 (a) The State Treasurer; the Executive Director of the  
1371 University Research Center, or his designee; the Executive  
1372 Director of the Mississippi Development Authority; the Executive  
1373 Director of the Small Business Development Center; six (6) persons  
1374 associated with small business to be appointed by the Governor,  
1375 one (1) for a term of one (1) year, one (1) for a term of two (2)  
1376 years, one (1) for a term of three (3) years, one (1) for a term

1377 of four (4) years, one (1) for a term of five (5) years and one  
1378 (1) for a term of six (6) years; three (3) persons associated with  
1379 small business to be appointed by the Lieutenant Governor, one (1)  
1380 for a term of one (1) year, one (1) for a term of two (2) years  
1381 and one (1) for a term of three (3) years; five (5) persons  
1382 involved in banking or small business to be appointed by the  
1383 Governor, one (1) for a term of one (1) year, one (1) for a term  
1384 of two (2) years, one (1) for a term of three (3) years, one (1)  
1385 for a term of four (4) years and one (1) for a term of five (5)  
1386 years; and two (2) persons involved in banking or small business  
1387 to be appointed by the Lieutenant Governor, one (1) for a term of  
1388 one (1) year and one (1) for a term of two (2) years. The members  
1389 described above and serving on the committee on June 30, 1984,  
1390 shall continue to serve on the committee until the expiration of  
1391 their terms.

1392 (b) For terms to begin on July 1, 1984, the Governor  
1393 shall appoint one (1) person associated with small business for a  
1394 term of six (6) years; the Secretary of State shall appoint one  
1395 (1) person associated with small business for a term of one (1)  
1396 year; the Attorney General shall appoint one (1) person involved  
1397 in banking or small business for a term of six (6) years; and the  
1398 State Treasurer shall appoint two (2) persons, one (1) for a term  
1399 of one (1) year and one (1) for a term of two (2) years, and after  
1400 the expiration of the term of the person appointed hereinabove by  
1401 the Attorney General, that vacancy shall be filled thereafter by a  
1402 person involved in banking or small business appointed by the  
1403 State Treasurer for a term of six (6) years.

1404 The members of the committee as constituted on July 1, 2007,  
1405 who are appointed by the Governor and whose terms have not expired  
1406 shall serve the balance of their terms, after which time these  
1407 members shall be appointed as follows: The Governor shall appoint  
1408 three (3) members of the board from each of the four (4)  
1409 Mississippi congressional districts as they currently exist, and

1410 the Governor shall make appointments from the congressional  
1411 district having the smallest number of members until the  
1412 membership includes three (3) members from each district as  
1413 required.

1414 All appointments after the initial appointment shall be for  
1415 terms of six (6) years each. All such appointments will be  
1416 subject to the approval of the Senate. An appointment to fill a  
1417 vacancy existing for any reason other than the expiration of a  
1418 term shall be for the balance of the unexpired term. Members  
1419 serving by reason of their ex officio designation shall continue  
1420 to serve as long as they occupy the position which entitles them  
1421 to membership.

1422 Members who are officers or employees of the state shall  
1423 receive no compensation for their services, and other committee  
1424 members shall receive a per diem as provided in Section 25-3-69,  
1425 Mississippi Code of 1972. All members shall receive reimbursement  
1426 for actual traveling and subsistence expenses incurred in the  
1427 performance of their duties under this article, such reimbursement  
1428 to be as provided in Section 25-3-41, Mississippi Code of 1972.

1429 The Certified Development Company of Mississippi, Inc., shall  
1430 have an executive director who shall be appointed by the board of  
1431 directors.

1432 The Certified Development Company of Mississippi, Inc., shall  
1433 elect from among its membership a nine-member board of directors,  
1434 a majority of whom shall be a quorum, a president and vice  
1435 president and may appoint a secretary and a treasurer.

1436 From and after July 1, 1989, the Certified Development  
1437 Company of Mississippi, Inc., shall be known as the Mississippi  
1438 Business Finance Corporation, and wherever the term "Certified  
1439 Development Company of Mississippi, Inc.," appears in the laws of  
1440 this state it shall mean the Mississippi Business Finance  
1441 Corporation.

1442 **EGG MARKETING BOARD**

1443           **SECTION 20.** Section 69-7-253, Mississippi Code of 1972, is  
1444 amended as follows:

1445           69-7-253. There is hereby continued the Mississippi Egg  
1446 Marketing Board with domicile at the capital city of the state.  
1447 The board shall be composed of five (5) members: one (1) member  
1448 shall be the Commissioner of Agriculture and Commerce as ex  
1449 officio member. One (1) member shall be an egg producer as  
1450 defined in this article. Three (3) members shall be employed by  
1451 or associated with egg industry related businesses, or disciplines  
1452 which include poultry support, marketing, promotion, home  
1453 economist, extension poultry science agencies and the Mississippi  
1454 Department of Agriculture and Commerce. No more than one (1)  
1455 industry-related business or discipline member shall be employed  
1456 by, associated with or have a financial interest in the same  
1457 company or subsidiary.

1458           The Governor shall appoint the members, with the advice and  
1459 consent of the Senate. The Governor shall appoint a member from a  
1460 list of not more than three (3) producers and not less than three  
1461 (3) individuals representing egg industry related businesses or  
1462 disciplines, provided by the board based upon a poll of its  
1463 members. The members of the board as constituted on July 1, 2007,  
1464 whose terms have not expired shall serve the balance of their  
1465 terms, after which time the membership of the board shall be  
1466 appointed as follows: There shall be appointed one (1) member of  
1467 the board from each of the four (4) Mississippi congressional  
1468 districts as they currently exist, and the Governor shall make  
1469 appointments from the congressional district having the smallest  
1470 number of board members until the membership includes one (1)  
1471 member from each congressional district as required; and the board  
1472 shall provide the Governor with its recommendations from the  
1473 appropriate congressional district. The terms shall be for six  
1474 (6) years. Each member shall serve, after the completion of his

1475 term, until his successor is appointed and duly qualified. Each  
1476 vacancy shall be filled by appointment for the unexpired term.

1477 The terms of office of persons appointed under the original  
1478 act shall continue until the expiration of the terms to which they  
1479 were appointed, the intent of this article being to continue the  
1480 Mississippi Egg Marketing Board.

#### 1481 SOYBEAN PROMOTION BOARD

1482 **SECTION 21.** Section 69-9-3, Mississippi Code of 1972, is  
1483 amended as follows:

1484 69-9-3. (1) The Mississippi Soybean Promotion Board is  
1485 hereby created, to be composed of twelve (12) members to be  
1486 appointed by the Governor to serve terms of three (3) years, as  
1487 hereinafter provided. All of the twelve (12) members of the board  
1488 shall be producers of soybeans in the State of Mississippi.  
1489 Within ten (10) days following the effective date of this chapter,  
1490 each of the following organizations, namely, Mississippi Farm  
1491 Bureau Federation, Inc., Mississippi Feed and Grain Association,  
1492 Mississippi Soybean Association and Delta Council shall submit the  
1493 names of six (6) soybean producers to the Governor, and he shall  
1494 appoint three (3) members from the nominees of each organization  
1495 to serve on the board on rotating three-year terms. The original  
1496 board shall be appointed with members of each of the aforementioned  
1497 organizations appointed as follows: one (1) for one (1) year, one  
1498 (1) for two (2) years, and one (1) for three (3) years. Each year  
1499 thereafter, not less than thirty (30) days prior to the expiration  
1500 of the terms of expiring board members, the aforementioned  
1501 organizations shall submit the names of three (3) nominees to the  
1502 Governor and succeeding boards shall be appointed by the Governor  
1503 in the same manner, giving equal representation to each  
1504 organization. The members of the board as constituted on July 1,  
1505 2007, whose terms have not expired shall serve the balance of  
1506 their terms, after which time the membership of the board shall be  
1507 appointed as follows: There shall be appointed three (3) members

1508 of the board from each of the four (4) Mississippi congressional  
1509 districts as they currently exist, and the Governor shall make  
1510 appointments from the congressional district having the smallest  
1511 number of board members until the membership includes three (3)  
1512 members from each congressional district as required; and the  
1513 proper association shall submit nominations to the Governor from  
1514 the appropriate congressional district as required. Vacancies  
1515 which occur shall be filled in the same manner as the original  
1516 appointments were made.

1517 (2) The members of the board shall meet and organize  
1518 immediately after their appointment, and shall elect a chairman,  
1519 vice chairman and secretary-treasurer from the membership of the  
1520 board, whose duties shall be those customarily exercised by such  
1521 officers or specifically designated by the board. The chairman,  
1522 vice chairman and secretary-treasurer shall be bonded in an amount  
1523 not less than Twenty Thousand Dollars (\$20,000.00). The cost of  
1524 said bonds shall be paid from the funds received under the  
1525 provisions of this chapter. Such bond shall be a security for any  
1526 illegal act of such member of the board and recovery thereon may  
1527 be had by the state for any injury by such illegal act of such  
1528 member. The board may establish rules and regulations for its own  
1529 government and the administration of the affairs of the board.

1530 **BOARD OF ANIMAL HEALTH**

1531 **SECTION 22.** Section 69-15-2, Mississippi Code of 1972, is  
1532 amended as follows:

1533 69-15-2. (1) The Mississippi Board of Animal Health is to  
1534 be composed of the Commissioner of Agriculture and Commerce, the  
1535 Dean of the College of Veterinary Medicine and the heads of the  
1536 Animal and Dairy Science and Poultry Science Departments at  
1537 Mississippi State University of Agriculture and Applied Science  
1538 and one (1) person appointed by the President of Alcorn State  
1539 University from its land grant staff as five (5) ex officio  
1540 members with full voting rights, and eleven (11) other members of

1541 the board to be appointed by the Governor as hereinafter provided.  
1542 The board shall select annually a chairman and vice chairman from  
1543 any members of the board.

1544 (2) The Governor, with the advice and consent of the Senate,  
1545 shall appoint eleven (11) other members from the following groups  
1546 or associations from a written list of three (3) recommendations  
1547 from such groups or associations:

1548 One (1) licensed and practicing veterinarian who holds a  
1549 Doctor of Veterinary Medicine Degree, from a written list of three  
1550 (3) recommendations submitted by the Mississippi State Veterinary  
1551 Medical Association;

1552 One (1) general farmer from a written list of three (3)  
1553 recommendations submitted by the Mississippi Farm Bureau  
1554 Federation;

1555 One (1) poultry breeder and producer from a written list of  
1556 three (3) recommendations submitted by the Mississippi Poultry  
1557 Improvement Association;

1558 One (1) sheep breeder and producer from a written list of  
1559 three (3) recommendations submitted by the Mississippi Sheep  
1560 Producers' Association;

1561 One (1) beef cattle breeder and producer from a written list  
1562 of three (3) recommendations submitted by the Mississippi  
1563 Cattlemen's Association;

1564 One (1) swine breeder and producer from a written list of  
1565 three (3) recommendations submitted by the Mississippi Pork  
1566 Producers' Association;

1567 One (1) dairy breeder and producer from a written list of  
1568 three (3) recommendations submitted by the American Dairy  
1569 Association of Mississippi;

1570 One (1) horse breeder and producer from a written list of  
1571 three (3) recommendations submitted by the Mississippi Horse  
1572 Council;



1573           One (1) catfish breeder and producer from a written list of  
1574 three (3) recommendations submitted by the Mississippi Catfish  
1575 Association;

1576           One (1) member of the Mississippi Independent Meat Packers'  
1577 Association from a written list of three (3) recommendations  
1578 submitted by the Mississippi Independent Meat Packers'  
1579 Association;

1580           One (1) member of the Mississippi Livestock Auction  
1581 Association from a written list of three (3) recommendations  
1582 submitted by the Mississippi Livestock Auction Association.

1583           All members shall take and subscribe to the general oath of  
1584 office as provided in Section 268, Mississippi Constitution of  
1585 1890, and file the same with the Commissioner of Agriculture and  
1586 Commerce.

1587           (3) Effective August 1, 1968, the dairy producer member  
1588 shall be appointed for a one-year term; the Livestock Auction  
1589 Association member shall be appointed for a two-year term; and the  
1590 meat packer member shall be appointed for a three-year term; the  
1591 catfish producer member shall be appointed for a four-year term;  
1592 and the horse producer member shall be appointed for a five-year  
1593 term.

1594           Effective August 1, 1969, the poultry producer member shall  
1595 be appointed for a two-year term; on August 1, 1970, the sheep  
1596 producer member shall be appointed for a three-year term; on  
1597 August 1, 1971, the swine producing member shall be appointed for  
1598 a four-year term; on August 1, 1972, the general farmer member  
1599 shall be appointed for a five-year term; on August 1, 1973, the  
1600 veterinarian member shall be appointed for a six-year term; and on  
1601 August 1, 1974, the beef cattle producer member shall be appointed  
1602 for a seven-year term.

1603           The members of the board as constituted on July 1, 2007, who  
1604 are appointed by the Governor and whose terms have not expired  
1605 shall serve the balance of their terms, after which time the

1606 membership of the board shall be appointed as follows: Not more  
1607 than three (3) members of the board shall be appointed from any of  
1608 the four (4) Mississippi congressional districts as they currently  
1609 exist, and the Governor shall make appointments from the  
1610 congressional district having the smallest number of board members  
1611 until the membership includes not less than two (2) members from  
1612 each district as required.

1613 All subsequent appointments shall be for four-year terms,  
1614 except for appointments to fill vacancies which shall be for the  
1615 unexpired term only.

1616 (4) (a) "Commissioner" means the Commissioner of  
1617 Agriculture and Commerce.

1618 (b) "Department" means the Department of Agriculture  
1619 and Commerce.

1620 (5) On or before July 1, 1998, the board shall appoint, from  
1621 a written list of not less than three (3) licensed veterinarians  
1622 submitted by the commissioner, the State Veterinarian.

1623 (6) There is created an advisory council to advise the Board  
1624 of Animal Health on matters concerning the board. The council  
1625 shall be composed of the Chairman of the Senate Agriculture  
1626 Committee, the Chairman of the House Agriculture Committee, and  
1627 one (1) appointee of the Lieutenant Governor and one (1) appointee  
1628 of the Speaker of the House of Representatives. The members of  
1629 the advisory council shall serve in an advisory capacity only.  
1630 For attending meetings of the council, such legislators shall  
1631 receive per diem and expenses which shall be paid from the  
1632 contingent expense funds of their respective houses in the same  
1633 amounts provided for committee meetings when the Legislature is  
1634 not in session; however, no per diem or expenses for attending  
1635 meetings of the council shall be paid while the Legislature is in  
1636 session. No per diem and expenses shall be paid except for  
1637 attending meetings of the council without prior approval of the  
1638 proper committee in their respective houses.

1639 **STATE BOARD OF ARCHITECTURE**

1640 **SECTION 23.** Section 73-1-5, Mississippi Code of 1972, is  
1641 amended as follows:

1642 73-1-5. The State Board of Architecture is composed of five  
1643 (5) members who are licensed architects residing in this state and  
1644 who have been engaged in the practice of architecture not less  
1645 than seven (7) years. It is the duty of the board to carry out  
1646 the purposes of this chapter as herein provided.

1647 The Governor shall appoint the members of the board, and each  
1648 member shall serve for a term of five (5) years. The terms shall  
1649 be staggered so that the term of not more than one (1) member  
1650 shall expire each year on June 1. The members of the board as  
1651 constituted on July 1, 2007, whose terms have not expired shall  
1652 serve the balance of their terms, after which time the membership  
1653 of the board shall be appointed as follows: There shall be  
1654 appointed one (1) member of the board from each of the four (4)  
1655 Mississippi congressional districts as they currently exist, and  
1656 one (1) from the state at large, and the Governor shall make  
1657 appointments from the congressional district having the smallest  
1658 number of board members until the membership includes one (1)  
1659 member from each district as required.

1660 Each member shall hold over after the expiration of his term  
1661 until his successor is duly appointed and qualified. The Governor  
1662 shall fill any vacancy occurring in the membership of the board  
1663 for the unexpired term of such membership. The Governor may  
1664 remove any of the members of said board for inefficiency, neglect  
1665 of duty or dishonorable conduct.

1666 **MISSISSIPPI AUCTIONEER COMMISSION**

1667 **SECTION 24.** Section 73-4-7, Mississippi Code of 1972, is  
1668 amended as follows:

1669 73-4-7. (1) The Mississippi Auctioneer Commission is  
1670 created, and it shall have the authority to make such rules and  
1671 regulations as are reasonable and necessary for the orderly

1672 regulation of the auctioneering profession and the protection of  
1673 the public, which rules and regulations are not inconsistent with  
1674 the Mississippi Constitution of 1890 and state laws. The  
1675 commission shall have the following powers:

1676 (a) The power to set reasonable license fees, to  
1677 collect and hold such fees and to disburse such fees in any manner  
1678 not inconsistent with this chapter.

1679 (b) The power to make such rules and regulations as  
1680 will promote the orderly functioning of the auction profession and  
1681 ensure the protection of the public.

1682 (c) The power to hire and retain such staff and support  
1683 personnel as are necessary to conduct business and assure  
1684 compliance with this chapter.

1685 (d) The power to conduct investigations, hold hearings,  
1686 subpoena witnesses, make findings of fact and otherwise enforce  
1687 the disciplinary provisions contained in this chapter.

1688 (2) The Mississippi Auctioneer Commission shall consist of  
1689 five (5) members, one (1) from each congressional district, who  
1690 shall be appointed by the Governor. All appointees shall possess  
1691 the following minimum qualifications:

1692 (a) An appointee shall be a citizen of Mississippi.

1693 (b) An appointee shall have been engaged as an  
1694 auctioneer for a period of not less than five (5) years  
1695 immediately preceding his appointment.

1696 (c) An appointee shall be of good reputation,  
1697 trustworthy and knowledgeable in the auction profession.

1698 An individual may not act as a member of the commission while  
1699 holding another elected or appointed office in either the state or  
1700 federal government or while owning a school or other facility to  
1701 train individuals to be auctioneers.

1702 (3) In order to assure continuity, the Governor shall  
1703 appoint the initial members of the commission for the following  
1704 terms:

1705 (a) The member appointed from the First Congressional  
1706 District shall serve a term of one (1) year;

1707 (b) The member appointed from the Second Congressional  
1708 District shall serve a term of two (2) years;

1709 (c) The member appointed from the Third Congressional  
1710 District shall serve a term of three (3) years;

1711 (d) The member appointed from the Fourth Congressional  
1712 District shall serve a term of four (4) years; and

1713 (e) The member appointed from the Fifth Congressional  
1714 District shall serve a term of five (5) years.

1715 The members of the commission as constituted on July 1, 2007,  
1716 whose terms have not expired shall serve the balance of their  
1717 terms, after which time the membership of the commission shall be  
1718 appointed as follows: There shall be appointed one (1) member of  
1719 the commission from each of the four (4) Mississippi congressional  
1720 districts as they currently exist, and one (1) from the state at  
1721 large, and the Governor shall make appointments from the  
1722 congressional district having the smallest number of commission  
1723 members until the membership includes one (1) member from each  
1724 district as required.

1725 Subsequent terms shall be for five (5) years, except for  
1726 interim appointments to fill unexpired terms which shall be only  
1727 for the unexpired term.

1728 (4) Each member of the commission shall receive a per diem  
1729 as provided by Section 25-3-69 per meeting and shall be reimbursed  
1730 for ordinary and necessary expenses incurred in the performance of  
1731 official duties as provided in Section 25-3-41.

1732 **MISSISSIPPI BOARD OF NURSING**

1733 **SECTION 25.** Section 73-15-9, Mississippi Code of 1972, is  
1734 amended as follows:

1735 73-15-9. (1) There is hereby created a board to be known as  
1736 the Mississippi Board of Nursing, composed of thirteen (13)  
1737 members, two (2) of whom shall be nurse educators; three (3) of

1738 whom shall be registered nurses in clinical practice, two (2) to  
1739 have as basic nursing preparation an associate degree or diploma  
1740 and one (1) to have as basic nursing preparation a baccalaureate  
1741 degree; one (1) of whom shall be a registered nurse at large; one  
1742 (1) of whom shall be a registered nurse practitioner; four (4) of  
1743 whom shall be licensed practical nurses; one (1) of whom shall be  
1744 a licensed physician who shall always be a member of the State  
1745 Board of Medical Licensure; and one (1) of whom shall represent  
1746 consumers of health services. There shall be at least one (1)  
1747 board member from each congressional district in the state;  
1748 provided, however, that the physician member, the consumer  
1749 representative member and one (1) registered nurse member shall be  
1750 at large always. The members of the board as constituted on July  
1751 1, 2007, whose terms have not expired shall serve the balance of  
1752 their terms, after which time the membership of the board shall be  
1753 appointed as follows: There shall be appointed not less than two  
1754 (2) members and not more than three (3) members of the board from  
1755 each of the four (4) Mississippi congressional districts as they  
1756 currently exist, and the Governor shall make appointments from the  
1757 congressional district having the smallest number of board members  
1758 until the membership includes at least two (2) members from each  
1759 congressional district as required, and the nominating  
1760 organization and/or association shall make nominations to the  
1761 Governor from the appropriate congressional district.

1762 (2) Members of the Mississippi Board of Nursing, excepting  
1763 the member of the State Board of Medical Licensure, shall be  
1764 appointed by the Governor, with the advice and consent of the  
1765 Senate, from lists of nominees submitted by any Mississippi  
1766 registered nurse organization and/or association chartered by the  
1767 State of Mississippi whose board of directors is elected by the  
1768 membership and whose membership includes registered nurses  
1769 statewide, for the nomination of registered nurses, and by the  
1770 Mississippi Federation of Licensed Practical Nurses and the

1771 Mississippi Licensed Practical Nurses' Association for the  
1772 nomination of a licensed practical nurse. Nominations submitted  
1773 by any such registered nurse organization or association to fill  
1774 vacancies on the board shall be made and voted on by registered  
1775 nurses only. Each list of nominees shall contain a minimum of  
1776 three (3) names for each vacancy to be filled. The list of names  
1777 shall be submitted at least thirty (30) days before the expiration  
1778 of the term for each position. If such list is not submitted, the  
1779 Governor is authorized to make an appointment from the group  
1780 affected and without nominations. Appointments made to fill  
1781 vacancies for unexpired terms shall be for the duration of such  
1782 terms and until a successor is duly appointed.

1783 (3) Members of the board shall be appointed in staggered  
1784 terms for four (4) years or until a successor shall be duly  
1785 qualified. No member may serve more than two (2) consecutive full  
1786 terms. Members of the board serving on July 1, 1988, shall  
1787 continue to serve for their appointed terms.

1788 (4) Vacancies occurring by reason of resignation, death or  
1789 otherwise shall be filled by appointment of the Governor upon  
1790 nominations from a list of nominees from the affected group to be  
1791 submitted within not more than thirty (30) days after such a  
1792 vacancy occurs. In the absence of such list, the Governor is  
1793 authorized to fill such vacancy in accordance with the provisions  
1794 for making full-term appointments. All vacancy appointments shall  
1795 be for the unexpired terms.

1796 (5) Any member may be removed from the board by the Governor  
1797 after a hearing by the board and provided such removal is  
1798 recommended by the executive committee of the affected group.

1799 **STATE BOARD OF OPTOMETRY**

1800 **SECTION 26.** Section 73-19-7, Mississippi Code of 1972, is  
1801 amended as follows:

1802 73-19-7. The Governor, with the advice and consent of the  
1803 Senate, shall appoint a State Board of Optometry, consisting of

1804 five (5) persons, citizens of Mississippi, each of whom shall be a  
1805 nonmedical man or woman actually engaged in the practice of  
1806 optometry for five (5) years next preceding his appointment.  
1807 Within ninety (90) days after March 25, 1974, the Governor shall  
1808 appoint: one (1) member for a term of one (1) year, one (1)  
1809 member for a term of two (2) years, one (1) member for a term of  
1810 three (3) years, one (1) member for a term of four (4) years, and  
1811 one (1) member for a term of five (5) years; and upon the  
1812 expiration of all such terms their successors shall be appointed  
1813 by the Governor for a term of five (5) years. From and after July  
1814 1, 1983, the appointments to the board shall be made with one (1)  
1815 member to be appointed from each of the congressional districts as  
1816 existing on January 1, 1980; provided that the present members of  
1817 the State Board of Optometry whose terms have not expired by July  
1818 1, 1983, shall continue to serve until their terms of office have  
1819 expired. Each member shall remain in office after the expiration  
1820 of his term until his successor shall be duly appointed and  
1821 qualified. The members of the board as constituted on July 1,  
1822 2007, whose terms have not expired shall serve the balance of  
1823 their terms, after which time the membership of the board shall be  
1824 appointed as follows: There shall be appointed one (1) member of  
1825 the board from each of the four (4) Mississippi congressional  
1826 districts as they currently exist, and one (1) from the state at  
1827 large, and the Governor shall make appointments from the  
1828 congressional district having the smallest number of board members  
1829 until the membership includes one (1) member from each  
1830 congressional district as required; and the Mississippi Optometric  
1831 Association shall make nominations to the Governor from the  
1832 appropriate congressional district.

1833 No person so appointed shall be a stockholder in or a member  
1834 of the faculty or of the board of trustees of any school of  
1835 optometry, or serve to exceed two (2) five-year terms.





1869 appointments of psychologist members of the board shall be made  
1870 from a list containing the names of at least three (3) eligible  
1871 nominees for each vacancy submitted by the Mississippi  
1872 Psychological Association. Each board member shall receive a  
1873 certificate of appointment from the Governor before entering on  
1874 the discharge of his duties, and within thirty (30) days from the  
1875 effective date of his appointment shall subscribe an oath for the  
1876 faithful performance of his official duty before any officer  
1877 authorized to administer oaths in this state, and shall file the  
1878 same with the Secretary of State. To enable the board to have  
1879 regular, planned changes in membership the following one-time  
1880 changes in length of terms of board members is enacted:

1881 (a) One (1) of the two (2) practice members appointed  
1882 in 1998 will serve a three-year term.

1883 (b) The practice member appointed in 2002 will serve a  
1884 three-year term.

1885 (c) One of the two (2) academic members appointed in  
1886 2002 will serve a four-year term.

1887 The members of the board as constituted on July 1, 2007,  
1888 whose terms have not expired shall serve the balance of their  
1889 terms, after which time the membership of the board shall be  
1890 appointed as follows: There shall be appointed one (1) member of  
1891 the board from each of the four (4) Mississippi congressional  
1892 districts as they currently exist, and three (3) from the state at  
1893 large, and the Governor shall make appointments from the  
1894 congressional district having the smallest number of board members  
1895 until the membership includes at least one (1) member from each  
1896 congressional district as required; and the association shall  
1897 nominate members to the Governor from the appropriate  
1898 congressional district as required.

1899 (3) The Governor may remove any board member for misconduct,  
1900 incompetency, or neglect of duty after giving the board member a

1901 written statement of the charges and an opportunity to be heard  
1902 thereon.

1903 (4) Each board member shall serve without compensation, but  
1904 shall receive actual traveling and incidental expenses necessarily  
1905 incurred while engaged in the discharge of official duties.

1906 This section shall stand repealed from and after July 1,  
1907 2011.

1908 **STATE BOARD OF PUBLIC ACCOUNTANCY**

1909 **SECTION 28.** Section 73-33-3, Mississippi Code of 1972, is  
1910 amended as follows:

1911 73-33-3. (1) There shall be a board of public accountancy,  
1912 consisting of seven (7) members, who are qualified electors of  
1913 this state; their duties, powers and qualifications are herein  
1914 prescribed by this chapter. The members of the Mississippi State  
1915 Board of Public Accountancy shall be appointed from holders of  
1916 certificates issued under and by virtue of this chapter.

1917 (2) The present members of the Mississippi State Board of  
1918 Public Accountancy shall continue to serve until January 1, 1984.  
1919 After January 1, 1984, the appointments to the board shall be as  
1920 hereinafter provided.

1921 The Governor shall appoint five (5) members from the  
1922 congressional districts as they are presently constituted, as  
1923 follows: The initial member from the First Congressional District  
1924 shall be appointed for a term of one (1) year; the initial member  
1925 from the Second Congressional District shall be for a term of two  
1926 (2) years; the initial member from the Third Congressional  
1927 District shall be appointed for a term of three (3) years; the  
1928 initial member from the Fourth Congressional District shall be  
1929 appointed for a term of four (4) years; the initial member from  
1930 the Fifth Congressional District shall be appointed for a term of  
1931 five (5) years. The members of the board as constituted on July  
1932 1, 2007, who are appointed from congressional districts and whose  
1933 terms have not expired shall serve the balance of their terms,

1934 after which time the membership of the board shall be appointed as  
1935 follows: There shall be appointed one (1) member of the board  
1936 from each of the four (4) Mississippi congressional districts as  
1937 they currently exist, and the Governor shall make appointments  
1938 from the congressional district having the smallest number of  
1939 board members until the membership includes one (1) member from  
1940 each district as required. In addition, the Governor shall  
1941 appoint three (3) members from the state at large, each of whom  
1942 shall serve for an initial term of four (4) years. Subsequent  
1943 terms for all members shall be for five (5) years.

1944 All terms shall begin on January 1 of the appropriate year.

1945 No member of the board shall hold any elected office.

1946 Appointments made to fill a vacancy of a term shall be made by the  
1947 appointing officer within sixty (60) days after the vacancy  
1948 occurs. Any person appointed to fill an unexpired term shall hold  
1949 office only for and during the unexpired term of the member he  
1950 succeeds.

1951 (3) Each member of the board shall take the oath prescribed  
1952 by Section 268 of the Mississippi Constitution. The board shall  
1953 elect from among its membership, to serve one-year terms, a  
1954 chairman who shall preside over meetings and a vice chairman who  
1955 shall preside in the absence of the chairman or when the chairman  
1956 shall be excused. A majority of the membership of the board shall  
1957 constitute a quorum for the transaction of any business. Any  
1958 board member who shall not attend three (3) consecutive regular  
1959 meetings of the board for reasons other than illness of said  
1960 member shall be subject to removal by a majority vote of the board  
1961 members.

1962 (4) The board shall hold regular meetings and special  
1963 meetings as may be necessary for the purposes of conducting such  
1964 business as may be required. The board shall adopt rules and  
1965 regulations governing times and places for meetings, and governing

1966 the manner of conducting its business. All meetings of the board  
1967 shall be open to the public.

1968 **SOCIAL WORKER & FAMILY THERAPY BOARD**

1969 **SECTION 29.** Section 73-53-8, Mississippi Code of 1972, is  
1970 amended as follows:

1971 73-53-8. (1) There is created the Board of Examiners for  
1972 Social Workers and Marriage and Family Therapists to license and  
1973 regulate social workers and marriage and family therapists. The  
1974 board shall be composed of ten (10) members, six (6) of which  
1975 shall be social workers and four (4) of which shall be marriage  
1976 and family therapists.

1977 (2) Of the social worker members of the board, two (2) must  
1978 be licensed social workers, and four (4) must be licensed master  
1979 social workers or licensed certified social workers or a  
1980 combination thereof. The marriage and family therapist members of  
1981 the board must be licensed marriage and family therapists. For at  
1982 least five (5) years immediately preceding his or her appointment,  
1983 each marriage and family therapist appointee must have been  
1984 actively engaged as a marriage and family therapist in rendering  
1985 professional services in marriage and family therapy, or in the  
1986 education and training of master's, doctoral or post-doctoral  
1987 students of marriage and family therapy, or in marriage and family  
1988 therapy research, and during the two (2) years preceding his or  
1989 her appointment, must have spent the majority of the time devoted  
1990 to that activity in this state. The initial marriage and family  
1991 therapist appointees shall be deemed to be and shall become  
1992 licensed practicing marriage and family therapists immediately  
1993 upon their appointment and qualification as members of the board.  
1994 All subsequent marriage and family therapist appointees to the  
1995 board must be licensed marriage and family therapists before their  
1996 appointment.

1997 (3) The Governor shall appoint six (6) members of the board,  
1998 four (4) of which shall be social workers and two (2) of which

1999 shall be marriage and family therapists, and the Lieutenant  
2000 Governor shall appoint four (4) members of the board, two (2) of  
2001 which shall be social workers and two (2) of which shall be  
2002 marriage and family therapists. Social worker members of the  
2003 board shall be appointed from nominations submitted by the  
2004 Mississippi Chapter of the National Association of Social Workers,  
2005 and marriage and family therapist members of the board shall be  
2006 appointed from nominations submitted by the Mississippi Marriage  
2007 and Family Therapy Association. All appointments shall be made  
2008 with the advice and consent of the Senate.

2009 (4) The initial appointments to the board shall be made as  
2010 follows: The Governor shall appoint one (1) social worker member  
2011 for a term that expires on June 30, 1999, one (1) social worker  
2012 member for a term that expires on June 30, 2001, two (2) social  
2013 worker members for terms that expire on June 30, 2002, one (1)  
2014 marriage and family therapist member for a term that expires on  
2015 June 30, 1998, and one (1) marriage and family therapist member  
2016 for a term that expires on June 30, 2000. The Lieutenant Governor  
2017 shall appoint one (1) social worker member for a term that expires  
2018 on June 30, 1998, one (1) social worker member for a term that  
2019 expires on June 30, 2000, one (1) marriage and family therapist  
2020 member for a term that expires on June 30, 1999, and one (1)  
2021 marriage and family therapist member of the board for a term that  
2022 expires on June 30, 2001. After the expiration of the initial  
2023 terms, all subsequent appointments shall be made by the original  
2024 appointing authorities for terms of four (4) years from the  
2025 expiration date of the previous term. The members of the board as  
2026 constituted on July 1, 2007, whose terms have not expired shall  
2027 serve the balance of their terms, after which time the membership  
2028 of the board shall be appointed as follows: The appointments to  
2029 the board made by the Governor shall be made one (1) from each of  
2030 the four (4) Mississippi congressional districts as they currently  
2031 exist, and two (2) from the state at large, and the appointments

2032 to the board made by the Lieutenant Governor shall be made one (1)  
2033 from each of the four (4) Mississippi congressional districts as  
2034 they currently exist and each appointing officer shall make  
2035 appointments from the congressional district having the smallest  
2036 number of board members until the membership includes at least the  
2037 minimum number from each congressional district as required; and  
2038 the nominating organization shall submit nominations to the  
2039 Governor or the Lieutenant Governor from the appropriate  
2040 congressional district as required. Upon the expiration of his or  
2041 her term of office, a board member shall continue to serve until  
2042 his or her successor has been appointed and has qualified. No  
2043 person may be appointed more than once to fill an unexpired term  
2044 or more than two (2) consecutive full terms.

2045 (5) Any vacancy on the board before the expiration of a term  
2046 shall be filled by appointment of the original appointing  
2047 authority for the remainder of the unexpired term. Appointments  
2048 to fill vacancies shall be made from nominations submitted by the  
2049 appropriate organization as specified in subsection (2) of this  
2050 section for the position being filled.

2051 (6) The appointing authorities shall give due regard to  
2052 geographic distribution, race and sex in making all appointments  
2053 to the board.

2054 (7) The board shall select one (1) of its members to serve  
2055 as chairman during the term of his or her appointment to the  
2056 board. No person may serve as chairman for more than four (4)  
2057 years. The board may remove any member of the board or the  
2058 chairman from his or her position as chairman for (a) malfeasance  
2059 in office, or (b) conviction of a felony or a crime of moral  
2060 turpitude while in office, or (c) failure to attend three (3)  
2061 consecutive board meetings. However, no member may be removed  
2062 until after a public hearing of the charges against him or her,  
2063 and at least thirty (30) days' prior written notice to the accused  
2064 member of the charges against him or her and of the date fixed for

2065 such hearing. No board member shall participate in any matter  
2066 before the board in which he has a pecuniary interest, personal  
2067 bias or other similar conflict of interest.

2068 (8) Board members shall receive no compensation for their  
2069 services, but shall be reimbursed for their actual and necessary  
2070 expenses incurred in the performance of official board business as  
2071 provided in Section 25-3-41.

2072 (9) Four (4) social worker members and three (3) marriage  
2073 and family therapist members of the board shall constitute a  
2074 quorum of the board. In making its decisions and taking actions  
2075 affecting the members of one (1) of the professions regulated by  
2076 the board, the board shall consider the recommendations of the  
2077 board members who are members of that profession.

2078 (10) The principal office of the board shall be in the City  
2079 of Jackson, but the board may act and exercise all of its powers  
2080 at any other place. The board shall adopt an official seal, which  
2081 shall be judicially noticed and which shall be affixed to all  
2082 licenses issued by the board.

2083 (11) The board is authorized to employ, subject to the  
2084 approval of the State Personnel Board, an executive director and  
2085 such attorneys, experts and other employees as it may, from time  
2086 to time, find necessary for the proper performance of its duties  
2087 and for which the necessary funds are available, and to set the  
2088 salary of the executive director, subject to the approval of the  
2089 State Personnel Board. The board is strongly encouraged to employ  
2090 any employees of the State Department of Health who may be  
2091 displaced as a result of the enactment of Laws, 1997, Chapter 516.

2092 (12) The board, by a majority vote, from time to time may  
2093 make such provisions as it deems appropriate to authorize the  
2094 performance by any board member or members, employee or other  
2095 agent of the board of any function given the board in this chapter  
2096 or Sections 73-54-1 through 73-54-39.

2097 **STATE BOARD OF MASSAGE THERAPY**



2098           **SECTION 30.** Section 73-67-9, Mississippi Code of 1972, is  
2099 amended as follows:

2100           73-67-9. (1) There is created the State Board of Massage  
2101 Therapy.

2102           (2) The board shall consist of five (5) members appointed by  
2103 the Governor, with the advice and consent of the Senate. At least  
2104 three (3) members shall be appointed from a list submitted by  
2105 state representatives of one or more nationally recognized  
2106 professional massage therapy association(s), one (1) to be  
2107 appointed from each Mississippi Supreme Court District and all of  
2108 whom must be residents of Mississippi and must have engaged in the  
2109 practice of massage therapy within the state for at least three  
2110 (3) years, one (1) member shall be a licensed health professional  
2111 in a health field other than massage therapy and one (1) member  
2112 shall be a consumer at large who is not associated with or  
2113 financially interested in the practice or business of massage  
2114 therapy. The initial members of the board shall be appointed for  
2115 staggered terms, as follows: one (1) member shall be appointed  
2116 for a term that ends on June 30, 2002; one (1) member shall be  
2117 appointed for a term that ends on June 30, 2003; one (1) member  
2118 shall be appointed for a term that ends on June 30, 2004; and two  
2119 (2) members shall be appointed for terms that end on June 30,  
2120 2005. Appointments shall be made within ninety (90) days from  
2121 July 1, 2001.

2122           (3) All subsequent appointments to the board shall be  
2123 appointed by the Governor for terms of four (4) years from the  
2124 expiration date of the previous term. No person shall be  
2125 appointed for more than two (2) consecutive terms. By approval of  
2126 the majority of the board, the service of a member may be extended  
2127 at the completion of a four-year term until a new member is  
2128 appointed or the current member is reappointed. The board shall  
2129 elect one (1) of the appointed massage therapists as the chairman  
2130 of the board.

2131           (4) A majority of the board may appoint an executive  
2132 director and other such individuals, including an attorney, as may  
2133 be necessary to implement the provisions of this chapter. The  
2134 board may hold additional meetings at such times and places as it  
2135 deems necessary. A majority of the board shall constitute a  
2136 quorum and a majority of the board shall be required to grant or  
2137 revoke a certificate of registration.

2138           **SECTION 31.** This act shall take effect and be in force from  
2139 and after July 1, 2007.