

By: Representative Bell (65th)

To: Accountability,
Efficiency, Transparency

HOUSE BILL NO. 980

1 AN ACT TO AMEND SECTION 73-9-7, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT THE STATE-AT-LARGE POSITION ON THE STATE BOARD OF
3 DENTAL EXAMINERS SHALL BE APPOINTED BY THE GOVERNOR FROM A LIST OF
4 THREE MEMBERS NOMINATED BY THE MISSISSIPPI DENTAL SOCIETY, EACH OF
5 WHOM BEING THE MEMBERS WHO RECEIVED THE HIGHEST NUMBER OF VOTES ON
6 A STATEWIDE BALLOTING POLL CONDUCTED BY THE BOARD; AND FOR RELATED
7 PURPOSES.

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

9 **SECTION 1.** Section 73-9-7, Mississippi Code of 1972, is
10 amended as follows:

11 73-9-7. (1) The duties of the Mississippi State Board of
12 Dental Examiners, or "the board," shall be to carry out the
13 purposes and provisions of the laws pertaining to the practice of
14 dentistry and dental hygiene. The Mississippi State Board of
15 Dental Examiners * * * shall consist of seven (7) licensed and
16 actively practicing dentists and one (1) licensed and actively
17 practicing dental hygienist, each a graduate of an accredited
18 college of dentistry or dental hygiene, as appropriate, and
19 practicing within the State of Mississippi for a period of five
20 (5) or more years next preceding his or her appointment. No



21 dentist or dental hygienist shall be eligible for appointment who
22 can be construed to be in violation of current state ethics laws
23 and regulations.

24 (2) * * * The term of each of the * * * dentist and dental
25 hygienist appointees provided for in this section shall be for a
26 period of six (6) years and shall terminate on and after June 30
27 of the sixth year.

28 (3) The Governor shall appoint one (1) dentist member of the
29 board from the state at large, with the advice and consent of the
30 Senate. The state-at-large member shall be appointed from a list
31 of three (3) members nominated by the Mississippi Dental Society,
32 each of whom being the members who received the highest number of
33 votes on a statewide balloting poll conducted by the board.

34 The poll shall consist of a blank ballot with three (3)
35 spaces for nominations provided to all licensed members of the
36 Mississippi Dental Society. The members of the Mississippi Dental
37 Society shall have the option to choose whether to cast
38 ballots solely for the one (1) state-at-large position or to cast
39 their ballots for one (1) of the six (6) appointed positions from
40 the districts, but not from both.

41 During the year, the board shall take like polls of the
42 licensed Mississippi Dental Society members practicing in the
43 state and shall prepare a new list of three (3) Mississippi Dental
44 Society members. The three (3) Mississippi Dental Society members
45 receiving the highest number of votes shall be submitted by the



46 Mississippi Dental Society to the board. The board shall submit
47 the list of those Mississippi Dental Society members receiving the
48 highest number of votes to the Governor, which shall be used by
49 the Governor in making the appointment of the state-at-large
50 position. In case of a tie, the members receiving tie votes shall
51 have their names placed on the list even though it results in more
52 than three (3) names on the list.

53 (4) Upon expiration of the term of office of any of the six
54 (6) members of the board who are appointed from districts, the
55 Governor shall appoint his successor from a list of names to be
56 submitted as set out in this subsection. All appointments to the
57 board from districts shall be made with the advice and consent of
58 the Senate.

59 The board shall poll all licensed dentists in the state by
60 dental district as follows:

61 Dental District One: Alcorn, Benton, Calhoun, Chickasaw,
62 Choctaw, Clay, Itawamba, Lafayette, Lee, Lowndes, Marshall,
63 Monroe, Oktibbeha, Pontotoc, Prentiss, Tippah, Tishomingo, Union,
64 Webster;

65 Dental District Two: Bolivar, Carroll, Coahoma, DeSoto,
66 Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery,
67 Panola, Quitman, Sharkey, Sunflower, Tallahatchie, Tate, Tunica,
68 Washington, Yalobusha, Yazoo;



69 Dental District Three: Attala, Clarke, Covington, Forrest,
70 Jasper, Jones, Kemper, Lamar, Lauderdale, Leake, Neshoba, Newton,
71 Noxubee, Perry, Scott, Smith, Wayne, Winston;

72 Dental District Four: Hinds, Madison, Rankin, Warren;

73 Dental District Five: George, Greene, Hancock, Harrison,
74 Jackson, Pearl River, Stone;

75 Dental District Six: Adams, Amite, Claiborne, Copiah,
76 Franklin, Jefferson Davis, Jefferson, Lawrence, Lincoln, Marion,
77 Pike, Simpson, Walthall, Wilkinson;

78 and request the submission from each such dental district of three
79 (3) nominations for appointment as members of the board from the
80 six (6) districts. Thirty (30) days after submitting that
81 request, the board shall list all nominations by district
82 according to the number of votes each received. The top three (3)
83 names from each district shall then be considered as a list of
84 names to be submitted to the Governor as referred to above each
85 time a vacancy occurs in one (1) of the six (6) positions
86 appointed from districts or whenever the Governor requests that
87 submission. During the course of each calendar year, the board
88 shall take like polls of all licensed dentists practicing in each
89 dental district, and shall prepare new lists therefrom to be
90 submitted to the Governor, which shall be used in the appointment
91 of the six (6) members appointed from districts.

92 It is the purpose of this section that no more than one (1)
93 appointee of the six (6) members appointed from districts shall



94 serve from any district at any one time. The names on the lists
95 shall be given priority in accordance with the votes for each
96 nominee. In case of a tie, the persons receiving tie votes shall
97 have their names placed on the list even though it results in more
98 than three (3) names on the list from that district.

99 (* * *5) The one (1) dental hygienist member shall be
100 appointed by the Governor from the state at large from a list of
101 six (6) dental hygienists, each of whom being the dental hygienist
102 receiving the highest number of votes in his or her individual
103 district from a poll conducted and compiled by the board. The
104 poll shall consist of a blank ballot with three (3) spaces for
105 nomination provided to all licensed dental hygienists in the
106 state. During the course of each calendar year, the board shall
107 take like polls of all licensed dental hygienists practicing in
108 the state, and shall prepare a new list of six (6) dental
109 hygienists, the list to consist of the dental hygienists receiving
110 the highest number of votes in each district, to be submitted to
111 the Governor, which shall be used in the appointment of the dental
112 hygienist member from the state at large. In case of a tie, the
113 persons receiving tie votes shall have their names placed on the
114 list even though it results in more than six (6) names on the
115 list.

116 The board shall poll all licensed dental hygienists in the
117 state by dental district as that enumerated in subsection (3) of
118 this section.



119 (* * *6) No dentist or dental hygienist member shall be
120 permitted to serve consecutive terms, but may be nominated for
121 reappointment after the expiration of six (6) years from the
122 conclusion of his or her term. Any vacancy in the board
123 membership shall be filled by the Governor within sixty (60) days
124 by appointment from the list of nominees submitted for the
125 existing term of office. Any appointment made to fill a vacancy
126 or to replace an incumbent holding over shall terminate in
127 accordance with the designation of the particular term and until
128 his or her successor is duly appointed and qualified.

129 (* * *7) A vote for an individual dentist or dental
130 hygienist in all polls may be counted only once for each ballot no
131 matter how many times the name is listed on the ballot.

132 (* * *8) The Secretary of State shall, at his discretion,
133 at any time there is sufficient cause, investigate the method and
134 procedure of taking those polls and establishing those lists, and
135 the board shall make available to him all records involved
136 therein; and if the Secretary of State should find cause therefor
137 he may, upon specifying the cause, declare the list invalid,
138 whereupon the board shall follow the procedure set out above to
139 establish a new list. If a vacancy exists and no list is
140 available, the Board of Dental Examiners is to follow the
141 above-described procedure in establishing a new list for the
142 appropriate board appointment.



143 **SECTION 2.** This act shall take effect and be in force from
144 and after July 1, 2024.

