

By: Senator(s) Sparks

To: Government Structure

SENATE BILL NO. 2799
(As Sent to Governor)

1 AN ACT RELATING TO APPOINTMENTS TO STATE BOARDS AND
2 COMMISSIONS AND AGENCY DIRECTOR POSITIONS BY PUBLIC OFFICIALS
3 WHICH REQUIRE SENATE CONFIRMATION; TO AMEND SECTIONS 7-1-35,
4 73-4-7, 73-4-11, 37-155-7, 37-4-3, 49-2-4, 49-2-5, 41-4-3, 41-4-7,
5 73-19-7, 73-19-9, 73-35-5, 35-7-7, 49-4-4, 49-4-6, 47-5-8, 25-4-5
6 AND 47-7-5, MISSISSIPPI CODE OF 1972, TO REVISE THE PROCEDURES AND
7 TERMS OF OFFICE FOR THE APPOINTMENTS OF MEMBERS TO CERTAIN STATE
8 BOARDS, AGENCIES, AND OTHER GOVERNMENT ENTITIES AND AUTHORITIES
9 WHICH REQUIRE SENATE CONFIRMATION; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** Section 7-1-35, Mississippi Code of 1972, is
12 amended as follows:

13 **[Until January 1, 2028, this section shall read as follows:]**

14 7-1-35. (1) The Governor shall fill by appointment, with
15 the advice and consent of the Senate, all offices subject to such
16 appointment when the term of the incumbent will expire within nine
17 (9) months after the meeting of the Legislature, and also
18 vacancies in such offices occurring from any cause during the
19 session of the Senate or during the vacation of that body. All
20 such appointments to offices made in vacation shall be reported to
21 the Senate within ten (10) days after the commencement of the



22 session of that body for its advice and consent to the
23 appointment, and the vacancy shall not be filled if caused by the
24 Senate's refusal to confirm any appointment or nomination, or if
25 it * * *~~de~~ does not occur during the last five (5) days of the
26 session, by the appointment of the Governor in the vacation of the
27 Senate, without its concurrence. Any appointment in vacation to
28 which the Senate shall refuse to consent shall be thereby annulled
29 from that date, but the acts of the appointee prior thereto shall
30 not be affected thereby.

31 (2) The Secretary of State shall be the records repository
32 for all appointments to boards, commissions, executive directors
33 and agency directors. Appointing authorities shall notify the
34 Secretary of State prior to submitting the appointment to the
35 Senate. The Secretary of State shall send a list of the required
36 appointments to boards, commissions, executive directors and
37 agency directors whose terms are expiring or have been vacated
38 prior to the next legislative session to the appointing
39 authorities by December 15 preceding the legislative session. The
40 Secretary of State shall also compile and issue a report to the
41 Governor, Lieutenant Governor and Speaker of the House annually,
42 detailing the number of official meetings each board and
43 commission has held in the previous years.

44 **[From and after January 1, 2028, this section shall read as**
45 **follows:]**



46 7-1-35. (1) Unless otherwise provided by law, all
47 appointments to agencies, boards, commissions, director or
48 executive director positions whose term is expiring shall serve
49 until his or her successor is appointed and qualified, but in no
50 event shall he or she serve past the July 1 occurring after the
51 end of his term, unless he shall be reappointed by the Governor or
52 other appointing authority.

53 (2) The Secretary of State shall be the records repository
54 for all appointments to boards, commissions, executive directors
55 and agency directors. Appointing authorities shall notify the
56 Secretary of State prior to submitting the appointment to the
57 Senate. The Secretary of State shall send a list of the required
58 appointments to boards, commissions, executive directors and
59 agency directors whose terms are expiring or have been vacated
60 prior to the next legislative session to the appointing
61 authorities by December 15 preceding the legislative session. The
62 Secretary of State shall also compile and issue a report to the
63 Governor, Lieutenant Governor and Speaker of the House annually,
64 detailing the number of official meetings each board and
65 commission has held in the previous years.

66 (3) If, for any cause, a vacancy occurs in the office of an
67 appointed agency, board, or commission member, executive director
68 or director position, the appointing authority shall make an
69 appointment to fill the vacancy for the unexpired term within one
70 hundred eighty (180) days of the date the vacancy occurs.



71 (4) Interim appointments shall be allowed to serve for no
72 more than nine (9) months. No interim appointee may serve
73 consecutive interim terms. If an appointment occurs in vacation
74 of the legislative session, it shall be considered an interim
75 appointment until confirmed by the Senate.

76 (5) Unless otherwise provided by law, an appointed agency,
77 board or commission member may be removed by the Governor or other
78 appointing authority for chronic absenteeism, which shall consist
79 of more than three (3) unexcused absences in any one (1) year, and
80 such person shall not be reappointed until their original term has
81 expired. This provision is not applicable to meetings where a
82 designee has attended in place of the agency, board or commission
83 member if the attendance by a designee is authorized by law.

84 (6) All appointments to an agency, board, commission or
85 director position made in vacation of the legislative session
86 shall be reported to the Senate within ten (10) days after the
87 commencement of the next regular session of that body for its
88 advice and consent to the appointment. Any vacancy to an agency,
89 board, commission, executive director or director position shall
90 not be filled if caused by the Senate's refusal to confirm or the
91 Senate's inaction on the nomination, unless the vacancy occurs
92 during the last five (5) days of the session. Any appointment in
93 vacation of the Senate to which the Senate shall refuse to consent
94 or takes no action shall be thereby annulled from the date of sine



95 die adjournment, but the acts of the appointee prior thereto shall
96 not be affected thereby.

97 (7) Unless otherwise provided by law, all appointment
98 procedures, term of office provisions, vacancy provisions, interim
99 appointment provisions and removal provisions specifically
100 provided for in this Section 7-1-35 shall be fully applicable to
101 the appointment of agency directors by the Governor or by the
102 respective board or commission.

103 **SECTION 2.** Section 73-4-7, Mississippi Code of 1972, is
104 amended as follows:

105 73-4-7. (1) The Mississippi Auctioneer Commission is
106 created, and it shall have the authority to make such rules and
107 regulations as are reasonable and necessary for the orderly
108 regulation of the auctioneering profession and the protection of
109 the public, which rules and regulations are not inconsistent with
110 the Mississippi Constitution of 1890 and state laws. The
111 commission shall have the following powers:

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

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



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

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

124 (2) The Mississippi Auctioneer Commission shall consist of
125 five (5) members, one (1) from each * * *~~congressional~~
126 Mississippi Supreme Court District and two (2) from the state at
127 large, who shall be appointed by the Governor, with the advice and
128 consent of the Senate. All appointees shall possess the following
129 minimum qualifications:

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

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

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

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

140 (3) * * *~~In order to assure continuity, the Governor shall~~
141 ~~appoint the initial members of the commission for the following~~
142 ~~terms:~~



143 ~~————— (a) The member appointed from the First Congressional~~
144 ~~District shall serve a term of one (1) year;~~

145 ~~————— (b) The member appointed from the Second Congressional~~
146 ~~District shall serve a term of two (2) years;~~

147 ~~————— (c) The member appointed from the Third Congressional~~
148 ~~District shall serve a term of three (3) years;~~

149 ~~————— (d) The member appointed from the Fourth Congressional~~
150 ~~District shall serve a term of four (4) years; and~~

151 ~~————— (e) The member appointed from the Fifth Congressional~~
152 ~~District shall serve a term of five (5) years.~~

153 ~~————— Subsequent terms shall be for five (5) years, except for~~
154 ~~interim appointments to fill unexpired terms which shall be only~~
155 ~~for the unexpired term. The Mississippi Auctioneer Commission,~~
156 ~~created by former Section 73-4-7, is continued and reconstituted~~
157 ~~as follows: Effective January 1, 2028, each commissioner shall be~~
158 ~~appointed by the Governor, with the advice and consent of the~~
159 ~~Senate, for a term of office of four (4) years, provided that~~
160 ~~three (3) such members shall be appointed in 2028 to a term ending~~
161 ~~December 31, 2031, and two (2) such members shall be appointed in~~
162 ~~2030 to a term ending December 31, 2033. Appointments made at the~~
163 ~~beginning of the four-year cycle shall be made to fill any~~
164 ~~member's term which actually expires that year and any member's~~
165 ~~term which expires next until the majority of the membership of~~
166 ~~the board or commission is reached. Appointments made at the~~
167 ~~beginning of the third year of the four-year cycle shall be made~~



168 for the remainder of the membership positions irrespective of the
169 time of their prior appointment. Any question regarding the order
170 of appointments shall be determined by the Secretary of State in
171 accordance with the specific statute. All appointment procedures,
172 vacancy provisions, interim appointment provisions and removal
173 provisions specifically provided for in Section 7-1-35,
174 Mississippi Code of 1972, shall be fully applicable to
175 appointments to the Mississippi Auctioneer Commission, and to the
176 position of executive director.

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

181 **SECTION 3.** Section 73-4-11, Mississippi Code of 1972, is
182 amended as follows:

183 73-4-11. (1) At the meeting to be held each January, the
184 commission shall elect from its membership a chairman and a vice
185 chairman. Each officer shall serve a term of one (1) year and
186 shall not vacate office until a successor is elected.

187 (2) The chairman shall preside at all meetings of the
188 commission.

189 (3) The vice chairman shall act as presiding officer in the
190 absence of the chairman and shall perform such other duties as the
191 chairman may direct.



192 (4) The commission shall appoint an executive director who
193 shall not be a member of the commission, to a term of four (4)
194 years, with the advice and consent of the Senate, consistent with
195 the provisions of Section 7-1-35, Mississippi Code of 1972.

196 (5) The executive director shall:

197 (a) Notify all members of meetings;

198 (b) Keep a record of all meetings of the commission,
199 votes taken by the commission and other proceedings, transactions,
200 communications, official acts and records of the commission; and

201 (c) Perform such other duties as the chairman directs.

202 **SECTION 4.** Section 37-155-7, Mississippi Code of 1972, is
203 amended as follows:

204 37-155-7. (1) The board of directors shall consist of
205 thirteen (13) members as follows:

206 (a) Nine (9) voting members as follows: the State
207 Treasurer; the Commissioner of Higher Education, or his designee;
208 the Executive Director of the Community and Junior College Board,
209 or his designee; the Department of Finance and Administration
210 Executive Director, or his designee; and one (1) member from
211 each * * * congressional Mississippi Supreme Court District and
212 two (2) from the state at large to be appointed by the Governor
213 with the advice and consent of the Senate. * * * ~~One (1) member~~
214 ~~shall be appointed for an initial term of one (1) year; one (1)~~
215 ~~member shall be appointed for an initial term of two (2) years;~~
216 ~~one (1) member for an initial term of three (3) years; one (1)~~



217 ~~member for an initial term of four (4) years; and one (1) member~~
218 ~~for an initial term of five (5) years. On the expiration of any~~
219 ~~of the terms of office, the Governor shall appoint successors by~~
220 ~~and with the advice and consent of the Senate for terms of five~~
221 ~~(5) years in each case. The MPACT Board of Directors, created by~~
222 ~~former Section 37-155-7, is continued and reconstituted as~~
223 ~~follows: Effective January 1, 2028, the appointed MPACT Board~~
224 ~~members shall be appointed by the Governor, with the advice and~~
225 ~~consent of the Senate, for a term of office of four (4) years,~~
226 ~~provided that three (3) such members shall be appointed in 2028 to~~
227 ~~a term ending December 31, 2031, and two (2) such members shall be~~
228 ~~appointed in 2030 to a term ending December 31, 2033.~~
229 ~~Appointments made at the beginning of the four-year cycle shall be~~
230 ~~made to fill any member's term which actually expires that year~~
231 ~~and any member's term which expires next until the majority of the~~
232 ~~membership of the board or commission is reached. Appointments~~
233 ~~made at the beginning of the third year of the four-year cycle~~
234 ~~shall be made for the remainder of the membership positions~~
235 ~~irrespective of the time of their prior appointment. Any question~~
236 ~~regarding the order of appointments shall be determined by the~~
237 ~~Secretary of State in accordance with the specific statute. All~~
238 ~~appointment procedures, vacancy provisions, interim appointment~~
239 ~~provisions and removal provisions specifically provided for in~~
240 ~~Section 7-1-35, Mississippi Code of 1972, shall be fully~~
241 ~~applicable to appointments to the MPACT Board of Directors. Ex~~



242 officio members of the board may be represented at official
243 meetings by their deputy, or other designee, and such designees
244 shall have full voting privileges and shall be included in the
245 determination of a quorum for conducting board business.

246 (b) Two (2) nonvoting, advisory members of the board
247 shall be appointed by each of the following officers: the
248 Lieutenant Governor and the Speaker of the House of
249 Representatives.

250 * * * ~~(2) Successors to the appointed members shall serve for~~
251 ~~the length of the term for each appointing official and shall be~~
252 ~~eligible for reappointment, and shall serve until a successor is~~
253 ~~appointed and qualified. Any person appointed to fill a vacancy~~
254 ~~on the board shall be appointed in a like manner and shall serve~~
255 ~~for only the unexpired term.~~

256 (* * * 32) Each member appointed shall possess knowledge,
257 skill and experience in business or financial matters commensurate
258 with the duties and responsibilities of the trust fund.

259 (* * * 43) Members of the board of directors shall serve
260 without compensation, but shall be reimbursed for each day's
261 official duties of the board at the same per diem as established
262 by Section 25-3-69 and actual travel and lodging expenses as
263 established by Section 25-3-41.

264 (* * * 54) The board of directors shall annually elect one
265 (1) member to serve as chairman of the board and one (1) member to
266 serve as vice chairman. The vice chairman shall act as chairman



267 in the absence of or upon the disability of the chairman or in the
268 event of a vacancy of the office of chairman.

269 (* * *~~65~~) A majority of the currently serving members of
270 the board shall constitute a quorum for the purposes of conducting
271 business and exercising its official powers and duties. Any
272 action taken by the board shall be upon the vote of a majority of
273 the members present.

274 **SECTION 5.** Section 37-4-3, Mississippi Code of 1972, is
275 amended as follows:

276 37-4-3. (1) From and after July 1, 1986, there shall be a
277 Mississippi Community College Board which shall receive and
278 distribute funds appropriated by the Legislature for the use of
279 the public community and junior colleges and funds from federal
280 and other sources that are transmitted through the state
281 governmental organization for use by said colleges. This board
282 shall provide general coordination of the public community and
283 junior colleges, assemble reports and such other duties as may be
284 prescribed by law.

285 (2) The board shall consist of ten (10) members of which
286 none shall be an elected official. Until January 1, 2028, the
287 Governor shall appoint two (2) members from the First Mississippi
288 Congressional District, one (1) who shall serve an initial term of
289 two (2) years and one (1) who shall serve an initial term of five
290 (5) years; two (2) members from the Second Mississippi
291 Congressional District, one (1) who shall serve an initial term of



292 five (5) years and one (1) who shall serve an initial term of
293 three (3) years; and two (2) members from the Third Mississippi
294 Congressional District, one (1) who shall serve an initial term of
295 four (4) years and one (1) who shall serve an initial term of two
296 (2) years; two (2) members from the Fourth Mississippi
297 Congressional District, one (1) who shall serve an initial term of
298 three (3) years and one (1) who shall serve an initial term of
299 four (4) years; and two (2) members from the Fifth Mississippi
300 Congressional District, one (1) who shall serve an initial term of
301 five (5) years and one (1) who shall serve an initial term of two
302 (2) years. All subsequent appointments shall be for a term of six
303 (6) years and continue until their successors are appointed and
304 qualify. An appointment to fill a vacancy which arises for
305 reasons other than by expiration of a term of office shall be for
306 the unexpired term only. All members shall be appointed with the
307 advice and consent of the Senate.

308 The Mississippi Community College Board, created by former
309 Section 37-4-3, is continued and reconstituted as follows:
310 Effective January 1, 2028, the Governor shall appoint three (3)
311 members from each Mississippi Supreme Court District and one (1)
312 from the state at large. The members shall be appointed by the
313 Governor, with the advice and consent of the Senate, for a term of
314 office of four (4) years, provided that six (6) members shall be
315 appointed in 2028 to a term ending December 31, 2031, and four (4)
316 members shall be appointed in 2030 to a term ending December 31,



317 2033. Appointments made at the beginning of the four-year cycle
318 shall be made to fill any member's term which actually expires
319 that year and any member's term which expires next until the
320 majority of the membership of the board or commission is reached.
321 Appointments made at the beginning of the third year of the
322 four-year cycle shall be made for the remainder of the membership
323 positions irrespective of the time of their prior appointment.
324 Any question regarding the order of appointments shall be
325 determined by the Secretary of State in accordance with the
326 specific statute. All appointment procedures, vacancy provisions,
327 interim appointment provisions and removal provisions specifically
328 provided for in Section 7-1-35, Mississippi Code of 1972, shall be
329 fully applicable to appointments to the Mississippi Community
330 College Board, and to the position of executive director.

331 (3) There shall be a chairman and vice chairman of the
332 board, elected by and from the membership of the board; and the
333 chairman shall be the presiding officer of the board. The board
334 shall adopt rules and regulations governing times and places for
335 meetings and governing the manner of conducting its business.

336 (4) The members of the board shall receive no annual salary,
337 but shall receive per diem compensation as authorized by Section
338 25-3-69, Mississippi Code of 1972, for each day devoted to the
339 discharge of official board duties and shall be entitled to
340 reimbursement for all actual and necessary expenses incurred in



341 the discharge of their duties, including mileage as authorized by
342 Section 25-3-41, Mississippi Code of 1972.

343 (5) Effective July 1, 2028, the board shall name a director
344 for the state system of public junior and community colleges, who
345 shall serve at the will and pleasure of the board, with the advice
346 and consent of the Senate, not less than every four (4) years.

347 Such director shall be the chief executive officer of the board,
348 give direction to the board staff, carry out the policies set
349 forth by the board, and work with the presidents of the several
350 community and junior colleges to assist them in carrying out the
351 mandates of the several boards of trustees and in functioning
352 within the state system and policies established by the
353 Mississippi Community College Board. The Mississippi Community
354 College Board shall set the salary of the director of the board.
355 The Legislature shall provide adequate funds for the Mississippi
356 Community College Board, its activities and its staff.

357 (6) The powers and duties of the Mississippi Community
358 College Board shall be:

359 (a) To authorize disbursements of state-appropriated
360 funds to community and junior colleges through orders in the
361 minutes of the board.

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

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



366 (d) To require community and junior colleges to supply
367 such information as the board may request and compile, publish and
368 make available such reports based thereon as the board may deem
369 advisable.

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

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

381 (g) To approve applications from community and junior
382 colleges for state funds for vocational-technical education
383 facilities.

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

386 (i) To appoint members to the Post-Secondary
387 Educational Assistance Board.

388 (j) To appoint members to the Authority for Educational
389 Television.



390 (k) To contract with other boards, commissions,
391 governmental entities, foundations, corporations or individuals
392 for programs, services, grants and awards when such are needed for
393 the operation and development of the state public community and
394 junior college system.

395 (l) To fix standards for community and junior colleges
396 to qualify for appropriations, and qualifications for community
397 and junior college teachers.

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

401 (n) To approve or disapprove of any proposed inclusion
402 within municipal corporate limits of state-owned buildings and
403 grounds of any community college or junior college and to approve
404 or disapprove of land use development, zoning requirements,
405 building codes and delivery of governmental services applicable to
406 state-owned buildings and grounds of any community college or
407 junior college. Any agreement by a local board of trustees of a
408 community college or junior college to annexation of state-owned
409 property or other conditions described in this paragraph shall be
410 void unless approved by the board and by the board of supervisors
411 of the county in which the state-owned property is located.

412 **SECTION 6.** Section 49-2-4, Mississippi Code of 1972, is
413 amended as follows:



414 49-2-4. (1) There is hereby created the Mississippi
415 Department of Environmental Quality whose offices shall be located
416 in Jackson, Mississippi.

417 (2) The department shall be headed by an executive director
418 who shall be appointed by and serve at the pleasure of the
419 Governor. The appointment of the executive director shall be made
420 with the advice and consent of the Senate, not less than every
421 four (4) years. The executive director may assign to the
422 appropriate bureaus such powers and duties as deemed appropriate
423 to carry out the department's lawful functions. The executive
424 director shall have the following minimum qualifications:

425 (a) A master's degree in a field related to natural
426 resources, and at least six (6) years' full-time experience in
427 natural resources, including at least three (3) years of
428 management experience; or

429 (b) A bachelor's degree in a field related to natural
430 resources or administration and at least eight (8) years of
431 full-time work in the field of natural resources, including four
432 (4) years of management experience.

433 The executive director shall be the chief administrative
434 officer of the department.

435 **SECTION 7.** Section 49-2-5, Mississippi Code of 1972, is
436 amended as follows:

437 49-2-5. (1) There is hereby created the Mississippi
438 Commission on Environmental Quality, to be composed of seven (7)



439 persons appointed by the Governor, with the advice and consent of
440 the Senate, for a term of * * * ~~seven (7)~~ four (4) years. * * *
441 ~~One (1)~~ Two (2) persons shall be appointed from each * * *
442 ~~congressional district as constituted January 1, 1978~~ Mississippi
443 Supreme Court District, and * * * ~~two (2) members~~ one (1) member
444 shall be appointed from the state at large. * * * ~~The initial~~
445 ~~terms of the members from congressional districts shall be for one~~
446 ~~(1), two (2), three (3), four (4) and five (5) years respectively,~~
447 ~~and the initial terms of the members from the state at large shall~~
448 ~~be one (1) for six (6) years and one (1) for seven (7) years.~~
449 ~~Thereafter, all terms shall be for seven (7) years. The members~~
450 ~~-serving on the predecessor Commission on Natural Resources on June~~
451 ~~30, 1989, shall continue to serve as members of the successor~~
452 ~~Commission on Environmental Quality until the expiration of the~~
453 ~~term of their appointment to the predecessor commission. The~~
454 Mississippi Commission on Environmental Quality, created by former
455 Section 49-2-5, is continued and reconstituted as follows:
456 Effective January 1, 2028, each member shall be appointed by the
457 Governor, with the advice and consent of the Senate, for a term of
458 office of four (4) years, provided that four (4) members shall be
459 appointed in 2028 to as term ending December 31, 2031, and three
460 (3) members shall be appointed in 2030 to a term ending December
461 31, 2033. Appointments made at the beginning of the four-year
462 cycle shall be made to fill any member's term which actually
463 expires that year and any member's term which expires next until



464 the majority of the membership of the board or commission is
465 reached. Appointments made at the beginning of the third year of
466 the four-year cycle shall be made for the remainder of the
467 membership positions irrespective of the time of their prior
468 appointment. Any question regarding the order of appointments
469 shall be determined by the Secretary of State in accordance with
470 the specific statute. All appointment procedures, vacancy
471 provisions, interim appointment provisions and removal provisions
472 specifically provided for in Section 7-1-35, Mississippi Code of
473 1972, shall be fully applicable to appointments to the Mississippi
474 Commission on Environmental Quality.

475 (2) The commission shall elect from its membership a
476 chairman who shall preside over meetings and a vice chairman who
477 shall preside in the absence of the chairman or when the chairman
478 shall be excused.

479 (3) The commission shall adopt rules and regulations
480 governing times and places for meetings, and governing the manner
481 of conducting its business. Each member of the commission shall
482 take the oath prescribed by Section 268 of the Constitution and
483 shall enter into bond in the amount of Thirty Thousand Dollars
484 (\$30,000.00) to be approved by the Secretary of State, conditioned
485 according to law and payable to the State of Mississippi before
486 assuming the duties of office. * * * ~~Any member who shall not~~
487 ~~attend three (3) consecutive regular meetings of the commission~~



488 ~~shall be subject to removal by a majority vote of the commission~~
489 ~~members.~~

490 (4) The members of the commission shall receive no annual
491 salary, but shall receive per diem compensation as authorized by
492 law for each day devoted to the discharge of official duties, and
493 shall be entitled to reimbursement for all actual and necessary
494 expenses incurred in the discharge of their duties, including
495 mileage as authorized by law.

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

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

503 (6) At least a majority of the members of the commission
504 shall represent the public interest and shall not derive any
505 significant portion of their income from persons subject to
506 permits under the federal Clean Air Act or enforcement order under
507 the federal Clean Air Act. In the event of any potential conflict
508 of interest by a member of the commission, such member shall
509 disclose the potential conflict to the other members of the
510 commission and shall recuse himself or herself from participating
511 in or voting on any matter related to such conflict of interest.



512 **SECTION 8.** Section 41-4-3, Mississippi Code of 1972, is
513 amended as follows:

514 41-4-3. (1) There is created a State Board of Mental
515 Health, referred to in this chapter as "board," consisting of nine
516 (9) members, to be appointed by the Governor, with the advice and
517 consent of the Senate, each of whom shall be a qualified
518 elector. * * * ~~One (1)~~ Three (3) members shall be appointed from
519 each * * * ~~congressional~~ Mississippi Supreme Court District * * *
520 ~~as presently constituted; and four (4) members shall be appointed~~
521 ~~from the state at large.~~ One (1) * * * ~~of whom~~ appointee shall
522 be a licensed medical doctor who is a psychiatrist, one (1) * * *
523 ~~of whom~~ shall hold a Ph.D. degree and be a licensed clinical
524 psychologist, one (1) * * * ~~of whom~~ shall be a licensed medical
525 doctor, and one (1) of whom shall be a social worker with
526 experience in the mental health field.

527 * * * ~~No more than two (2) members of the board shall be~~
528 ~~appointed from any one (1) congressional district as presently~~
529 ~~constituted.~~

530 ~~Each member of the initial board shall serve for a term of~~
531 ~~years represented by the number of his congressional district; two~~
532 ~~(2) state at large members shall serve for a term of six (6)~~
533 ~~years; two (2) state at large members shall serve for a term of~~
534 ~~seven (7) years; subsequent appointments shall be for seven-year~~
535 ~~terms and the Governor shall fill any vacancy for the unexpired~~
536 ~~term.~~



537 The State Board of Mental Health, created by former Section
538 41-4-3, is continued and reconstituted as follows: Effective
539 January 1, 2028, each member shall be appointed by the Governor,
540 with the advice and consent of the Senate, for a term of office of
541 four (4) years, provided that five (5) members shall be appointed
542 in 2028 to a term ending December 31, 2031, and four (4) members
543 shall be appointed in 2030 to a term ending December 31, 2033.
544 Appointments made at the beginning of the four-year cycle shall be
545 made to fill any member's term which actually expires that year
546 and any member's term which expires next until the majority of the
547 membership of the board or commission is reached. Appointments
548 made at the beginning of the third year of the four-year cycle
549 shall be made for the remainder of the membership positions
550 irrespective of the time of their prior appointment. Any question
551 regarding the order of appointments shall be determined by the
552 Secretary of State in accordance with the specific statute. All
553 appointment procedures, vacancy provisions, interim appointment
554 provisions and removal provisions specifically provided for in
555 Section 7-1-35, Mississippi Code of 1972, shall be fully
556 applicable to appointments to the State Board of Mental Health.

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

559 (2) Each board member shall be entitled to a per diem as is
560 authorized by law and all actual and necessary expenses, including



561 mileage as provided by law, incurred in the discharge of official
562 duties.

563 (3) The board shall hold regular meetings quarterly and such
564 special meetings deemed necessary, except that no action shall be
565 taken unless there is present a quorum of at least five (5)
566 members.

567 (4) No board member may be appointed for more than two (2)
568 consecutive terms. * * * ~~For purposes of counting terms of any~~
569 ~~board member, when the term ends for any board member who is a~~
570 ~~member of the board as of July 1, 2023, the end of such term shall~~
571 ~~be considered the person's first term. If any person who is a~~
572 ~~member of the board as of July 1, 2023 is re-appointed after the~~
573 ~~expiration of his or her term, such succeeding term shall be~~
574 ~~considered the second term and such person shall not be~~
575 ~~re-appointed to the board without a break in service.~~

576 **SECTION 9.** Section 41-4-7, Mississippi Code of 1972, is
577 amended as follows:

578 41-4-7. The State Board of Mental Health shall have the
579 following powers and duties:

580 (a) To appoint, with the advice and consent of the
581 Senate, a full-time Executive Director of the Department of Mental
582 Health, who shall be employed by the board and shall serve as
583 executive secretary to the board. The executive director shall
584 serve for a term of four (4) years, consistent with the provisions
585 of Section 7-1-35, Mississippi Code of 1972. The first director



586 shall be a duly licensed physician with special interest and
587 competence in psychiatry, and shall possess a minimum of three (3)
588 years' experience in clinical and administrative psychiatry.

589 Subsequent directors shall possess at least a master's degree or
590 its equivalent, and shall possess at least ten (10) years'
591 administrative experience in the field of mental health. The
592 salary of the executive director shall be determined by the board;

593 (b) To appoint a Medical Director for the Department of
594 Mental Health. The medical director shall provide clinical
595 oversight in the implementation of evidence-based and best
596 practices; provide clinical leadership in the integration of
597 mental health, intellectual disability and addiction services with
598 community partners in the public and private sectors; and provide
599 oversight regarding standards of care. The medical director shall
600 serve at the will and pleasure of the board, and will undergo an
601 annual review of job performance and future service to the
602 department;

603 (c) To establish and implement its state strategic
604 plan;

605 (d) To develop a strategic plan for the development of
606 services for persons with mental illness, persons with
607 developmental disabilities and other clients of the public mental
608 health system. Such strategic planning program shall require that
609 the board, acting through the Strategic Planning and Best



610 Practices Committee, perform the following functions respecting
611 the delivery of services:

612 (i) Establish measures for determining the
613 efficiency and effectiveness of the services specified in Section
614 41-4-1(2);

615 (ii) Conducting studies of community-based care in
616 other jurisdictions to determine which services offered in these
617 jurisdictions have the potential to provide the citizens of
618 Mississippi with more effective and efficient community-based
619 care;

620 (iii) Evaluating the efficiency and effectiveness
621 of the services specified in Section 41-4-1(2);

622 (iv) Recommending to the Legislature by January 1,
623 2014, any necessary additions, deletions or other changes
624 necessary to the services specified in Section 41-4-1(2);

625 (v) Implementing by July 1, 2012, a system of
626 performance measures for the services specified in Section
627 41-4-1(2);

628 (vi) Recommending to the Legislature any changes
629 that the department believes are necessary to the current laws
630 addressing civil commitment;

631 (vii) Conducting any other activities necessary to
632 the evaluation and study of the services specified in Section
633 41-4-1(2);



634 (viii) Assisting in conducting all necessary
635 strategic planning for the delivery of all other services of the
636 department. Such planning shall be conducted so as to produce a
637 single strategic plan for the services delivered by the public
638 mental health system and shall establish appropriate mission
639 statements, goals, objectives and performance indicators for all
640 programs and services of the public mental health system. For
641 services other than those specified in Section 41-4-1(2), the
642 committee shall recommend to the State Board of Mental Health a
643 strategic plan that the board may adopt or modify;

644 (e) To set up state plans for the purpose of
645 controlling and treating any and all forms of mental and emotional
646 illness, alcoholism, drug misuse and developmental disabilities;

647 (f) [Repealed]

648 (g) To enter into contracts with any other state or
649 federal agency, or with any private person, organization or group
650 capable of contracting, if it finds such action to be in the
651 public interest;

652 (h) To collect reasonable fees for its services;
653 however, if it is determined that a person receiving services is
654 unable to pay the total fee, the department shall collect no more
655 than the amount such person is able to pay;

656 (i) To certify, coordinate and establish minimum
657 standards and establish minimum required services, as specified in
658 Section 41-4-1(2), for regional mental health and intellectual



659 disability commissions and other community service providers for
660 community or regional programs and services in adult mental
661 health, children and youth mental health, intellectual
662 disabilities, alcoholism, drug misuse, developmental disabilities,
663 compulsive gambling, addictive disorders and related programs
664 throughout the state. Such regional mental health and
665 intellectual disability commissions and other community service
666 providers shall, on or before July 1 of each year, submit an
667 annual operational plan to the State Department of Mental Health
668 for approval or disapproval based on the minimum standards and
669 minimum required services established by the department for
670 certification and itemize the services specified in Section
671 41-4-1(2), including financial statements. As part of the annual
672 operation plan required by this paragraph (i) submitted by any
673 regional community mental health center or by any other reasonable
674 certification deemed acceptable by the department, the community
675 mental health center shall state those services specified in
676 Section 41-4-1(2) that it will provide and also those services
677 that it will not provide. If the department finds deficiencies in
678 the plan of any regional commission or community service provider
679 based on the minimum standards and minimum required services
680 established for certification, the department shall give the
681 regional commission or community service provider a six-month
682 probationary period to bring its standards and services up to the
683 established minimum standards and minimum required services. The



684 regional commission or community service provider shall develop a
685 sustainability business plan within thirty (30) days of being
686 placed on probation, which shall be signed by all commissioners
687 and shall include policies to address one or more of the
688 following: the deficiencies in programmatic services, clinical
689 service staff expectations, timely and appropriate billing,
690 processes to obtain credentialing for staff, monthly reporting
691 processes, third-party financial reporting and any other required
692 documentation as determined by the department. After the
693 six-month probationary period, if the department determines that
694 the regional commission or community service provider still does
695 not meet the minimum standards and minimum required services
696 established for certification, the department may remove the
697 certification of the commission or provider and from and after
698 July 1, 2011, the commission or provider shall be ineligible for
699 state funds from Medicaid reimbursement or other funding sources
700 for those services. However, the department shall not mandate a
701 standard or service, or decertify a regional commission or
702 community service provider for not meeting a standard or service,
703 if the standard or service does not have funding appropriated by
704 the Legislature or have a state, federal or local funding source
705 identified by the department. No county shall be required to levy
706 millage to provide a mandated standard or service above the
707 minimum rate required by Section 41-19-39. After the six-month
708 probationary period, the department may identify an appropriate



709 community service provider to provide any core services in that
710 county that are not provided by a community mental health center.
711 However, the department shall not offer reimbursement or other
712 accommodations to a community service provider of core services
713 that were not offered to the decertified community mental health
714 center for the same or similar services. The State Board of
715 Mental Health shall promulgate rules and regulations necessary to
716 implement the provisions of this paragraph (i), in accordance with
717 the Administrative Procedures Law (Section 25-43-1.101 et seq.);

718 (j) To establish and promulgate reasonable minimum
719 standards for the construction and operation of state and all
720 Department of Mental Health certified facilities, including
721 reasonable minimum standards for the admission, diagnosis, care,
722 treatment, transfer of patients and their records, and also
723 including reasonable minimum standards for providing day care,
724 outpatient care, emergency care, inpatient care and follow-up
725 care, when such care is provided for persons with mental or
726 emotional illness, an intellectual disability, alcoholism, drug
727 misuse and developmental disabilities;

728 (k) To implement best practices for all services
729 specified in Section 41-4-1(2), and to establish and implement all
730 other services delivered by the Department of Mental Health. To
731 carry out this responsibility, the board shall require the
732 department to establish a division responsible for developing best
733 practices based on a comprehensive analysis of the mental health



734 environment to determine what the best practices for each service
735 are. In developing best practices, the board shall consider the
736 cost and benefits associated with each practice with a goal of
737 implementing only those practices that are cost-effective
738 practices for service delivery. Such best practices shall be
739 utilized by the board in establishing performance standards and
740 evaluations of the community mental health centers' services
741 required by paragraph (d) of this section;

742 (l) To assist community or regional programs consistent
743 with the purposes of this chapter by making grants and contracts
744 from available funds;

745 (m) To establish and collect reasonable fees for
746 necessary inspection services incidental to certification or
747 compliance;

748 (n) To accept gifts, trusts, bequests, grants,
749 endowments or transfers of property of any kind;

750 (o) To receive monies coming to it by way of fees for
751 services or by appropriations;

752 (p) To serve as the single state agency in receiving
753 and administering any and all funds available from any source for
754 the purpose of service delivery, training, research and education
755 in regard to all forms of mental illness, intellectual
756 disabilities, alcoholism, drug misuse and developmental
757 disabilities, unless such funds are specifically designated to a



758 particular agency or institution by the federal government, the
759 Mississippi Legislature or any other grantor;

760 (q) To establish mental health holding centers for the
761 purpose of providing short-term emergency mental health treatment,
762 places for holding persons awaiting commitment proceedings or
763 awaiting placement in a state mental health facility following
764 commitment, and for diverting placement in a state mental health
765 facility. These mental health holding facilities shall be readily
766 accessible, available statewide, and be in compliance with
767 emergency services' minimum standards. They shall be
768 comprehensive and available to triage and make appropriate
769 clinical disposition, including the capability to access inpatient
770 services or less restrictive alternatives, as needed, as
771 determined by medical staff. Such facility shall have medical,
772 nursing and behavioral services available on a
773 twenty-four-hour-a-day basis. The board may provide for all or
774 part of the costs of establishing and operating the holding
775 centers in each district from such funds as may be appropriated to
776 the board for such use, and may participate in any plan or
777 agreement with any public or private entity under which the entity
778 will provide all or part of the costs of establishing and
779 operating a holding center in any district;

780 (r) To certify/license case managers, mental health
781 therapists, intellectual disability therapists, mental
782 health/intellectual disability program administrators, addiction



783 counselors and others as deemed appropriate by the board. Persons
784 already professionally licensed by another state board or agency
785 are not required to be certified/licensed under this section by
786 the Department of Mental Health. The department shall not use
787 professional titles in its certification/licensure process for
788 which there is an independent licensing procedure. Such
789 certification/licensure shall be valid only in the state mental
790 health system, in programs funded and/or certified by the
791 Department of Mental Health, and/or in programs certified/licensed
792 by the State Department of Health that are operated by the state
793 mental health system serving persons with mental illness, an
794 intellectual disability, a developmental disability or addictions,
795 and shall not be transferable;

796 (s) To develop formal mental health worker
797 qualifications for regional mental health and intellectual
798 disability commissions and other community service providers. The
799 State Personnel Board shall develop and promulgate a recommended
800 salary scale and career ladder for all regional mental
801 health/intellectual disability center therapists and case managers
802 who work directly with clients. The State Personnel Board shall
803 also develop and promulgate a career ladder for all direct care
804 workers employed by the State Department of Mental Health;

805 (t) The employees of the department shall be governed
806 by personnel merit system rules and regulations, the same as other
807 employees in state services;



808 (u) To establish such rules and regulations as may be
809 necessary in carrying out the provisions of this chapter,
810 including the establishment of a formal grievance procedure to
811 investigate and attempt to resolve consumer complaints;

812 (v) To grant easements for roads, utilities and any
813 other purpose it finds to be in the public interest;

814 (w) To survey statutory designations, building markers
815 and the names given to mental health/intellectual disability
816 facilities and proceedings in order to recommend deletion of
817 obsolete and offensive terminology relative to the mental
818 health/intellectual disability system. Based upon a
819 recommendation of the executive director, the board shall have the
820 authority to name/rename any facility operated under the auspices
821 of the Department of Mental Health for the sole purpose of
822 deleting such terminology;

823 (x) To ensure an effective case management system
824 directed at persons who have been discharged from state and
825 private psychiatric hospitals to ensure their continued well-being
826 in the community;

827 (y) To develop formal service delivery standards
828 designed to measure the quality of services delivered to community
829 clients, as well as the timeliness of services to community
830 clients provided by regional mental health/intellectual disability
831 commissions and other community services providers;



832 (z) To establish regional state offices to provide
833 mental health crisis intervention centers and services available
834 throughout the state to be utilized on a case-by-case emergency
835 basis. The regional services director, other staff and delivery
836 systems shall meet the minimum standards of the Department of
837 Mental Health;

838 (aa) To require performance contracts with community
839 mental health/intellectual disability service providers to contain
840 performance indicators to measure successful outcomes, including
841 diversion of persons from inpatient psychiatric hospitals,
842 rapid/timely response to emergency cases, client satisfaction with
843 services and other relevant performance measures;

844 (bb) To enter into interagency agreements with other
845 state agencies, school districts and other local entities as
846 determined necessary by the department to ensure that local mental
847 health service entities are fulfilling their responsibilities to
848 the overall state plan for behavioral services;

849 (cc) To establish and maintain a toll-free grievance
850 reporting telephone system for the receipt and referral for
851 investigation of all complaints by clients of state and community
852 mental health/intellectual disability facilities;

853 (dd) To establish a peer review/quality assurance
854 evaluation system that assures that appropriate assessment,
855 diagnosis and treatment is provided according to established
856 professional criteria and guidelines;



857 (ee) To develop and implement state plans for the
858 purpose of assisting with the care and treatment of persons with
859 Alzheimer's disease and other dementia. This plan shall include
860 education and training of service providers, caregivers in the
861 home setting and others who deal with persons with Alzheimer's
862 disease and other dementia, and development of adult day care,
863 family respite care and counseling programs to assist families who
864 maintain persons with Alzheimer's disease and other dementia in
865 the home setting. No agency shall be required to provide any
866 services under this section until such time as sufficient funds
867 have been appropriated or otherwise made available by the
868 Legislature specifically for the purposes of the treatment of
869 persons with Alzheimer's and other dementia;

870 (ff) Working with the advice and consent of the
871 administration of Ellisville State School, to enter into
872 negotiations with the Economic Development Authority of Jones
873 County for the purpose of negotiating the possible exchange, lease
874 or sale of lands owned by Ellisville State School to the Economic
875 Development Authority of Jones County. It is the intent of the
876 Mississippi Legislature that such negotiations shall ensure that
877 the financial interest of the persons with an intellectual
878 disability served by Ellisville State School will be held
879 paramount in the course of these negotiations. The Legislature
880 also recognizes the importance of economic development to the
881 citizens of the State of Mississippi and Jones County, and



882 encourages fairness to the Economic Development Authority of Jones
883 County. Any negotiations proposed which would result in the
884 recommendation for exchange, lease or sale of lands owned by
885 Ellisville State School must have the approval of the State Board
886 of Mental Health. The State Board of Mental Health may and has
887 the final authority as to whether or not these negotiations result
888 in the exchange, lease or sale of the properties it currently
889 holds in trust for persons with an intellectual disability served
890 at Ellisville State School.

891 If the State Board of Mental Health authorizes the sale of
892 lands owned by Ellisville State School, as provided for under this
893 paragraph (ff), the monies derived from the sale shall be placed
894 into a special fund that is created in the State Treasury to be
895 known as the "Ellisville State School Client's Trust Fund." The
896 principal of the trust fund shall remain inviolate and shall never
897 be expended. Any interest earned on the principal may be expended
898 solely for the benefits of clients served at Ellisville State
899 School. The State Treasurer shall invest the monies of the trust
900 fund in any of the investments authorized for the Mississippi
901 Prepaid Affordable College Tuition Program under Section 37-155-9,
902 and those investments shall be subject to the limitations
903 prescribed by Section 37-155-9. Unexpended amounts remaining in
904 the trust fund at the end of a fiscal year shall not lapse into
905 the State General Fund, and any interest earned on amounts in the
906 trust fund shall be deposited to the credit of the trust fund.



907 The administration of Ellisville State School may use any interest
908 earned on the principal of the trust fund, upon appropriation by
909 the Legislature, as needed for services or facilities by the
910 clients of Ellisville State School. Ellisville State School shall
911 make known to the Legislature, through the Legislative Budget
912 Committee and the respective Appropriations Committees of the
913 House and Senate, its proposed use of interest earned on the
914 principal of the trust fund for any fiscal year in which it
915 proposes to make expenditures thereof. The State Treasurer shall
916 provide Ellisville State School with an annual report on the
917 Ellisville State School Client's Trust Fund to indicate the total
918 monies in the trust fund, interest earned during the year,
919 expenses paid from the trust fund and such other related
920 information.

921 Nothing in this section shall be construed as applying to or
922 affecting mental health/intellectual disability services provided
923 by hospitals as defined in Section 41-9-3(a), and/or their
924 subsidiaries and divisions, which hospitals, subsidiaries and
925 divisions are licensed and regulated by the Mississippi State
926 Department of Health unless such hospitals, subsidiaries or
927 divisions voluntarily request certification by the Mississippi
928 State Department of Mental Health.

929 All new programs authorized under this section shall be
930 subject to the availability of funds appropriated therefor by the
931 Legislature;



932 (gg) Working with the advice and consent of the
933 administration of Boswell Regional Center, to enter into
934 negotiations with the Economic Development Authority of Simpson
935 County for the purpose of negotiating the possible exchange, lease
936 or sale of lands owned by Boswell Regional Center to the Economic
937 Development Authority of Simpson County. It is the intent of the
938 Mississippi Legislature that such negotiations shall ensure that
939 the financial interest of the persons with an intellectual
940 disability served by Boswell Regional Center will be held
941 paramount in the course of these negotiations. The Legislature
942 also recognizes the importance of economic development to the
943 citizens of the State of Mississippi and Simpson County, and
944 encourages fairness to the Economic Development Authority of
945 Simpson County. Any negotiations proposed which would result in
946 the recommendation for exchange, lease or sale of lands owned by
947 Boswell Regional Center must have the approval of the State Board
948 of Mental Health. The State Board of Mental Health may and has
949 the final authority as to whether or not these negotiations result
950 in the exchange, lease or sale of the properties it currently
951 holds in trust for persons with an intellectual disability served
952 at Boswell Regional Center. In any such exchange, lease or sale
953 of such lands owned by Boswell Regional Center, title to all
954 minerals, oil and gas on such lands shall be reserved, together
955 with the right of ingress and egress to remove same, whether such



956 provisions be included in the terms of any such exchange, lease or
957 sale or not.

958 If the State Board of Mental Health authorizes the sale of
959 lands owned by Boswell Regional Center, as provided for under this
960 paragraph (gg), the monies derived from the sale shall be placed
961 into a special fund that is created in the State Treasury to be
962 known as the "Boswell Regional Center Client's Trust Fund." The
963 principal of the trust fund shall remain inviolate and shall never
964 be expended. Any earnings on the principal may be expended solely
965 for the benefits of clients served at Boswell Regional Center.
966 The State Treasurer shall invest the monies of the trust fund in
967 any of the investments authorized for the Mississippi Prepaid
968 Affordable College Tuition Program under Section 37-155-9, and
969 those investments shall be subject to the limitations prescribed
970 by Section 37-155-9. Unexpended amounts remaining in the trust
971 fund at the end of a fiscal year shall not lapse into the State
972 General Fund, and any earnings on amounts in the trust fund shall
973 be deposited to the credit of the trust fund. The administration
974 of Boswell Regional Center may use any earnings on the principal
975 of the trust fund, upon appropriation by the Legislature, as
976 needed for services or facilities by the clients of Boswell
977 Regional Center. Boswell Regional Center shall make known to the
978 Legislature, through the Legislative Budget Committee and the
979 respective Appropriations Committees of the House and Senate, its
980 proposed use of the earnings on the principal of the trust fund



981 for any fiscal year in which it proposes to make expenditures
982 thereof. The State Treasurer shall provide Boswell Regional
983 Center with an annual report on the Boswell Regional Center
984 Client's Trust Fund to indicate the total monies in the trust
985 fund, interest and other income earned during the year, expenses
986 paid from the trust fund and such other related information.

987 Nothing in this section shall be construed as applying to or
988 affecting mental health/intellectual disability services provided
989 by hospitals as defined in Section 41-9-3(a), and/or their
990 subsidiaries and divisions, which hospitals, subsidiaries and
991 divisions are licensed and regulated by the Mississippi State
992 Department of Health unless such hospitals, subsidiaries or
993 divisions voluntarily request certification by the Mississippi
994 State Department of Mental Health.

995 All new programs authorized under this section shall be
996 subject to the availability of funds appropriated therefor by the
997 Legislature;

998 (hh) Notwithstanding any other section of the code, the
999 Board of Mental Health shall be authorized to fingerprint and
1000 perform a criminal history record check on every employee or
1001 volunteer. Every employee and volunteer shall provide a valid
1002 current social security number and/or driver's license number
1003 which shall be furnished to conduct the criminal history record
1004 check. If no disqualifying record is identified at the state



1005 level, fingerprints shall be forwarded to the Federal Bureau of
1006 Investigation for a national criminal history record check;

1007 (ii) The Department of Mental Health shall have the
1008 authority for the development of a consumer friendly single point
1009 of intake and referral system within its service areas for persons
1010 with mental illness, an intellectual disability, developmental
1011 disabilities or alcohol or substance abuse who need assistance
1012 identifying or accessing appropriate services. The department
1013 will develop and implement a comprehensive evaluation procedure
1014 ensuring that, where appropriate, the affected person or their
1015 parent or legal guardian will be involved in the assessment and
1016 planning process. The department, as the point of intake and as
1017 service provider, shall have the authority to determine the
1018 appropriate institutional, hospital or community care setting for
1019 persons who have been diagnosed with mental illness, an
1020 intellectual disability, developmental disabilities and/or alcohol
1021 or substance abuse, and may provide for the least restrictive
1022 placement if the treating professional believes such a setting is
1023 appropriate, if the person affected or their parent or legal
1024 guardian wants such services, and if the department can do so with
1025 a reasonable modification of the program without creating a
1026 fundamental alteration of the program. The least restrictive
1027 setting could be an institution, hospital or community setting,
1028 based upon the needs of the affected person or their parent or
1029 legal guardian;



1030 (jj) To have the sole power and discretion to enter
1031 into, sign, execute and deliver long-term or multiyear leases of
1032 real and personal property owned by the Department of Mental
1033 Health to and from other state and federal agencies and private
1034 entities deemed to be in the public's best interest. Any monies
1035 derived from such leases shall be deposited into the funds of the
1036 Department of Mental Health for its exclusive use. Leases to
1037 private entities shall be approved by the Department of Finance
1038 and Administration and all leases shall be filed with the
1039 Secretary of State;

1040 (kk) To certify and establish minimum standards and
1041 minimum required services for county facilities used for housing,
1042 feeding and providing medical treatment for any person who has
1043 been involuntarily ordered admitted to a treatment center by a
1044 court of competent jurisdiction. The minimum standard for the
1045 initial assessment of those persons being housed in county
1046 facilities is for the assessment to be performed by a physician,
1047 preferably a psychiatrist, or by a nurse practitioner, preferably
1048 a psychiatric nurse practitioner. If the department finds
1049 deficiencies in any such county facility or its provider based on
1050 the minimum standards and minimum required services established
1051 for certification, the department shall give the county or its
1052 provider a six-month probationary period to bring its standards
1053 and services up to the established minimum standards and minimum
1054 required services. After the six-month probationary period, if



1055 the department determines that the county or its provider still
1056 does not meet the minimum standards and minimum required services,
1057 the department may remove the certification of the county or
1058 provider and require the county to contract with another county
1059 having a certified facility to hold those persons for that period
1060 of time pending transportation and admission to a state treatment
1061 facility. Any cost incurred by a county receiving an
1062 involuntarily committed person from a county with a decertified
1063 holding facility shall be reimbursed by the home county to the
1064 receiving county; and

1065 (11) To provide orientation training to all new
1066 commissioners of regional commissions and annual training for all
1067 commissioners with continuing education regarding the Mississippi
1068 mental health system and services as developed by the State
1069 Department of Mental Health. Training shall be provided at the
1070 expense of the department except for travel expenses which shall
1071 be paid by the regional commission.

1072 **SECTION 10.** Section 73-19-7, Mississippi Code of 1972, is
1073 amended as follows:

1074 73-19-7. The Governor, with the advice and consent of the
1075 Senate, shall appoint a State Board of Optometry, consisting of
1076 five (5) persons, citizens of Mississippi, each of whom shall be a
1077 nonmedical man or woman actually engaged in the practice of
1078 optometry for five (5) years next preceding his appointment. * * *

1079 ~~Within ninety (90) days after March 25, 1974, the Governor shall~~



1080 ~~appoint: one (1) member for a term of one (1) year, one (1)~~
1081 ~~member for a term of two (2) years, one (1) member for a term of~~
1082 ~~three (3) years, one (1) member for a term of four (4) years, and~~
1083 ~~one (1) member for a term of five (5) years; and upon the~~
1084 ~~expiration of all such terms their successors shall be appointed~~
1085 ~~by the Governor for a term of five (5) years. From and after July~~
1086 ~~1, 1983,~~ The appointments to the board shall be made with one (1)
1087 member to be appointed from each of the * * *~~congressional~~
1088 Mississippi Supreme Court Districts as existing on January 1,
1089 1980 * * *; ~~provided that the present members of the State Board~~
1090 ~~of Optometry whose terms have not expired by July 1, 1983, shall~~
1091 ~~continue to serve until their terms of office have expired. Each~~
1092 ~~member shall remain in office after the expiration of his term~~
1093 ~~until his successor shall be duly appointed and qualified and two~~
1094 (2) from the state at large.

1095 The State Board of Optometry, created by former Section
1096 73-19-7, is continued and reconstituted as follows: Effective
1097 January 1, 2028, each board member shall be appointed by the
1098 Governor, with the advice and consent of the Senate, for a term of
1099 office of four (4) years, provided that three (3) members shall be
1100 appointed in 2028 to a term ending December 31, 2031, and two (2)
1101 members shall be appointed in 2030 to a term ending December 31,
1102 2033. Appointments made at the beginning of the four-year cycle
1103 shall be made to fill any member's term which actually expires
1104 that year and any member's term which expires next until the



1105 majority of the membership of the board or commission is reached.
1106 Appointments made at the beginning of the third year of the
1107 four-year cycle shall be made for the remainder of the membership
1108 positions irrespective of the time of their prior appointment.
1109 Any question regarding the order of appointments shall be
1110 determined by the Secretary of State in accordance with the
1111 specific statute. All appointment procedures, vacancy provisions,
1112 interim appointment provisions and removal provisions specifically
1113 provided for in Section 7-1-35, Mississippi Code of 1972, shall be
1114 fully applicable to appointments to the State Board of Optometry.

1115 No person so appointed shall be a stockholder in or a member
1116 of the faculty or of the board of trustees of any school of
1117 optometry, or serve to exceed two (2) five-year terms.

1118 Vacancies on said board shall be filled by appointment by the
1119 Governor, with the advice and consent of the Senate, from a list
1120 of names submitted by the Mississippi Optometric Association
1121 consisting of three (3) of its members, or by appointment of any
1122 qualified member of the association.

1123 **SECTION 11.** Section 73-19-9, Mississippi Code of 1972, is
1124 amended as follows:

1125 73-19-9. The State Board of Optometry shall organize by the
1126 election from its members a president and a secretary, who shall
1127 hold their respective offices for one (1) year.

1128 It shall hold regular meetings for examination, beginning on
1129 the second week of January and July of each year, and additional



1130 meetings at such times and places as the board shall determine,
1131 said additional meetings not to exceed ten (10) meeting days
1132 annually, but the July meeting shall be held in the City of
1133 Jackson.

1134 A majority of the board shall constitute a quorum, but a less
1135 number may adjourn from time to time.

1136 The board shall make such rules and regulations as may be
1137 necessary to carry out the provisions of this chapter; however,
1138 the board shall not adopt any rule or regulation or impose any
1139 requirement regarding the licensing of optometrists that conflicts
1140 with the prohibitions in Section 73-49-3.

1141 The board is authorized to appoint an executive director for
1142 a term of four (4) years, with the advice and consent of the
1143 Senate, and consistent with the provisions of Section 7-1-35,
1144 Mississippi Code of 1972.

1145 **SECTION 12.** Section 73-35-5, Mississippi Code of 1972, is
1146 amended as follows:

1147 73-35-5. (1) There is hereby created the Mississippi Real
1148 Estate Commission. The commission shall consist of five (5)
1149 persons, to be appointed by the Governor with the advice and
1150 consent of the Senate. Each appointee shall have been a resident
1151 and citizen of this state for at least six (6) years prior to his
1152 appointment, and his vocation for at least five (5) years shall
1153 have been that of a real estate broker. One (1) member shall be
1154 appointed for the term of one (1) year; two (2) members for terms



1155 of two (2) years; two (2) members for terms of four (4) years;
1156 thereafter, the term of the members of said commission shall be
1157 for four (4) years and until their successors are appointed and
1158 qualify. There shall be * * * ~~at least~~ one (1) commissioner from
1159 each * * * ~~congressional~~ Supreme Court District, as such districts
1160 are constituted * * * ~~as of July 1, 2002~~ at the time of
1161 appointment, and two (2) from the state at large. The
1162 commissioners appointed from each of the * * * ~~congressional~~
1163 Supreme Court Districts shall be bona fide residents of the
1164 district from which each is appointed, and the commissioners
1165 appointed from the state at large shall be bona fide residents of
1166 the State of Mississippi. * * * ~~One (1) additional commissioner~~
1167 ~~shall be appointed without regard to residence in any particular~~
1168 ~~congressional district.~~ Members to fill vacancies shall be
1169 appointed by the Governor for the unexpired term. The Governor
1170 may remove any commissioner for cause. The State of Mississippi
1171 shall not be required to furnish office space for such
1172 commissioners. The provisions of this section shall not affect
1173 persons who are members of the Real Estate Commission as of
1174 January 1, 2002. Such members shall serve out their respective
1175 terms, upon the expiration of which the provisions of this section
1176 shall take effect. Nothing provided herein shall be construed as
1177 prohibiting the reappointment of any member of the said
1178 commission.



1179 (2) The Mississippi Real Estate Commission, created by
1180 former Section 73-35-5, is continued and reconstituted as follows:
1181 Effective January 1, 2028, the members designated in subsection
1182 (1) of this section shall be appointed by the Governor, with the
1183 advice and consent of the Senate, provided that three (3) such
1184 members shall be appointed in 2028 to a term ending December 31,
1185 2031, and two (2) such members shall be appointed in 2030 to a
1186 term ending December 31, 2033. Appointments made at the beginning
1187 of the four-year cycle shall be made to fill any member's term
1188 which actually expires that year and any member's term which
1189 expires next until the majority of the membership of the board or
1190 commission is reached. Appointments made at the beginning of the
1191 third year of the four-year cycle shall be made for the remainder
1192 of the membership positions irrespective of the time of their
1193 prior appointment. Any question regarding the order of
1194 appointments shall be determined by the Secretary of State in
1195 accordance with the specific statute. All appointment procedures,
1196 vacancy provisions, interim appointment provisions and removal
1197 provisions specifically provided for in Section 7-1-35,
1198 Mississippi Code of 1972, shall be fully applicable to
1199 appointments to the Mississippi Real Estate Commission.

1200 (* * *23) The commission shall organize by selecting from
1201 its members a chairman, and may do all things necessary and
1202 convenient for carrying into effect the provisions of this
1203 chapter, and may from time to time promulgate rules and



1204 regulations. Each member of the commission shall receive per diem
1205 as authorized in Section 25-3-69, Mississippi Code of 1972, and
1206 his actual and necessary expenses incurred in the performance of
1207 duties pertaining to his office as authorized in Section 25-3-41,
1208 Mississippi Code of 1972.

1209 (* * *34) The commission shall adopt a seal by which it
1210 shall authenticate its proceedings. Copies of all records and
1211 papers in the office of the commission, duly certified and
1212 authenticated by the seal of said commission, shall be received in
1213 evidence in all courts equally and with like effect as the
1214 original. All records kept in the office of the commission under
1215 the authority of this chapter shall be open to public inspection
1216 except pending investigative files.

1217 (5) The board is authorized to appoint an executive director
1218 for a term of four (4) years, with the advice and consent of the
1219 Senate, and consistent with the provisions of Section 7-1-35,
1220 Mississippi Code of 1972.

1221 **SECTION 13.** Section 35-7-7, Mississippi Code of 1972, is
1222 amended as follows:

1223 35-7-7. The administration of the provisions hereof is
1224 vested in a Veterans' Home Purchase Board consisting of six (6)
1225 members who shall be appointed, or reappointed, by the Governor,
1226 with the advice and consent of the Senate. Members appointed to
1227 the board shall be veterans of either World War II, the Korean
1228 Conflict, the Southeast Asia Conflict, the Persian Gulf Conflict



1229 or have served in active duty for at least one hundred eighty
1230 (180) days during a time of war or a conflict in which a campaign
1231 ribbon or medal was issued and shall possess a background in
1232 business, banking, real estate or the legal profession which
1233 enables them to carry out the duties of the board. No
1234 state/department commander of any federally recognized veterans
1235 organization, no national officer of any federally recognized
1236 veterans organization and no member of the Mississippi Council of
1237 Veterans Organizations shall be eligible for appointment to the
1238 board until the expiration of a period of three (3) years after
1239 the termination of his service in such disqualifying positions.
1240 Appointments shall be staggered, with each Governor appointing or
1241 reappointing two (2) members in the first year of his
1242 administration * * *+, one (1) member in the second year, two (2)
1243 members in the third year, and one (1) member in the fourth year.
1244 Appointments for terms that expire in 1988 shall be made as
1245 follows: one (1) shall be made for a term ending on July 1, 1989;
1246 one (1) shall be made for a term ending on July 1, 1991; and two
1247 (2) shall be made for a term ending on July 1, 1992. Persons
1248 appointed to succeed the two (2) members whose terms expired in
1249 1986, or any such member holding over after 1986 because no
1250 successor was appointed, shall serve until July 1, 1990. After
1251 the expiration of the foregoing terms, all appointments shall be
1252 for a term of four (4) years from the expiration date of the
1253 previous term. From and after July 1, 1988, one (1) appointee



1254 shall be selected from each of the five (5) congressional
1255 districts of this state as such districts are composed on May 1,
1256 1987, and one (1) appointee shall be selected from the state at
1257 large. Any vacancy occurring during a term shall be filled by
1258 appointment of a member for the unexpired portion of the term.

1259 The Veterans' Home Purchase Board, created by former Section
1260 35-7-7, is continued and reconstituted as follows: Effective
1261 January 1, 2028, one (1) appointed member shall be from each
1262 Supreme Court District as they exist at the time of appointment,
1263 and two (2) from the state at large. Effective January 1, 2028,
1264 the appointed members of the board designated in this section,
1265 shall be appointed by the Governor to terms of office of four (4)
1266 years, with the advice and consent of the Senate, provided that
1267 three (3) such members shall be appointed in 2028 to a term ending
1268 December 31, 2031, and three (3) such members shall be appointed
1269 in 2030 to a term ending December 31, 2033. Appointments made at
1270 the beginning of the four-year cycle shall be made to fill any
1271 member's term which actually expires that year and any member's
1272 term which expires next until the majority of the membership of
1273 the board or commission is reached. Appointments made at the
1274 beginning of the third year of the four-year cycle shall be made
1275 for the remainder of the membership positions irrespective of the
1276 time of their prior appointment. Any question regarding the order
1277 of appointments shall be determined by the Secretary of State in
1278 accordance with the specific statute. All appointment procedures,



1279 vacancy provisions, interim appointment provisions and removal
1280 provisions specifically provided for in Section 7-1-35,
1281 Mississippi Code of 1972, shall be fully applicable to
1282 appointments to the Veterans' Home Purchase Board.

1283 The board is hereby authorized and empowered to make and
1284 promulgate such reasonable rules and regulations under this
1285 chapter as it shall deem to be necessary or advisable and to
1286 enforce the same. The board shall have authority to render the
1287 final decision on the purchase application process, approval of
1288 purchases, funding of purchase commitments, servicing loans and
1289 default, property security, management, resale, release from
1290 security, and all other matters relating to the purchases and
1291 loans made under this law. The board shall likewise, by an order
1292 spread on its minutes, elect a chairman and vice chairman to serve
1293 for one-year terms, and all such officers are eligible to succeed
1294 themselves in such offices. The chairman may appoint a
1295 three-member loan committee from the membership of the board and
1296 shall specify the conditions, responsibilities and authority of
1297 such committee.

1298 Each member of the board and his successor shall be
1299 reimbursed all of his actual and necessary traveling and other
1300 expenses incurred in the attendance of the meetings of the board
1301 or in the performance of other duties in connection with the
1302 business of the board as provided for state officers and employees
1303 in Section 25-3-41, and shall be allowed a per diem as provided in



1304 Section 25-3-69 for such attendance; provided that the number of
1305 days per diem shall not exceed sixty-six (66) days for the
1306 chairman and fifty (50) days for other members of the board during
1307 any one (1) fiscal year. The above limitation of days per year
1308 shall not apply to board members appointed on a full-time basis to
1309 the loan committee.

1310 The board is authorized to appoint an executive director for
1311 a term of four (4) years, with the advice and consent of the
1312 Senate, and consistent with the provisions of Section 7-1-35,
1313 Mississippi Code of 1972. The director, or other executive
1314 officer employed by the board, shall execute a surety bond in the
1315 sum of One Hundred Thousand Dollars (\$100,000.00), conditioned
1316 upon the faithful performance of his duties and upon his
1317 accounting for all monies coming into his hands; and each employee
1318 handling funds shall execute a like bond in the sum of Fifteen
1319 Thousand Dollars (\$15,000.00), and the premiums thereon shall be
1320 paid from the funds provided for administering this chapter.

1321 The board may designate one (1) of its employees as the
1322 acting director or executive officer by a vote of the majority of
1323 the members of the board, officially recorded in the minutes of a
1324 regular or special meeting, and such acting director shall be
1325 vested with all the authority conferred upon the director by the
1326 provisions of this chapter * * *, ~~but such acting director may not~~
1327 ~~serve for a continuous period of time in excess of six (6) months,~~
1328 ~~and.~~ The acting director, when so designated, will be required to



1329 furnish surety bond in the same amount and under the same
1330 conditions as the director. The purpose of this provision is to
1331 designate an executive officer during any temporary illness,
1332 absence or incapacity of the regularly designated director.

1333 The board may designate one (1) of its employees by a vote of
1334 the majority of the members of the board, officially recorded in
1335 the minutes of a regular or special meeting, to be authorized to
1336 sign a Deed of Conveyance or other closing documents necessary as
1337 to not delay the closing or settlement of a home purchase during
1338 the absence or unavailability of the director.

1339 The board may select and employ such expert, technical and
1340 clerical assistance as in its judgment may be necessary in the
1341 proper administration of said board and fix the salaries of such
1342 employees.

1343 The board is empowered to employ auditors and accountants to
1344 examine the books, accounts and records of the board if it so
1345 desires, and the board is also authorized to employ legal counsel
1346 if it deems such a course necessary in the proper administration
1347 of its affairs.

1348 **SECTION 14.** Section 49-4-4, Mississippi Code of 1972, is
1349 amended as follows:

1350 49-4-4. (1) There is hereby created the Mississippi
1351 Commission on Wildlife, Fisheries and Parks, to be composed of
1352 five (5) persons appointed by the Governor, with the advice and
1353 consent of the Senate, for a term of five (5) years. One (1)



1354 person shall be appointed from each congressional district. The
1355 initial terms of the members shall be one (1), two (2), three (3),
1356 four (4) and five (5) years, respectively. Thereafter, all terms
1357 shall be for five (5) years. An appointment to fill a vacancy
1358 which arises for reasons other than by expiration of a term of
1359 office shall be made from the respective congressional district
1360 for the unexpired term only.

1361 The Mississippi Commission on Wildlife, Fisheries and Parks,
1362 created by former Section 49-4-4, is continued and reconstituted
1363 as follows: Effective January 1, 2028, one (1) appointed member
1364 shall be from each Supreme Court District as they exist at the
1365 time of appointment, and two (2) from the state at large.
1366 Effective January 1, 2028, the appointed members of the commission
1367 designated in this section, shall be appointed by the Governor to
1368 terms of office of four (4) years, with the advice and consent of
1369 the Senate, provided that three (3) such members shall be
1370 appointed in 2028 to a term ending December 31, 2031, and two (2)
1371 such members shall be appointed in 2030 to a term ending December
1372 31, 2033. Appointments made at the beginning of the four-year
1373 cycle shall be made to fill any member's term which actually
1374 expires that year and any member's term which expires next until
1375 the majority of the membership of the board or commission is
1376 reached. Appointments made at the beginning of the third year of
1377 the four-year cycle shall be made for the remainder of the
1378 membership positions irrespective of the time of their prior



1379 appointment. Any question regarding the order of appointments
1380 shall be determined by the Secretary of State in accordance with
1381 the specific statute. All appointment procedures, vacancy
1382 provisions, interim appointment provisions and removal provisions
1383 specifically provided for in Section 7-1-35, Mississippi Code of
1384 1972, shall be fully applicable to appointments to the Mississippi
1385 Commission on Wildlife, Fisheries and Parks.

1386 (2) The commission shall elect from its membership a
1387 chairman who shall preside over meetings and a vice chairman who
1388 shall preside in the absence of the chairman or when the chairman
1389 shall be excused.

1390 (3) The commission shall adopt rules and regulations
1391 governing times and places for meetings and governing the manner
1392 of conducting its business. Each member of the commission shall
1393 take the oath prescribed by Section 268 of the Mississippi
1394 Constitution, and shall enter into bond in the amount of Thirty
1395 Thousand Dollars (\$30,000.00) to be approved by the Secretary of
1396 State, conditioned according to law, and payable to the State of
1397 Mississippi before assuming the duties of office. Any member who
1398 shall not attend three (3) consecutive regular meetings of the
1399 commission shall be subject to removal by a majority vote of the
1400 commission members.

1401 (4) The members of the commission shall receive no annual
1402 salary but shall receive per diem compensation as authorized by
1403 law for each day devoted to the discharge of official duties and



1404 shall be entitled to reimbursement for all actual and necessary
1405 expenses incurred in the discharge of their duties, including
1406 mileage as authorized by law.

1407 The commission shall be composed of persons with a
1408 demonstrated history of involvement in at least one (1) of the
1409 matters of jurisdiction of the commission and whose employment and
1410 activities are not in conflict. All of the commissioners shall be
1411 an active outdoorsman holding a resident hunting or fishing
1412 license in at least five (5) of the ten (10) years preceding
1413 appointment. A member shall not have a record of conviction of
1414 violation of fish or game laws and regulations within five (5)
1415 years preceding appointment or a record of any felony conviction.

1416 (5) The commission shall have the power to adopt, amend and
1417 repeal such regulations and rules as may be necessary for the
1418 operation of the department.

1419 (6) The commission shall have the power and authority to
1420 issue all licenses and permits under the jurisdiction of the
1421 department.

1422 (7) In the furtherance of its duties and responsibilities,
1423 the commission may conduct hearings, gather testimony and perform
1424 other functions required to carry out its powers and duties as
1425 prescribed by statute.

1426 (8) The commission shall have all power for conserving,
1427 managing and developing wildlife and fishery resources except for



1428 saltwater aquatic life and marine resources under the jurisdiction
1429 of the Mississippi Commission on Marine Resources.

1430 **SECTION 15.** Section 49-4-6, Mississippi Code of 1972, is
1431 amended as follows:

1432 49-4-6. (1) There is hereby created the Mississippi
1433 Department of Wildlife, Fisheries and Parks, whose principal
1434 office shall be located in Jackson, Mississippi.

1435 (2) The department shall be headed by an executive director
1436 who shall be appointed by the Governor. The commission shall
1437 submit to the Governor three (3) qualified nominees for the
1438 position of executive director. The Governor shall appoint the
1439 executive director from the list of qualified nominees submitted
1440 with the advice and consent of the Senate. The executive director
1441 shall serve for a term of four (4) years, consistent with the
1442 provisions of Section 7-1-35, Mississippi Code of 1972. The
1443 executive director may assign those powers and duties as deemed
1444 appropriate to carry out the department's lawful functions. Upon
1445 recommendation by the Governor to the commission, the executive
1446 director may be removed from office only by both a majority vote
1447 of the membership of the commission and the Governor's approval of
1448 the removal. To remove the executive director the commission must
1449 determine on sound evidence that there is good cause for removal
1450 such as willful dereliction in carrying out the duties of
1451 executive director, obvious malfeasance in his actions as
1452 executive director or conviction of any criminal act. After the



1453 determination is made by the commission that the executive
1454 director should be removed from office, the commission shall
1455 notify the Governor of its determination and the Governor must
1456 approve that determination before the executive director is
1457 actually removed from office.

1458 (3) The executive director shall appoint heads, who will
1459 serve at the pleasure of the executive director.

1460 (4) The executive director shall have the authority to
1461 organize the department as deemed appropriate to carry out the
1462 responsibilities of the department. The organizational charts of
1463 the department shall be presented annually with the budget request
1464 of the Governor for review by the Legislature.

1465 (5) The executive director shall develop and implement a
1466 merit promotion system for all sworn law enforcement officers.
1467 Promotion to higher rank shall be based on an individual's merit
1468 and length of service. The executive director shall implement the
1469 merit promotion system before July 1, 1995.

1470 **SECTION 16.** Section 47-5-8, Mississippi Code of 1972, is
1471 amended as follows:

1472 47-5-8. (1) There is created the Mississippi Department of
1473 Corrections, which shall be under the policy direction of the
1474 Governor. The chief administrative officer of the department
1475 shall be the Commissioner of Corrections. Effective July 1, 2028,
1476 the commissioner shall be appointed by the Governor in the manner
1477 provided in Section 47-5-24 with the advice and consent of the



1478 Senate, not less than every four (4) years. All appointment
1479 procedures specifically provided for in Section 7-1-35,
1480 Mississippi Code of 1972, shall be fully applicable to
1481 appointments to the position of Commissioner of Corrections.

1482 (2) (a) There shall be an Executive Deputy Commissioner who
1483 shall be directly responsible to the Commissioner of Corrections
1484 within the department who shall serve as the Commissioner of
1485 Corrections in the absence of the commissioner and shall assume
1486 any and all duties that the Commissioner of Corrections assigns,
1487 including, but not limited to, supervising all other deputy
1488 commissioners. The salary of the Executive Deputy Commissioner
1489 shall not exceed the salary of the Commissioner of Corrections.

1490 (b) There shall be a Division of Administration and
1491 Finance within the department, which shall have as its chief
1492 administrative officer a Deputy Commissioner for Administration
1493 and Finance who shall be appointed by the commissioner, and shall
1494 be directly responsible to the commissioner.

1495 (c) There shall be a Division of Community Corrections
1496 within the department, which shall have as its chief
1497 administrative officer a Deputy Commissioner for Community
1498 Corrections, who shall be appointed by the commissioner, and shall
1499 be directly responsible to the commissioner. The Probation and
1500 Parole Board shall continue to exercise the authority as provided
1501 by law, but after July 1, 1976, the Division of Community



1502 Corrections shall serve as the administrative agency for the
1503 Probation and Parole Board.

1504 (d) There shall be a Division of Workforce Development
1505 within the department, which shall have as its chief
1506 administrative officer a Deputy Commissioner for Workforce
1507 Development, who shall be appointed by the commissioner, and shall
1508 be directly responsible to the commissioner.

1509 (3) The department shall succeed to the exclusive control of
1510 all records, books, papers, equipment and supplies, and all lands,
1511 buildings and other real and personal property now or hereafter
1512 belonging to or assigned to the use and benefit or under the
1513 control of the Mississippi State Penitentiary and the Mississippi
1514 Probation and Parole Board, except the records of parole process
1515 and revocation and legal matters related thereto, and shall have
1516 the exercise and control of the use, distribution and disbursement
1517 of all funds, appropriations and taxes now or hereafter in
1518 possession, levied, collected or received or appropriated for the
1519 use, benefit, support and maintenance of these two (2) agencies
1520 except as otherwise provided by law, and the department shall have
1521 general supervision of all the affairs of the two (2) agencies
1522 herein named except as otherwise provided by law, and the care and
1523 conduct of all buildings and grounds, business methods and
1524 arrangements of accounts and records, the organization of the
1525 administrative plans of each institution, and all other matters
1526 incident to the proper functioning of the two (2) agencies.



1527 (4) The commissioner may lease the lands for oil, gas,
1528 mineral exploration and other purposes, and contract with other
1529 state agencies for the proper management of lands under such
1530 leases or for the provision of other services, and the proceeds
1531 thereof shall be paid into the General Fund of the state.

1532 **SECTION 17.** Section 25-4-5, Mississippi Code of 1972, is
1533 amended as follows:

1534 25-4-5. (1) There is hereby created the Mississippi Ethics
1535 Commission which shall be composed of eight (8) members, each of
1536 whom shall be a qualified elector of the State of Mississippi, of
1537 good moral character and integrity.

1538 (2) Two (2) members of the commission shall be appointed by
1539 each of the following officers in strict accordance with the above
1540 standards: the Governor, the Lieutenant Governor, the Speaker of
1541 the House of Representatives and the Chief Justice of the
1542 Mississippi Supreme Court. Not more than one (1) person appointed
1543 by each appointing authority shall be an elected official.

1544 (3) The members of the initial commission shall be appointed
1545 for terms of office expiring one (1), two (2), three (3) and four
1546 (4) years, respectively, from November 15, 1979, the members
1547 appointed by the Governor having a one-year term and a four-year
1548 term, the members appointed by the Lieutenant Governor having a
1549 two-year term and a three-year term, the members appointed by the
1550 Speaker having a three-year term and a two-year term, and the



1551 members appointed by the Chief Justice having a four-year term and
1552 a one-year term.

1553 (4) Successors to the members of the initial commission
1554 shall each be appointed for terms of four (4) years and until
1555 their successors are appointed and have been duly qualified.

1556 (5) If any of the above-listed appointing authorities should
1557 fail to make his appointment to the initial commission within
1558 forty-five (45) days after November 15, 1979, fail to fill a
1559 vacancy within forty-five (45) days after such vacancy occurs, or
1560 fail to make his appointment for a full term to the commission,
1561 then the Chief Justice of the Mississippi Supreme Court shall make
1562 such appointment; provided, however, that the term of such
1563 appointee shall be for the period prescribed for the appointment
1564 by the authority who was to have made the appointment but who
1565 failed to do so. If at any time there should be a vacancy on the
1566 commission, a successor member to serve for the unexpired term
1567 applicable to such vacancy shall be appointed by the same
1568 appointing authority as the member whose unexpired term such
1569 successor is to fill.

1570 (6) Any member of the commission who is indicted for any
1571 felony may be suspended by the commission from service on the
1572 commission. A commission member who is convicted of a misdemeanor
1573 involving moral turpitude or convicted of any felony shall be
1574 ineligible to serve and the member's position on the commission
1575 shall be vacant and subject to reappointment as for other



1576 vacancies. A registered lobbyist shall be ineligible to serve as
1577 a commission member while registered and until one (1) year after
1578 the end of such lobbying relationship that required registration.

1579 **SECTION 18.** Section 47-7-5, Mississippi Code of 1972, is
1580 amended as follows:

1581 47-7-5. (1) Effective January 1, 2028, the State Parole
1582 Board, created under former Section 47-7-5, is hereby created,
1583 continued and reconstituted and shall be composed of five (5)
1584 members, one (1) appointed from each Mississippi Supreme Court
1585 District and two (2) from the state at large. The Governor shall
1586 appoint the members to serve at the will and pleasure of the
1587 Governor, with the advice and consent of the Senate, not less than
1588 every four (4) years, provided that three (3) members shall be
1589 appointed in 2028 to a term ending December 31, 2031, and two (2)
1590 members shall be appointed in 2030 to a term ending December 31,
1591 2033. * * *~~All terms shall be at the will and pleasure of the~~
1592 Governor. Appointments made at the beginning of the four-year
1593 cycle shall be made to fill any member's term which actually
1594 expires that year and any member's term which expires next until
1595 the majority of the membership of the board or commission is
1596 reached. Appointments made at the beginning of the third year of
1597 the four-year cycle shall be made for the remainder of the
1598 membership positions irrespective of the time of their prior
1599 appointment. Any question regarding the order of appointments
1600 shall be determined by the Secretary of State in accordance with



1601 the specific statute. All appointment procedures, vacancy
1602 provisions, interim appointment provisions and removal provisions
1603 specifically provided for in Section 7-1-35, Mississippi Code of
1604 1972, shall be fully applicable to appointments to the State
1605 Parole Board. Any vacancy shall be filled by the Governor, with
1606 the advice and consent of the Senate. The Governor shall appoint
1607 a chairman of the board.

1608 (2) Any person who is appointed to serve on the board shall
1609 possess at least a bachelor's degree or a high school diploma and
1610 four (4) years' work experience. Each member shall devote his
1611 full time to the duties of his office and shall not engage in any
1612 other business or profession or hold any other public office. A
1613 member shall receive compensation or per diem in addition to his
1614 or her salary. Each member shall keep such hours and workdays as
1615 required of full-time state employees under Section 25-1-98.
1616 Individuals shall be appointed to serve on the board without
1617 reference to their political affiliations. Each board member,
1618 including the chairman, may be reimbursed for actual and necessary
1619 expenses as authorized by Section 25-3-41. Each member of the
1620 board shall complete annual training developed based on guidance
1621 from the National Institute of Corrections, the Association of
1622 Paroling Authorities International, or the American Probation and
1623 Parole Association. Each first-time appointee of the board shall,
1624 within sixty (60) days of appointment, or as soon as practical,
1625 complete training for first-time Parole Board members developed in



1626 consideration of information from the National Institute of
1627 Corrections, the Association of Paroling Authorities
1628 International, or the American Probation and Parole Association.

1629 (3) The board shall have exclusive responsibility for the
1630 granting of parole as provided by Sections 47-7-3 and 47-7-17 and
1631 shall have exclusive authority for revocation of the same. The
1632 board shall have exclusive responsibility for investigating
1633 clemency recommendations upon request of the Governor.

1634 (4) The board, its members and staff, shall be immune from
1635 civil liability for any official acts taken in good faith and in
1636 exercise of the board's legitimate governmental authority.

1637 (5) The budget of the board shall be funded through a
1638 separate line item within the general appropriation bill for the
1639 support and maintenance of the department. Employees of the
1640 department which are employed by or assigned to the board shall
1641 work under the guidance and supervision of the board. There shall
1642 be an executive secretary to the board who shall be responsible
1643 for all administrative and general accounting duties related to
1644 the board. The executive secretary shall keep and preserve all
1645 records and papers pertaining to the board.

1646 (6) The board shall have no authority or responsibility for
1647 supervision of offenders granted a release for any reason,
1648 including, but not limited to, probation, parole or executive
1649 clemency or other offenders requiring the same through interstate
1650 compact agreements. The supervision shall be provided exclusively



1651 by the staff of the Division of Community Corrections of the
1652 department.

1653 (7) (a) The Parole Board is authorized to select and place
1654 offenders in an electronic monitoring program under the conditions
1655 and criteria imposed by the Parole Board. The conditions,
1656 restrictions and requirements of Section 47-7-17 and Sections
1657 47-5-1001 through 47-5-1015 shall apply to the Parole Board and
1658 any offender placed in an electronic monitoring program by the
1659 Parole Board.

1660 (b) Any offender placed in an electronic monitoring
1661 program under this subsection shall pay the program fee provided
1662 in Section 47-5-1013. The program fees shall be deposited in the
1663 special fund created in Section 47-5-1007.

1664 (c) The department shall have absolute immunity from
1665 liability for any injury resulting from a determination by the
1666 Parole Board that an offender be placed in an electronic
1667 monitoring program.

1668 (8) (a) The Parole Board shall maintain a central registry
1669 of paroled inmates. The Parole Board shall place the following
1670 information on the registry: name, address, photograph, crime for
1671 which paroled, the date of the end of parole or flat-time date and
1672 other information deemed necessary. The Parole Board shall
1673 immediately remove information on a parolee at the end of his
1674 parole or flat-time date.



1675 (b) When a person is placed on parole, the Parole Board
1676 shall inform the parolee of the duty to report to the parole
1677 officer any change in address ten (10) days before changing
1678 address.

1679 (c) The Parole Board shall utilize an Internet website
1680 or other electronic means to release or publish the information.

1681 (d) Records maintained on the registry shall be open to
1682 law enforcement agencies and the public and shall be available no
1683 later than July 1, 2003.

1684 (9) An affirmative vote of at least four (4) members of the
1685 Parole Board shall be required to grant parole to an inmate
1686 convicted of capital murder or a sex crime.

1687 (10) This section shall stand repealed on July 1, 2025.

1688 **SECTION 19.** This act shall take effect and be in force from
1689 and after July 1, 2024; provided, however, that Section 12 which
1690 amends Section 73-35-5, Mississippi Code of 1972, shall take
1691 effect and be in force from and after its passage.

