

By: Huggins

To: Public Health and
Welfare;
Appropriations

SENATE BILL NO. 2939

1 AN ACT TO ESTABLISH A GOVERNOR'S COMMISSION ON DISABILITY TO
2 PROMOTE AND FACILITATE FULL PARTICIPATION AND EQUAL OPPORTUNITIES
3 FOR ALL PEOPLE WITH DISABILITIES; TO PROVIDE FOR THE MEMBERSHIP OF
4 THE COMMISSION AND PRESCRIBE ITS POWERS AND RESPONSIBILITIES; TO
5 AMEND SECTION 37-33-157, MISSISSIPPI CODE OF 1972, TO DIRECT THE
6 DEPARTMENT OF REHABILITATION SERVICES TO COOPERATE WITH THE
7 GOVERNOR'S COMMISSION ON DISABILITY; AND FOR RELATED PURPOSES.

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

9 SECTION 1. The following terms shall have the meanings
10 ascribed herein, unless the context shall otherwise require:

11 (a) "Commission" means the Governor's Commission on
12 Disability (GCD).

13 (b) "Director" means the Director of the Governor's
14 Commission on Disability.

15 (c) "People with disabilities" means individuals who
16 have physical, sensory, cognitive or mental characteristics such
17 as those listed under the "handicapped person" definition in
18 regulation 28 CFR 41.31(b) for implementation of Section 504 of
19 the Rehabilitation Act of 1973, as amended, P.L. 93-112).

20 SECTION 2. (1) There is hereby created within the Office of
21 the Governor, the Governor's Commission on Disability (GCD) to
22 promote and facilitate the full participation of, and the creation
23 and assurance of equal opportunities for, all people with
24 disabilities.

25 (2) The goals and objectives of the Governor's Commission on
26 Disability shall include, but are not limited to nor provided in
27 any priority order, the following:

28 (a) To be a comprehensive clearinghouse of information

29 for people with disabilities related to potential service programs
30 (including contact points, eligibility criteria, service scope,
31 budgets, waiting lists), disability rights and relevant events.

32 (b) To serve as a disability minority advocate to
33 identify the issues and concerns pertaining to the rights, needs
34 and capabilities of all persons with disabilities and shall work
35 to empower such individuals to take as much control of their own
36 lives as possible.

37 (c) To act as the state representative and contact
38 point for the President's Committee on Employment of People with
39 Disabilities, the ADA branch of the U.S. Justice Department, the
40 National Council on Disability and any other similar
41 disability-related government entities.

42 (d) To collect, analyze and synthesize
43 disability-related data (e.g., numbers and types of disability in
44 the state, their economic/school/employment/long-term care
45 status), for use by state agencies, universities and colleges,
46 disability organizations and private citizens.

47 (e) To advise the Governor, the Legislature, the
48 congressional delegation, state agencies, the business community,
49 organized labor and other public and private groups and the
50 general public on disability issues and concerns, and to make
51 recommendations to address those identified matters, with emphasis
52 on increasing opportunities for independence and employment.

53 (f) To coordinate and conduct public relations
54 activities to spotlight the skills and capabilities of people with
55 disabilities to emphasize the actual and potential contributions
56 of these citizens.

57 (g) To establish such relationships with state
58 agencies, especially those that serve the disability community,
59 consumer/advocacy groups, local governments, private industry,
60 educational institutions, labor and other private organizations,
61 as may be needed to enhance equal opportunities for persons with

62 disabilities.

63 (h) To submit an annual report to the Governor and the
64 Legislature with recommendations which shall address disability
65 issues such as the following: the status of public and private
66 sector employment opportunities; an assessment of program and
67 equal access to goods and services and the availability of
68 appropriate education options at all levels (e.g., public,
69 postsecondary, adult); an analysis of relevant state agency
70 budgets and data related to the economic and social status of the
71 disability community; and an overall state government/private
72 sector service overview; and

73 (i) To carry out activities assigned by the Governor,
74 to further the mission of the Governor's Commission on Disability
75 and the quality of life of our citizens with disabilities.

76 SECTION 3. (1) The Governor's Commission on Disability
77 shall consist of eleven (11) members appointed by the Governor,
78 two (2) from each Mississippi congressional district and one (1)
79 from the state at large. The membership of the Governor's
80 Commission on Disability shall at all times constitute at least a
81 majority of people with disabilities. Members who are disabled
82 shall be selected so as to represent a wide variety of physical,
83 sensory, mental/emotional, cognitive disability characteristics.
84 Up to two (2) of the full commission membership shall be the
85 immediate family members of persons with disabilities, with a
86 minimum of one (1) of those individuals being parents. In
87 addition to the previous qualifications, the overall makeup of the
88 commission shall be diverse in terms of race, geography,
89 occupation, sex, age, socioeconomic status and other relevant
90 diversity viewpoints.

91 The members of the Governor's Commission on Disability shall
92 serve terms of office as follows:

93 (a) The term of the members from the First
94 Congressional District shall expire on July 1, 2001;

95 (b) The term of the members from the Second
96 Congressional District shall expire on July 1, 2004;

97 (c) The term of the members from the Third
98 Congressional District shall expire on July 1, 2003;

99 (d) The term of the members from the Fourth
100 Congressional District shall expire on July 1, 2002; and

101 (e) The term of the members from the Fifth
102 Congressional District shall expire on July 1, 2003.

103 Thereafter the term of office of each member shall be four (4)
104 years, with said terms expiring at two-year intervals. The term
105 of the member from the state at large shall be four (4) years.
106 Any appointment to a vacancy shall be for the unexpired term in
107 question, and from the congressional district in which such
108 vacancy occurred. No member shall, during his term of office,
109 serve as an officer or committee member of any political party
110 organization.

111 (2) The Governor's Commission on Disability shall elect a
112 chairperson from its membership at the first meeting of the
113 original commission members and every two (2) years thereafter on
114 July 15 of the year. A majority of the membership of the
115 commission shall constitute a quorum for the transaction of any
116 business, and the commission shall meet at least quarterly and
117 hold other meetings as are necessary for the purpose of conducting
118 required business. All meetings of the commission shall be called
119 by the chairperson, except the first meeting of the original
120 commission members, which shall be called by the Governor.

121 (3) The appointed members of the commission shall be
122 compensated at a per diem rate as authorized by Section 25-3-69,
123 Mississippi Code of 1972, plus actual and necessary expenses as
124 authorized by Section 25-3-41, Mississippi Code of 1972.

125 (4) The Governor's Commission on Disabilities shall include
126 a director, appointed by the Governor, an administrative
127 assistant, a clerical support staff member and at least two (2)

128 full-time and one (1) part-time information technician. The
129 staffing of the Governor's Commission on Disabilities may also be
130 supplemented by use of interns and volunteers from the community.

131 (5) The State Department of Rehabilitation Services, the
132 Department of Human Services, the State Department of Education
133 and advocates necessary to enable the Governor's Commission on
134 Disabilities to carry out the work of this entity may participate
135 on the commission as nonvoting members. These representatives may
136 provide the commission with data, input and resources to
137 facilitate their planning and coordinating efforts.

138 SECTION 4. Section 37-33-157, Mississippi Code of 1972, is
139 amended as follows:[RDD1]

140 37-33-157. The Department of Rehabilitation Services shall
141 provide the rehabilitation services authorized by law and by the
142 rules, regulations and policies of the board to every individual
143 determined to be eligible therefor, and in carrying out the
144 purposes of this chapter the department is authorized, when
145 consistent with the rules, regulations and policies of the State
146 Board of Rehabilitation Services:

147 (a) To expend funds received either by appropriation or
148 directly from federal or private sources;

149 (b) To cooperate with other departments, agencies and
150 institutions, both public and private, in providing the services
151 authorized by this chapter to disabled individuals, in studying
152 the problems involved therein, and in establishing, developing and
153 providing in conformity with the purposes of this chapter, such
154 programs, facilities and services as may be necessary or
155 desirable;

156 (c) To enter into reciprocal agreements with other
157 states to provide for the services authorized by this chapter to
158 residents of the states concerned;

159 (d) To conduct research and compile statistics relating
160 to the provision of services to or the need of services by

161 disabled individuals;

162 (e) To enter into contractual arrangements with the
163 federal government and with other authorized public agencies or
164 persons for performance of services related to rehabilitation;

165 (f) To contract with schools, hospitals and other
166 agencies, and with doctors, optometrists, nurses, technicians and
167 other persons, for training, physical restoration, transportation
168 and other rehabilitation services;

169 (g) To take such action as may be necessary to enable
170 the department to apply for, accept and receive for the state and
171 its residents the full benefits available under the federal
172 Vocational Rehabilitation Act, and any amendments thereto, and
173 under any other federal legislation or program having as its
174 purpose the providing of, improvement or extension of, vocational
175 rehabilitation services;

176 (h) To establish an Office on the Deaf and Hard of
177 Hearing to provide services and activities authorized under
178 Section 37-33-171; and

179 (i) To cooperate with and participate in the duties and
180 responsibilities of the Governor's Commission on Disability
181 created in Senate Bill No. 2939, 2000 Regular Session.

182 SECTION 5. This act shall take effect and be in force from
183 and after July 1, 2000.