

By: Representative Holland

To: Public Health and
Welfare; Appropriations

HOUSE BILL NO. 1108

1 AN ACT TO ESTABLISH A GOVERNOR'S DEPARTMENT OF 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 DEPARTMENT 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 DEPARTMENT OF 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) "Department" means the Governor's Department of
12 Disability (GDD).

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

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

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

25 (2) The goals and objectives of the Governor's Department of
26 Disability shall include, but are not limited to or 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 to work to
35 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 United States Justice
40 Department, the National Council on Disability and any other
41 similar 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 status)
45 for use by state agencies, universities and colleges, disability
46 organizations and private citizens.

47 (e) To advise the Governor, the Legislature, the
48 Mississippi congressional delegation, state agencies, the business
49 community, organized labor and other public and private groups and
50 the 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 people with disabilities.

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; an analysis of
69 relevant state agency budgets and data related to the economic and
70 social status of the disability community; and an overall state
71 government/private sector service overview; and

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

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

89 The members of the Governor's Department of Disability shall
90 serve terms of office as follows:

91 (a) The term of the members from the First
92 Congressional District shall expire on July 1, 2004;

93 (b) The term of the members from the Second
94 Congressional District shall expire on July 1, 2005;



95 (c) The term of the members from the Third
96 Congressional District shall expire on July 1, 2006;

97 (d) The term of the members from the Fourth
98 Congressional District shall expire on July 1, 2007; and

99 (e) The term of the at-large members shall expire on
100 July 1, 2008.

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

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

119 (3) The appointed members of the department shall be
120 compensated at a per diem rate as authorized by Section 25-3-69,
121 plus actual and necessary expenses as authorized by Section
122 25-3-41.

123 (4) The Governor's Department of Disability shall include a
124 director appointed by the Governor and necessary support staff not
125 to exceed four (4) persons. The staffing of the Governor's
126 Department of Disability may also be supplemented by use of
127 interns and volunteers from the community.



128 (5) The State Department of Rehabilitation Services, the
129 Department of Human Services, the State Department of Education
130 and advocates necessary to enable the Governor's Department of
131 Disability to carry out the work of this entity may participate in
132 the department as nonvoting members. These representatives may
133 provide the department with data, input and resources to
134 facilitate their planning and coordinating efforts.

135 **SECTION 4.** Section 37-33-157, Mississippi Code of 1972, is
136 amended as follows:

137 37-33-157. The Department of Rehabilitation Services shall
138 provide the rehabilitation services authorized by law and by the
139 rules, regulations and policies of the board to every individual
140 determined to be eligible therefor, and in carrying out the
141 purposes of this chapter the department is authorized, when
142 consistent with the rules, regulations and policies of the State
143 Board of Rehabilitation Services:

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

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

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

156 (d) To conduct research and compile statistics relating
157 to the provision of services to or the need of services by
158 disabled individuals;



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

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

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

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

176 (i) To cooperate with and participate in the duties and
177 responsibilities of the Governor's Department of Disability
178 created in Sections 1 through 3 of this act.

179 **SECTION 5.** This act shall take effect and be in force from
180 and after July 1, 2003.

