HOUSE BILL NO. 1108

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

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

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

(a) "Department" means the Governor's Department of Disability (GDD).

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

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

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

(2) The goals and objectives of the Governor's Department of Disability shall include, but are not limited to or provided in any priority order, the following:

(a) To be a comprehensive clearinghouse of information for people with disabilities related to potential service programs...
(including contact points, eligibility criteria, service scope, budgets, waiting lists), disability rights and relevant events.

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

(c) To act as the state representative and contact point for the President’s Committee on Employment of People with Disabilities, the ADA branch of the United States Justice Department, the National Council on Disability and any other similar disability-related government entities.

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

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

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

(g) To establish such relationships with state agencies, especially those that serve the disability community, consumer/advocacy groups, local governments, private industry, educational institutions, labor and other private organizations, as may be needed to enhance equal opportunities for persons with disabilities.
(h) To submit an annual report to the Governor and the Legislature with recommendations which shall address disability issues such as the following: the status of public and private sector employment opportunities; an assessment of program and equal access to goods and services and the availability of appropriate education options at all levels; an analysis of relevant state agency budgets and data related to the economic and social status of the disability community; and an overall state government/private sector service overview; and

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

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

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

(a) The term of the members from the First Congressional District shall expire on July 1, 2004;
(b) The term of the members from the Second Congressional District shall expire on July 1, 2005;
(c) The term of the members from the Third Congressional District shall expire on July 1, 2006;

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

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

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

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

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

(4) The Governor's Department of Disability shall include a director appointed by the Governor and necessary support staff not to exceed four (4) persons. The staffing of the Governor's Department of Disability may also be supplemented by use of interns and volunteers from the community.
(5) The State Department of Rehabilitation Services, the Department of Human Services, the State Department of Education and advocates necessary to enable the Governor's Department of Disability to carry out the work of this entity may participate in the department as nonvoting members. These representatives may provide the department with data, input and resources to facilitate their planning and coordinating efforts.

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

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

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

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

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

(d) To conduct research and compile statistics relating to the provision of services to or the need of services by disabled individuals;
(e) To enter into contractual arrangements with the federal government and with other authorized public agencies or persons for performance of services related to rehabilitation;
(f) To contract with schools, hospitals and other agencies, and with doctors, optometrists, nurses, technicians and other persons, for training, physical restoration, transportation and other rehabilitation services;
(g) To take such action as may be necessary to enable the department to apply for, accept and receive for the state and its residents the full benefits available under the federal Vocational Rehabilitation Act, and any amendments thereto, and under any other federal legislation or program having as its purpose the providing of, improvement or extension of, vocational rehabilitation services;
(h) To establish an Office on the Deaf and Hard of Hearing to provide services and activities authorized under Section 37-33-171; and
(i) To cooperate with and participate in the duties and responsibilities of the Governor's Department of Disability created in Sections 1 through 3 of this act.

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