

By: Senator(s) Burton

To: Public Health and
Welfare; Appropriations

SENATE BILL NO. 2854

1 AN ACT TO ESTABLISH A MISSISSIPPI COMMISSION ON DISABILITY
2 AND PROVIDE FOR ITS MEMBERSHIP; TO PRESCRIBE THE POWERS AND DUTIES
3 OF THE COMMISSION; AND FOR RELATED PURPOSES.

4 **SECTION 1.** The following terms shall have the meaning
5 ascribed herein, unless the context shall otherwise require:

6 (a) "Commission" means the Mississippi Commission on
7 Disability (MCD).

8 (b) "Director" means the Director of the Mississippi
9 Commission on Disability.

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

15 **SECTION 2.** (1) There is created the Mississippi Commission
16 on Disability (MCD) to promote and facilitate the full
17 participation of, an the creation and assurance of equal
18 opportunities for, all people with disabilities.

19 (2) The goals and objectives of the Mississippi Commission
20 on Disability shall include, but are not limited to or provided in
21 any priority order, the following:

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

26 (b) To serve as a disability minority advocate to
27 identify the issues and concerns pertaining to the rights, needs



28 and capabilities of all persons with disabilities, and to work to
29 empower such individuals to take as much control of their own
30 lives as possible.

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

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

42 (e) To coordinate and conduct public relations
43 activities to spotlight the skills and capabilities of people with
44 disabilities to emphasize the actual and potential contributions
45 of people with disabilities.

46 (f) To establish such relationship with state agencies,
47 especially those that serve the disability community,
48 consumer/advocacy groups, local governments, private industry,
49 educational institutions, labor and other private organizations,
50 as may be needed to enhance equal opportunities for persons with
51 disabilities.

52 (g) To submit an annual report to the Governor and the
53 Legislature which will provide:

54 (i) Recommendations to address the unmet needs of
55 people with disabilities in Mississippi;

56 (ii) An overall state government/private sector
57 service overview of programs and services for people with
58 disabilities in Mississippi;



59 (iii) Information on public and private groups
60 which are providing equal opportunities for persons with
61 disabilities.

62 (h) To carry out activities assigned by the Commission,
63 to further the mission of the Mississippi Commission on Disability
64 and the quality of life of citizens with disabilities.

65 **SECTION 3.** (1) The Mississippi Commission on Disability
66 shall consist of eleven (11) members: (a) five (5) members
67 appointed by the Governor, one (1) from each Mississippi
68 congressional district and one (1) from the state at large; (b)
69 three (3) members appointed by the Lieutenant Governor from the
70 state at large; and (c) three (3) members appointed by the Speaker
71 of the House of Representatives from the state at large. The
72 membership of the Commission on Disability shall at all times
73 constitute at least a majority of people with disabilities.
74 Members who are disabled shall be diversified in terms of race,
75 geography, and disability characteristics. Two (2) members of the
76 full commission membership shall be the immediate family members
77 of persons with disabilities, at least one (1) of which shall be a
78 parent.

79 The members of the Mississippi Commission on Disability shall
80 serve terms of office as follows:

81 (a) The term of the member from the First Congressional
82 District shall expire on July 1, 2005;

83 (b) The term of the member from the Second
84 Congressional District shall expire on July 1, 2006;

85 (c) The term of the member from the Third Congressional
86 District shall expire on July 1, 2007;

87 (d) The term of the member from the Fourth
88 Congressional District shall expire on July 2008; and

89 (e) The term of the members from the state at large
90 shall expire on July 1, 2008.



91 Thereafter the term of office of each member shall be four
92 (4) years. Any appointment to a vacancy shall be for the
93 unexpired term in question, and from the congressional district in
94 which such vacancy occurred. No member shall, during his term of
95 office, serve as an officer or committee member of any political
96 party organization.

97 (2) The Mississippi Commission on Disability shall elect a
98 chair person from its membership at the first meeting of the
99 original commission members and every two (2) years thereafter on
100 July 15 of the year. A majority of the membership of the
101 commission shall constitute a quorum for the transaction of any
102 business, and the commission shall meet at least quarterly and
103 hold other meetings as are necessary for the purpose of conducting
104 required business. All meetings of the commission shall be called
105 by the chairperson, except the first meeting of the original
106 commission members, which shall be called by the Governor.

107 (3) The appointed members of the commission shall be
108 compensated at a per diem rate as authorized by Section 25-3-69,
109 plus actual and necessary expenses as authorized by Section
110 25-3-41.

111 (4) The Mississippi Commission on Disability shall include a
112 director appointed by the Governor and confirmed by the Senate,
113 who shall employ necessary support staff not to exceed four (4)
114 persons. The staffing of the Commission on Disabilities may also
115 be supplemented by use of interns and volunteers from the
116 community. The Commission staff will use the following
117 classifications for selection: The Director shall meet the
118 qualifications and be paid per the job classification of a
119 Division Director II per the Mississippi State Personnel Board.
120 Any administration staff shall meet the qualifications and be paid
121 per the job classification of a Division Director I per the
122 Mississippi State Personnel Board. Any secretarial staff shall
123 meet the qualifications and be paid per the job classification of



124 an administrative assistant IV per the Mississippi State Personnel
125 Board.

126 (5) The State Department of Rehabilitation Services, the
127 Department of Human Services, the State Department of Education,
128 the State Department of Health, the State Department of Mental
129 Health, the Department of Medicaid and advocates necessary to
130 enable the Mississippi Commission on Disability to carry out the
131 work of this entity may participate on the commission as nonvoting
132 members. These representatives may provide the commission, with
133 data, input and resources to facilitate their planning and
134 coordinating efforts. It shall be the duty of the commission to
135 maintain open communication and active cooperation among state
136 agencies, persons with disabilities and appropriate advocacy
137 groups.

138 **SECTION 4.** This act shall take effect and be in force from
139 and after January 1, 2004.

