

By: Representatives Akins, McBride, Rogers
(14th)

To: Public Health and Human
Services; Appropriations

HOUSE BILL NO. 1041

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

82 (a) The term of the member from the First Congressional
83 District shall expire on July 1, 2006;

84 (b) The term of the member from the Second
85 Congressional District shall expire on July 1, 2007;

86 (c) The term of the member from the Third Congressional
87 District shall expire on July 1, 2008;

88 (d) The term of the member from the Fourth
89 Congressional District shall expire on July 1, 2009; and

90 (e) The term of the members from the state at large
91 shall expire on July 1, 2009.

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

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

108 (3) The appointed members of the commission shall be
109 compensated at a per diem rate as authorized by Section 25-3-69,
110 plus actual and necessary expenses as authorized by Section
111 25-3-41.

112 (4) The Mississippi Commission on Disability shall include a
113 director appointed by the Governor and confirmed by the Senate,
114 who shall employ necessary support staff not to exceed four (4)
115 persons. The staffing of the Commission on Disabilities may also
116 be supplemented by use of interns and volunteers from the
117 community. The commission staff will use the classifications for
118 selection as follows:

119 (a) The director shall meet the qualifications and be
120 paid per the job classification of a division director II per the
121 State Personnel Board.

122 (b) The administration staff shall meet the
123 qualifications and be paid per the job classification of a
124 division director I per the State Personnel Board.

125 (c) The secretarial staff shall meet the qualifications
126 and be paid per the job classification of an administrative
127 assistant IV per the State Personnel Board.

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

140 **SECTION 4.** This act shall take effect and be in force from
141 and after January 1, 2005.