

By: Representative Brown

To: Appropriations

HOUSE BILL NO. 1375

1 AN ACT TO BRING FORWARD SECTIONS 43-3-101 THROUGH 43-3-111,
2 MISSISSIPPI CODE OF 1972, WHICH CREATE AND PRESCRIBE THE POWERS
3 AND DUTIES OF THE MISSISSIPPI INDUSTRIES FOR THE BLIND, FOR
4 PURPOSES OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 43-3-101, Mississippi Code of 1972, is
7 brought forward as follows:

8 43-3-101. There is hereby created and established an agency
9 of the State of Mississippi known as the Mississippi Industries
10 for the Blind, hereinafter referred to as the "MIB." The MIB
11 shall be a body politic and corporate, may acquire and hold real
12 and personal property, may receive, hold and disperse monies
13 appropriated to it by the Legislature of the State of Mississippi
14 received from the federal government, received from the sale of
15 products which it produces, and received from any other sources
16 whatsoever, and may sue and be sued in its name.

17 **SECTION 2.** Section 43-3-103, Mississippi Code of 1972, is
18 brought forward as follows:

19 43-3-103. (1) From and after July 1, 1997, the MIB shall be
20 governed by a board of directors hereby created, to consist of
21 four (4) persons appointed by the Governor, and three (3) by the
22 Lieutenant Governor, with the advice and consent of the Senate,
23 each of whom shall be a qualified elector of the State of
24 Mississippi. The members of the board of directors appointed by
25 the Governor shall include the following:

- 26 (a) One (1) legally blind individual;
- 27 (b) One (1) educator with expertise in rehabilitation
- 28 or the field of blindness;

29 (c) One (1) individual with at least five (5) years'
30 actual experience in finance or a related field;

31 (d) One (1) individual with at least five (5) years'
32 actual experience in manufacturing or a related field.

33 The members of the board of directors appointed by the
34 Lieutenant Governor shall include the following:

35 (a) One (1) legally blind individual;

36 (b) One (1) individual with at least five (5) years'
37 actual experience in marketing or a related field; and

38 (c) One (1) individual who is a licensed practicing
39 attorney.

40 Initial appointments shall be made within sixty (60) days of
41 enactment of this act. The Governor shall make initial
42 appointments of two (2) members for two (2) years, one (1) member
43 for three (3) years, and one (1) member for four (4) years to be
44 designated at the time of appointment. The Lieutenant Governor
45 shall make initial appointments of one (1) member for two (2)
46 years, one (1) member for three (3) years, and one (1) member for
47 four (4) years to be designated at the time of appointment.

48 Thereafter, the terms of the members shall be for four (4) years
49 and until their successors are appointed and qualified. In the
50 event of a vacancy during the term of office of an incumbent, the
51 appointing authority shall fill such vacancy, for the unexpired
52 portion of the term, by appointing an individual having the same
53 prerequisite qualifications as required for the vacancy being
54 filled.

55 (2) The board of directors shall organize by selecting
56 annually from its members a chairman and a vice chairman, and may
57 do all things necessary and convenient for carrying into effect
58 the provisions of this chapter. Each member of the board shall
59 receive a per diem as provided in Section 25-3-69, Mississippi
60 Code of 1972, plus travel and reasonable and necessary expenses

61 incidental to the attendance at each meeting as provided in
62 Section 25-3-41, including mileage.

63 (3) The Lieutenant Governor may designate the Chairman of
64 the Senate Committee on Public Health and Welfare and another
65 member of the Senate and the Speaker of the House of
66 Representatives may designate the Chairman of the House Committee
67 on Public Health and Welfare and another member of the House to
68 attend any meeting of the Board of Directors of the MIB. The
69 appointing authorities may designate alternate members from their
70 respective houses to serve when the regular designees are unable
71 to attend such meetings of the board. Such legislative designees
72 shall have no jurisdiction or vote on any matter within the
73 jurisdiction of the board. For attending meetings of the board,
74 such legislators shall receive per diem and expenses which shall
75 be paid from the contingent expense funds of their respective
76 houses in the same amounts as provided for committee meetings when
77 the Legislature is not in session; however, no per diem and
78 expenses for attending meetings of the board will be paid while
79 the Legislature is in session. No per diem and expenses will be
80 paid except for attending meetings of the board without prior
81 approval of the proper committee in their respective houses.

82 (4) It shall be the duty of the Board of Directors of MIB
83 to:

84 (a) Appoint and employ an executive director who shall
85 be the executive and administrative head of MIB and who shall
86 serve at the pleasure of the board of directors. The Board of
87 Directors of MIB shall set the compensation of the executive
88 director, subject to the approval of the State Personnel Board.

89 (b) Make and publish policies, rules and regulations,
90 not inconsistent with the terms of this chapter, as may be
91 necessary for the efficient administration and operation of MIB.

92 (c) Adopt and publish rules and regulations, in its
93 discretion, to establish a policy of sick leave with pay and

94 personal leave with pay for MIB employees and to require that MIB
95 offices be opened and staffed on legal holidays as determined
96 necessary by the board of directors.

97 (5) There is created a revolving fund in the State Treasury,
98 which shall be used by the Mississippi Industries for the Blind
99 for the purpose of taking advantage of contractual opportunities
100 that would not be available to MIB without those funds and for the
101 purpose of meeting the obligations of those types of contracts.
102 The fund shall consist of monies that are specifically made
103 available by the Legislature for the purpose of the fund. MIB
104 shall not be authorized to expend any monies in the fund until it
105 has received the prior written approval of the Executive Director
106 of the Department of Finance and Administration and the State
107 Treasurer. MIB shall repay to the fund all monies that it expends
108 from the fund, which monies then may be used by MIB for future
109 contractual opportunities and obligations. Monies in the fund at
110 the end of a fiscal year shall not lapse into the State General
111 Fund, and all interest earned on monies in the fund shall be
112 credited to the fund.

113 (6) There is hereby created a joint study committee of the
114 Senate and House of Representatives which shall develop a report
115 to the Legislature and the Governor, with recommendations relating
116 to the creation of a nonprofit corporation for the operation of
117 MIB and its programs, including any matter relating to the future
118 operation of the MIB. The joint committee shall report its
119 findings and recommendations to the Legislature and the Governor
120 on or before January 1, 1998, and upon the presentation of such
121 report the joint committee shall be dissolved. The committee
122 shall consist of the Chairman of the Senate Public Health and
123 Welfare Committee; the Chairman of the House Public Health and
124 Welfare Committee; four (4) members of the Senate appointed by the
125 President of the Senate, one (1) of whom shall be the member of
126 the oversight committee appointed under subsection (3); and four

127 (4) members of the House of Representatives appointed by the
128 Speaker of the House, one (1) of whom shall be the member of the
129 oversight committee appointed under subsection (3). Appointments
130 shall be made within thirty (30) days after the enactment of this
131 act; and, within fifteen (15) days thereafter on a day to be
132 designated jointly by the President of the Senate and the Speaker
133 of the House, the committee shall meet and organize by selecting
134 from its membership a chairman and a vice chairman. The vice
135 chairman shall also serve as secretary and shall be responsible
136 for keeping all records of the committee. A majority of the
137 members of the committee shall constitute a quorum. In the
138 selection of its officers and the adoption of rules, resolutions
139 and reports, an affirmative vote of a majority of the members of
140 the joint committee from each house shall be required. All
141 members shall be notified in writing of all meetings, such notices
142 to be mailed at least five (5) days prior to the date on which a
143 meeting is to be held. Members of the committee shall be paid
144 from the contingent expense funds of their respective houses in
145 the same manner as provided for committee meetings when the
146 Legislature is not in session. The joint committee may meet with
147 and utilize the services of the Board of Directors of MIB in
148 developing its recommendations.

149 **SECTION 3.** Section 43-3-105, Mississippi Code of 1972, is
150 brought forward as follows:

151 43-3-105. The Executive Director of the MIB shall:

- 152 (a) Employ all necessary employees at MIB and dismiss
153 them as is necessary;
- 154 (b) Administer the daily operations at MIB;
- 155 (c) Execute any contracts on behalf of MIB; and
- 156 (d) Take any further actions which are necessary and
157 proper toward the achievement of MIB's purposes.

158 **SECTION 4.** Section 43-3-107, Mississippi Code of 1972, is
159 brought forward as follows:

160 43-3-107. The purposes of MIB are as follows:

161 (a) To establish industries, businesses, shops and
162 workshops primarily for the employment of blind persons and other
163 persons;

164 (b) To employ blind persons whose training is not
165 otherwise provided for and to market their products; and

166 (c) To furnish materials, tools and books for use in
167 rehabilitating blind persons for employment, and to do any and all
168 other things for blind persons as it deems advisable.

169 **SECTION 5.** Section 43-3-109, Mississippi Code of 1972, is
170 brought forward as follows:

171 43-3-109. Notwithstanding any other law to the contrary, the
172 Executive Director of the MIB is hereby empowered to maintain
173 sufficient funds to cover disbursements for current operations.
174 The executive director shall deposit any excess funds with any
175 official depository of the state and invest such excess funds as
176 he deems appropriate.

177 **SECTION 6.** Section 43-3-111, Mississippi Code of 1972, is
178 brought forward as follows:

179 43-3-111. Any funds obtained by MIB as a result of a sale of
180 goods manufactured by it shall be accounted for separate and apart
181 from any funds received by MIB through appropriation from the
182 State Legislature. All nonappropriated funds generated by MIB
183 shall not be subject to appropriation by the State Legislature.

184 **SECTION 7.** This act shall take effect and be in force from
185 and after July 1, 2006.