

## Senate Amendments to House Bill No. 1375

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

### AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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

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

20           **SECTION 2.** Section 43-3-103, Mississippi Code of 1972, is  
21 amended as follows:

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

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

30                   (b) One (1) educator with expertise in rehabilitation  
31 or the field of blindness;

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

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

36 The members of the board of directors appointed by the  
37 Lieutenant Governor shall include the following:

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

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

41 (c) One (1) individual who is a licensed practicing  
42 attorney.

43 Initial appointments shall be made within sixty (60) days of  
44 enactment of this act. The Governor shall make initial  
45 appointments of two (2) members for two (2) years, one (1) member  
46 for three (3) years, and one (1) member for four (4) years to be  
47 designated at the time of appointment. The Lieutenant Governor  
48 shall make initial appointments of one (1) member for two (2)  
49 years, one (1) member for three (3) years, and one (1) member for  
50 four (4) years to be designated at the time of appointment.  
51 Thereafter, the terms of the members shall be for four (4) years  
52 and until their successors are appointed and qualified. In the  
53 event of a vacancy during the term of office of an incumbent, the  
54 appointing authority shall fill such vacancy, for the unexpired  
55 portion of the term, by appointing an individual having the same  
56 prerequisite qualifications as required for the vacancy being  
57 filled.

58 (2) The board of directors shall organize by selecting  
59 annually from its members a chairman and a vice chairman, and may  
60 do all things necessary and convenient for carrying into effect  
61 the provisions of this chapter. Each member of the board shall  
62 receive a per diem as provided in Section 25-3-69, Mississippi  
63 Code of 1972, plus travel and reasonable and necessary expenses  
64 incidental to the attendance at each meeting as provided in  
65 Section 25-3-41, including mileage.

66 (3) The Lieutenant Governor may designate the Chairman of  
67 the Senate Committee on Public Health and Welfare and another  
68 member of the Senate and the Speaker of the House of

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

85 (4) It shall be the duty of the Board of Directors of MIB  
86 to:

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

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

95 (c) Adopt and publish rules and regulations, in its  
96 discretion, to establish a policy of sick leave with pay and  
97 personal leave with pay for MIB employees and to require that MIB  
98 offices be opened and staffed on legal holidays as determined  
99 necessary by the board of directors.

100 (5) There is created a revolving fund in the State Treasury,  
101 which shall be used by the Mississippi Industries for the Blind  
102 for the purpose of taking advantage of contractual opportunities  
103 that would not be available to MIB without those funds and for the

104 purpose of meeting the obligations of those types of contracts.  
105 The fund shall consist of monies that are specifically made  
106 available by the Legislature for the purpose of the fund. MIB  
107 shall not be authorized to expend any monies in the fund until it  
108 has received the prior written approval of the Executive Director  
109 of the Department of Finance and Administration and the State  
110 Treasurer. MIB shall repay to the fund all monies that it expends  
111 from the fund, which monies then may be used by MIB for future  
112 contractual opportunities and obligations. Monies in the fund at  
113 the end of a fiscal year shall not lapse into the State General  
114 Fund, and all interest earned on monies in the fund shall be  
115 credited to the fund.

116 \* \* \*

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

119 43-3-105. The Executive Director of the MIB shall:

- 120 (a) Employ all necessary employees at MIB and dismiss  
121 them as is necessary;
- 122 (b) Administer the daily operations at MIB;
- 123 (c) Execute any contracts on behalf of MIB; and
- 124 (d) Take any further actions which are necessary and  
125 proper toward the achievement of MIB's purposes.

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

128 43-3-107. The purposes of MIB are as follows:

- 129 (a) To establish industries, businesses, shops and  
130 workshops primarily for the employment of blind persons and other  
131 persons;
- 132 (b) To employ blind persons whose training is not  
133 otherwise provided for and to market their products; and
- 134 (c) To furnish materials, tools and books for use in  
135 rehabilitating blind persons for employment, and to do any and all  
136 other things for blind persons as it deems advisable.

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

139           43-3-109. Notwithstanding any other law to the contrary, the  
140 Executive Director of the MIB is hereby empowered to maintain  
141 sufficient funds to cover disbursements for current operations.  
142 The executive director shall deposit any excess funds with any  
143 official depository of the state and invest such excess funds as  
144 he deems appropriate.

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

147           43-3-111. Any funds obtained by MIB as a result of a sale of  
148 goods manufactured by it shall be accounted for separate and apart  
149 from any funds received by MIB through appropriation from the  
150 State Legislature. All nonappropriated funds generated by MIB  
151 shall not be subject to appropriation by the State Legislature.

152           **SECTION 7.** This act shall take effect and be in force from  
153 and after July 1, 2006, and shall stand repealed from and after  
154 June 30, 2006.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

1           AN ACT TO AMEND SECTION 43-3-103, MISSISSIPPI CODE OF 1972,  
2 TO DELETE THE PROVISIONS FOR A JOINT LEGISLATIVE STUDY COMMITTEE  
3 ON THE OPERATION OF THE MISSISSIPPI INDUSTRIES FOR THE BLIND; TO  
4 BRING FORWARD SECTIONS 43-3-101 AND 43-3-105 THROUGH 43-3-111,  
5 MISSISSIPPI CODE OF 1972, WHICH CREATE AND PRESCRIBE THE POWERS  
6 AND DUTIES OF THE MISSISSIPPI INDUSTRIES FOR THE BLIND, FOR  
7 PURPOSES OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

SS26\HB1375A.J

John O. Gilbert  
Secretary of the Senate