

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