

By: Representative Brown

To: Public Health and Human Services; Appropriations

HOUSE BILL NO. 1216

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.

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

9 SECTION 1. Section 43-3-103, Mississippi Code of 1972, is
10 amended as follows:

11 43-3-103. (1) * * * The MIB shall be governed by a board of
12 directors * * *, to consist of four (4) persons appointed by the
13 Governor, and three (3) by the Lieutenant Governor, with the
14 advice and consent of the Senate, each of whom shall be a
15 qualified elector of the State of Mississippi. The members of the
16 board of directors appointed by the Governor shall include the
17 following:

- 18 (a) One (1) legally blind individual;
- 19 (b) One (1) educator with expertise in rehabilitation
20 or the field of blindness;
- 21 (c) One (1) individual with at least five (5) years'
22 actual experience in finance or a related field;
- 23 (d) One (1) individual with at least five (5) years'
24 actual experience in manufacturing or a related field.

25 The members of the board of directors appointed by the
26 Lieutenant Governor shall include the following:

- 27 (a) One (1) legally blind individual;
- 28 (b) One (1) individual with at least five (5) years'
29 actual experience in marketing or a related field; and

30 (c) One (1) individual who is a licensed practicing
31 attorney.

32 Initial appointments shall be made within sixty (60) days of
33 enactment of this act. The Governor shall make initial
34 appointments of two (2) members for two (2) years, one (1) member
35 for three (3) years, and one (1) member for four (4) years to be
36 designated at the time of appointment. The Lieutenant Governor
37 shall make initial appointments of one (1) member for two (2)
38 years, one (1) member for three (3) years, and one (1) member for
39 four (4) years to be designated at the time of appointment.
40 Thereafter, the terms of the members shall be for four (4) years
41 and until their successors are appointed and qualified. In the
42 event of a vacancy during the term of office of an incumbent, the
43 appointing authority shall fill the vacancy, for the unexpired
44 portion of the term, by appointing an individual having the same
45 prerequisite qualifications as required for the vacancy being
46 filled.

47 (2) The board of directors shall organize by selecting
48 annually from its members a chairman and a vice chairman, and may
49 do all things necessary and convenient for carrying into effect
50 the provisions of this chapter. Each member of the board shall
51 receive a per diem as provided in Section 25-3-69, plus travel and
52 reasonable and necessary expenses incidental to the attendance at
53 each meeting as provided in Section 25-3-41, including mileage.

54 (3) The Lieutenant Governor may designate the Chairman of
55 the Senate Committee on Public Health and Welfare and another
56 member of the Senate and the Speaker of the House of
57 Representatives may designate the Chairman of the House Committee
58 on Public Health and Welfare and another member of the House to
59 attend any meeting of the Board of Directors of the MIB. The
60 appointing authorities may designate alternate members from their
61 respective houses to serve when the regular designees are unable
62 to attend the meetings of the board. The legislative designees

63 shall have no jurisdiction or vote on any matter within the
64 jurisdiction of the board. For attending meetings of the board,
65 the legislators shall receive per diem and expenses which shall be
66 paid from the contingent expense funds of their respective houses
67 in the same amounts as provided for committee meetings when the
68 Legislature is not in session; however, no per diem and expenses
69 for attending meetings of the board will be paid while the
70 Legislature is in session. No per diem and expenses will be paid
71 except for attending meetings of the board without prior approval
72 of the proper committee in their respective houses.

73 (4) It shall be the duty of the Board of Directors of MIB
74 to:

75 (a) Appoint and employ an executive director who shall
76 be the executive and administrative head of MIB and who shall
77 serve at the pleasure of the board of directors. The Board of
78 Directors of MIB shall set the compensation of the executive
79 director, subject to the approval of the State Personnel Board.

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

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

88 (5) There is created a revolving fund in the State Treasury,
89 which shall be used by the Mississippi Industries for the Blind
90 for the purpose of taking advantage of contractual opportunities
91 that would not be available to MIB without those funds and for the
92 purpose of meeting the obligations of those types of contracts.
93 The fund shall consist of monies that are specifically made
94 available by the Legislature for the purpose of the fund. MIB
95 shall not be authorized to expend any monies in the fund until it

96 has received the prior written approval of the Executive Director
97 of the Department of Finance and Administration and the State
98 Treasurer. MIB shall repay to the fund all monies that it expends
99 from the fund, which monies then may be used by MIB for future
100 contractual opportunities and obligations. Monies in the fund at
101 the end of a fiscal year shall not lapse into the State General
102 Fund, and all interest earned on monies in the fund shall be
103 credited to the fund.

104 * * *

105 **SECTION 2.** Section 43-3-101, Mississippi Code of 1972, is
106 brought forward as follows:

107 43-3-101. There is hereby created and established an agency
108 of the State of Mississippi known as the Mississippi Industries
109 for the Blind, hereinafter referred to as the "MIB." The MIB
110 shall be a body politic and corporate, may acquire and hold real
111 and personal property, may receive, hold and disperse monies
112 appropriated to it by the Legislature of the State of Mississippi
113 received from the federal government, received from the sale of
114 products which it produces, and received from any other sources
115 whatsoever, and may sue and be sued in its name.

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

118 43-3-105. The Executive Director of the MIB shall:

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

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

127 43-3-107. The purposes of MIB are as follows:

128 (a) To establish industries, businesses, shops and
129 workshops primarily for the employment of blind persons and other
130 persons;

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

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

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

138 43-3-109. Notwithstanding any other law to the contrary, the
139 Executive Director of the MIB is hereby empowered to maintain
140 sufficient funds to cover disbursements for current operations.
141 The executive director shall deposit any excess funds with any
142 official depository of the state and invest such excess funds as
143 he deems appropriate.

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

146 43-3-111. Any funds obtained by MIB as a result of a sale of
147 goods manufactured by it shall be accounted for separate and apart
148 from any funds received by MIB through appropriation from the
149 State Legislature. All nonappropriated funds generated by MIB
150 shall not be subject to appropriation by the State Legislature.

151 **SECTION 7.** This act shall take effect and be in force from
152 and after July 1, 2007.