HOUSE BILL NO. 1216

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

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

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

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

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

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

(a) One (1) legally blind individual;
(b) One (1) individual with at least five (5) years' actual experience in marketing or a related field; and
(c) One (1) individual who is a licensed practicing attorney.

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

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

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

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

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

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

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

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

* * *

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

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

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

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

(a) Employ all necessary employees at MIB and dismiss them as is necessary;

(b) Administer the daily operations at MIB;

(c) Execute any contracts on behalf of MIB; and

(d) Take any further actions which are necessary and proper toward the achievement of MIB's purposes.

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

43-3-107. The purposes of MIB are as follows:
(a) To establish industries, businesses, shops and workshops primarily for the employment of blind persons and other persons;

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

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

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

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

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

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

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