

By: Representative Malone

To: Corrections

## HOUSE BILL NO. 1406

1 AN ACT TO AMEND SECTION 47-5-541, MISSISSIPPI CODE OF 1972,  
2 TO REMOVE THE REQUIREMENT THAT THE SUPERINTENDENT FOR THE PARCHMAN  
3 FACILITY OF THE DEPARTMENT OF CORRECTIONS SHALL ATTEND ALL  
4 MEETINGS OF THE BOARD OF DIRECTORS FOR THE MISSISSIPPI PRISON  
5 INDUSTRIES; TO REMOVE THE REQUIREMENT THAT THE SUPERINTENDENTS OF  
6 THE RANKIN COUNTY AND GREENE COUNTY FACILITIES OF THE DEPARTMENT  
7 OF CORRECTIONS SHALL ATTEND ANY MEETING OF SUCH BOARD WHEN THE  
8 BUSINESS RELATES TO THEIR RESPECTIVE FACILITIES; AND FOR RELATED  
9 PURPOSES.

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

11 **SECTION 1.** Section 47-5-541, Mississippi Code of 1972, is  
12 amended as follows:

13 47-5-541. (1) The corporation shall be governed by a board  
14 of directors. The board of directors of the nonprofit corporation  
15 shall be composed of the following eleven (11) members who shall  
16 be appointed by the Governor with the advice and consent of the  
17 Senate: one (1) representative of the manufacturing industry, one  
18 (1) representative of the agriculture industry, one (1)  
19 representative of the banking and finance industry, one (1)  
20 representative of the labor industry, one (1) representative from  
21 the marketing industry and six (6) members from the state at  
22 large. In addition, the State Commissioner of Corrections and the  
23 President of Mississippi Delta Community College shall be ex  
24 officio members of the board of directors with full voting  
25 privileges. In making initial appointments, three (3) members  
26 shall be appointed for a term of two (2) years; four (4) members  
27 shall be appointed for a term of three (3) years; and four (4)  
28 members shall be appointed for a term of four (4) years; to be  
29 designated by the Governor at the time of appointment; and all  
30 succeeding terms shall be for four (4) years from the expiration

31 date of the previous term. Initial appointments shall be made  
32 within thirty (30) days after passage of Sections 47-5-531 through  
33 47-5-575. Any vacancy shall be filled by the Governor, with the  
34 advice and consent of the Senate. The officers of the corporation  
35 shall consist of a chairman, vice chairman and a  
36 secretary-treasurer. The officers shall be selected by the  
37 members of the board. However, the Commissioner of Corrections  
38 and the President of Mississippi Delta Community College shall not  
39 be eligible to serve as an officer of the corporation. \* \* \*

40 (2) The board of directors shall select and employ a chief  
41 executive officer of the corporation who shall serve at the  
42 pleasure of the board. The board shall set the compensation of  
43 the chief executive officer. The chief executive officer shall be  
44 responsible for the general business and entire operations of the  
45 corporation, and shall be responsible for operating the  
46 corporation in compliance with the bylaws of the corporation and  
47 in compliance with any provision of law. The board shall be  
48 authorized and empowered to do only those acts provided by law and  
49 by the bylaws of the corporation. Except as otherwise  
50 specifically provided by law, such board shall have the authority  
51 to establish prison industries, to cease the operation of any  
52 industry which it deems unsuitable or unprofitable, to enter into  
53 any lease or contract for the corporation and it shall have the  
54 full authority to establish prices for any industry good.

55 (3) No member of the board of directors shall vote on any  
56 matter that comes before the board that could result in pecuniary  
57 benefit for himself or for any entity in which such member has an  
58 interest.

59 (4) In addition to the board of directors, an advisory board  
60 may be set up for the benefit of each industry which is  
61 established pursuant to the provisions of Sections 47-5-531  
62 through 47-5-575. Such boards shall be advisory only, and may be

63 set up in the discretion of the board of directors of the  
64 corporation.

65 (5) Each member of the board of directors of the corporation  
66 shall receive per diem as provided in Section 25-3-69 for each day  
67 or fraction thereof spent in actual discharge of his official  
68 duties and shall be reimbursed for mileage and actual expenses  
69 incurred in the performance of his official duties in accordance  
70 with the requirements of Section 25-3-41, Mississippi Code of  
71 1972.

72 (6) The board of directors shall make and publish policies,  
73 rules and regulations governing all business functions, including  
74 but not limited to accounting, marketing, purchasing and  
75 personnel, not inconsistent with the terms of Sections 47-5-531  
76 through 47-5-575, as may be necessary for the efficient  
77 administration and operation of the corporation.

78 (7) The chief executive officer of the corporation shall:

79 (a) Employ all necessary employees of the corporation  
80 and dismiss them as is necessary;

81 (b) Administer the daily operations of the corporation;

82 (c) Upon approval of the board of directors, execute  
83 any contracts on behalf of the corporation; and

84 (d) Take any further actions which are necessary and  
85 proper toward the achievement of the corporation purposes.

86 (8) A member of the board of directors of the corporation  
87 shall not be liable for any civil damages for any personal injury  
88 or property damage caused to a person as a result of any acts or  
89 omissions committed in good faith in the exercise of their duties  
90 as members of the board of directors of the corporation, except  
91 where a member of the board engages in acts or omissions which are  
92 intentional, willful, wanton, reckless or grossly negligent.

93 **SECTION 2.** This act shall take effect and be in force from  
94 and after July 1, 2007.