

By: Senator(s) Doxey

To: Corrections

SENATE BILL NO. 2895

1 AN ACT TO AMEND SECTION 47-5-541, MISSISSIPPI CODE OF 1972,
2 TO DELETE THE REQUIREMENT THAT THE SUPERINTENDENTS OF STATE
3 CORRECTIONAL FACILITIES MUST ATTEND THE BOARD MEETING OF THE
4 PRISON INDUSTRIES CORPORATION TO AUTHORIZE THE COMMISSIONER OF
5 CORRECTIONS TO APPOINT A DESIGNEE TO ATTEND SUCH MEETINGS; AND FOR
6 RELATED PURPOSES.

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

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

10 47-5-541. (1) The corporation shall be governed by a board
11 of directors. The board of directors of the nonprofit corporation
12 shall be composed of the following eleven (11) members who shall
13 be appointed by the Governor with the advice and consent of the
14 Senate: one (1) representative of the manufacturing industry, one
15 (1) representative of the agriculture industry, one (1)
16 representative of the banking and finance industry, one (1)
17 representative of the labor industry, one (1) representative from
18 the marketing industry and six (6) members from the state at
19 large. In addition, the State Commissioner of Corrections and the
20 President of Mississippi Delta Community College shall be ex
21 officio members of the board of directors with full voting
22 privileges. The commissioner may appoint a designee to attend the
23 meetings of the board of directors and the designee shall have
24 full voting privileges. In making initial appointments, three (3)
25 members shall be appointed for a term of two (2) years; four (4)
26 members shall be appointed for a term of three (3) years; and four
27 (4) members shall be appointed for a term of four (4) years; to be
28 designated by the Governor at the time of appointment; and all
29 succeeding terms shall be for four (4) years from the expiration

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

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

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

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

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

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

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

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

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

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

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

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

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

92 **SECTION 2.** This act shall take effect and be in force from
93 and after its passage.