

**Adopted
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

House Bill No. 863

BY: Committee

**Amend by striking all after the enacting clause and inserting
in lieu thereof the following:**

20 **SECTION 1.** Section 47-5-535, Mississippi Code of 1972, is
21 amended as follows:
22 47-5-535. (1) Except as otherwise specifically provided by
23 law, it is the intent of the Legislature that a nonprofit
24 corporation be organized and formed, within sixty (60) days from
25 April 4, 1990, to lease and manage the prison industry programs of
26 the Mississippi Correctional Industries. The corporation created
27 and established shall be a body politic and corporate, may acquire
28 and hold real and personal property, may receive, hold and
29 dispense monies appropriated to it by the Legislature of the State



30 of Mississippi received from the federal government, received from
31 the sale of products, goods, and services which it produces, and
32 received from any other sources whatsoever.

33 (2) Except as otherwise specifically provided by law, it is
34 the further intent of the Legislature that the nonprofit
35 corporation shall create any additional prison industry program as
36 it deems fit, and any such program shall be created in compliance
37 with the provisions of Sections 47-5-531 through 47-5-575.

38 (3) Except as otherwise specifically provided by law, it is
39 the further intent of the Legislature that such nonprofit
40 corporation shall have exclusive rights to operate any prison
41 industry program and when such corporation is lawfully formed, no
42 other public or private entity shall be allowed to carry out the
43 provisions of Sections 47-5-531 through 47-5-575.

44 (4) It is the further intent of the Legislature, that the
45 nonprofit corporation which is required to be organized and formed
46 under Sections 47-5-531 through 47-5-575 shall locate and operate
47 prison industries at any state correctional facility with the
48 approval of the Commissioner of Corrections. It is the intent of
49 the Legislature that the nonprofit corporation locate and operate
50 such industries in an orderly and expeditious manner. Such
51 corporation may locate and operate prison industries at other
52 prison satellites, at community work centers in the state, at any
53 private correctional facility which houses state inmates and at
54 any regional correctional facility as authorized under Section



55 47-5-931. No industrial prison program shall be located at a site
56 other than state prison facilities approved by the commissioner.

57 * * *

58 **SECTION 2.** Section 47-5-541, Mississippi Code of 1972, is
59 amended as follows:

60 47-5-541. (1) The corporation shall be governed by * * *
61 the Commissioner of Corrections. The board of directors of the
62 nonprofit corporation shall be composed of the following * * *
63 seven (7) members * * *: the Commissioner of Corrections, the
64 Deputy Commissioner of Workforce Development, the Executive
65 Director of the Office of Workforce Development or his appointee,
66 and four (4) members appointed by the Commissioner of Corrections
67 who are involved in workforce development initiatives and/or
68 economic development initiatives. Employees of the Department of
69 Corrections or the corporation are eligible to be members of the
70 board. The officers of the corporation shall consist of a
71 chairman, vice chairman and a secretary-treasurer. The
72 Commissioner of Corrections shall be the chairman of the board.
73 The * * * vice chairman and secretary-treasurer shall be selected
74 by the members of the board. * * *

75 (2) The * * * Deputy Commissioner of Workforce Development
76 shall * * * be the chief executive officer of the
77 corporation * * *. The * * * Commissioner of Corrections shall
78 set the compensation of the chief executive officer. The chief
79 executive officer shall be responsible for the general business



80 and entire operations of the corporation, and shall be responsible
81 for operating the corporation in compliance with the bylaws of the
82 corporation and in compliance with any provision of law. The
83 board shall be authorized and empowered to do only those acts
84 provided by law and by the bylaws of the corporation. Except as
85 otherwise specifically provided by law, such board shall have the
86 authority to establish prison industries, to cease the operation
87 of any industry which it deems unsuitable or unprofitable, to
88 enter into any lease or contract for the corporation and it shall
89 have the full authority to establish prices for any industry good.

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

94 (4) In addition to the board of directors, an advisory board
95 may be set up for the benefit of each industry which is
96 established pursuant to the provisions of Sections 47-5-531
97 through 47-5-575. Such boards shall be advisory only, and may be
98 set up in the discretion of the board of directors of the
99 corporation.

100 (5) Each member of the board of directors of the corporation
101 shall receive per diem as provided in Section 25-3-69 for each day
102 or fraction thereof spent in actual discharge of his official
103 duties and shall be reimbursed for mileage and actual expenses
104 incurred in the performance of his official duties in accordance



105 with the requirements of Section 25-3-41, Mississippi Code of
106 1972.

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

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

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

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

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

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

121 (8) A member of the board of directors of the corporation
122 shall not be liable for any civil damages for any personal injury
123 or property damage caused to a person as a result of any acts or
124 omissions committed in good faith in the exercise of their duties
125 as members of the board of directors of the corporation, except
126 where a member of the board engages in acts or omissions which are
127 intentional, willful, wanton, reckless or grossly negligent.



128 **SECTION 3.** This act shall take effect and be in force from
129 and after July 1, 2022, and shall be repealed from and after June
130 30, 2022.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTION 47-5-535, MISSISSIPPI CODE OF 1972,
2 TO DELETE THE PROVISION THAT PROVIDES THAT IT IS THE INTENT OF THE
3 LEGISLATURE TO PROHIBIT THE CORPORATION FROM HAVING ANY RIGHTS TO
4 OPERATE A PROGRAM UNDER THE PRISON AGRICULTURAL ENTERPRISES AND
5 CREATING A PRISON INDUSTRY PROGRAM THAT DUPLICATES A PRISON
6 AGRICULTURAL ENTERPRISES PROGRAM OR PRODUCT; TO DELETE THE
7 PROVISION THAT PROVIDES THAT IT IS THE INTENT OF THE LEGISLATURE
8 THAT THE DEPARTMENT OF CORRECTIONS RETAINS EXCLUSIVE RIGHTS TO
9 CONDUCT ALL PRISON AGRICULTURAL AND RELATED ENTERPRISES; TO AMEND
10 SECTION 47-5-541, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE
11 CORPORATION SHALL BE GOVERNED BY THE COMMISSIONER OF CORRECTIONS;
12 TO PROVIDE FOR APPOINTMENTS TO A BOARD OF DIRECTORS; TO PROVIDE
13 THAT EMPLOYEES OF THE DEPARTMENT OF CORRECTIONS OR THE CORPORATION
14 ARE ELIGIBLE TO BE MEMBERS OF THE BOARD; TO PROVIDE THAT THE
15 DEPUTY COMMISSIONER OF WORKFORCE DEVELOPMENT SHALL BE THE CHIEF
16 EXECUTIVE OFFICER OF THE CORPORATION; TO PROVIDE THAT THE
17 COMMISSIONER OF CORRECTIONS SHALL SET THE COMPENSATION OF THE
18 CHIEF EXECUTIVE OFFICER; AND FOR RELATED PURPOSES.

