

By: Moody

To: Public Health and  
Welfare;  
Appropriations

HOUSE BILL NO. 1461

1 AN ACT TO ESTABLISH A GOVERNOR'S COMMISSION ON DISABILITY TO  
2 PROMOTE AND FACILITATE FULL PARTICIPATION AND EQUAL OPPORTUNITIES  
3 FOR ALL PEOPLE WITH DISABILITIES; TO PROVIDE FOR THE MEMBERSHIP OF  
4 THE COMMISSION AND PRESCRIBE ITS POWERS AND RESPONSIBILITIES; TO  
5 AMEND SECTION 37-33-157, MISSISSIPPI CODE OF 1972, TO DIRECT THE  
6 DEPARTMENT OF REHABILITATION SERVICES TO COOPERATE WITH THE  
7 GOVERNOR'S COMMISSION ON DISABILITY; AND FOR RELATED PURPOSES.

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

9 SECTION 1. The following terms shall have the meanings  
10 ascribed herein, unless the context shall otherwise require:

11 (a) "Commission" means the Governor's Commission on  
12 Disability (GCD).

13 (b) "Director" means the Director of the Governor's  
14 Commission on Disability.

15 (c) "People with disabilities" means individuals who  
16 have physical, sensory, cognitive or mental characteristics such  
17 as those listed under the definition of "handicapped person" in  
18 regulation 28 CFR 41.31(b) for the implementation of Section 504  
19 of the Rehabilitation Act of 1973, as amended (Public Law 93-112).

20 SECTION 2. (1) There is created within the Office of the  
21 Governor, the Governor's Commission on Disability (GCD) to promote  
22 and facilitate the full participation of, and the creation and  
23 assurance of equal opportunities for, all people with  
24 disabilities.

25 (2) The goals and objectives of the Governor's Commission on  
26 Disability shall include, but are not limited to or provided in  
27 any priority order, the following:

28 (a) To be a comprehensive clearinghouse of information

29 for people with disabilities related to potential service programs  
30 (including contact points, eligibility criteria, service scope,  
31 budgets, waiting lists), disability rights and relevant events.

32 (b) To serve as a disability minority advocate to  
33 identify the issues and concerns pertaining to the rights, needs  
34 and capabilities of all persons with disabilities, and shall work  
35 to empower such individuals to take as much control of their own  
36 lives as possible.

37 (c) To act as the state representative and contact  
38 point for the President's Committee on Employment of People with  
39 Disabilities, the ADA branch of the United States Justice  
40 Department, the National Council on Disability and any other  
41 similar disability-related government entities.

42 (d) To collect, analyze and synthesize  
43 disability-related data (e.g., numbers and types of disability in  
44 the state, their economic/school/employment/long-term care status)  
45 for use by state agencies, universities and colleges, disability  
46 organizations and private citizens.

47 (e) To advise the Governor, the Legislature, the  
48 Mississippi congressional delegation, state agencies, the business  
49 community, organized labor and other public and private groups and  
50 the general public on disability issues and concerns, and to make  
51 recommendations to address those identified matters, with emphasis  
52 on increasing opportunities for independence and employment.

53 (f) To coordinate and conduct public relations  
54 activities to spotlight the skills and capabilities of people with  
55 disabilities to emphasize the actual and potential contributions  
56 of these citizens.

57 (g) To establish such relationships with state  
58 agencies, especially those that serve the disability community,  
59 consumer/advocacy groups, local governments, private industry,  
60 educational institutions, labor and other private organizations,  
61 as may be needed to enhance equal opportunities for persons with

62 disabilities.

63           (h) To submit an annual report to the Governor and the  
64 Legislature with recommendations which shall address disability  
65 issues such as the following: the status of public and private  
66 sector employment opportunities; an assessment of program and  
67 equal access to goods and services and the availability of  
68 appropriate education options at all levels (e.g., public,  
69 postsecondary, adult); an analysis of relevant state agency  
70 budgets and data related to the economic and social status of the  
71 disability community; and an overall state government/private  
72 sector service overview; and

73           (i) To carry out activities assigned by the Governor,  
74 to further the mission of the Governor's Commission on Disability  
75 and the quality of life of our citizens with disabilities.

76       SECTION 3. (1) The Governor's Commission on Disability  
77 shall consist of eleven (11) members appointed by the Governor,  
78 two (2) from each Mississippi congressional district and one (1)  
79 from the state at large. The membership of the Governor's  
80 Commission on Disability shall at all times constitute at least a  
81 majority of people with disabilities. Members who are disabled  
82 shall be selected so as to represent a wide variety of physical,  
83 sensory, mental/emotional, cognitive disability characteristics.  
84 Up to two (2) of the full commission membership shall be the  
85 immediate family members of persons with disabilities, with a  
86 minimum of one (1) of those individuals being parents. In  
87 addition to the previous qualifications, the overall makeup of the  
88 commission shall be diverse in terms of race, geography,  
89 occupation, sex, age, socioeconomic status and other relevant  
90 diversity viewpoints.

91       The members of the Governor's Commission on Disability shall  
92 serve terms of office as follows:

93           (a) The term of the members from the First  
94 Congressional District shall expire on July 1, 2001;

95           (b) The term of the members from the Second  
96 Congressional District shall expire on July 1, 2004;

97           (c) The term of the members from the Third  
98 Congressional District shall expire on July 1, 2003;

99           (d) The term of the members from the Fourth  
100 Congressional District shall expire on July 1, 2002; and

101           (e) The term of the members from the Fifth  
102 Congressional District shall expire on July 1, 2003.

103 Thereafter the term of office of each member shall be four (4)  
104 years, with the terms expiring at two-year intervals. The term of  
105 the member from the state at large shall be four (4) years. Any  
106 appointment to a vacancy shall be for the unexpired term in  
107 question, and from the congressional district in which such  
108 vacancy occurred. No member shall, during his term of office,  
109 serve as an officer or committee member of any political party  
110 organization.

111           (2) The Governor's Commission on Disability shall elect a  
112 chairperson from its membership at the first meeting of the  
113 original commission members and every two (2) years thereafter on  
114 July 15 of the year. A majority of the membership of the  
115 commission shall constitute a quorum for the transaction of any  
116 business, and the commission shall meet at least quarterly and  
117 hold other meetings as are necessary for the purpose of conducting  
118 required business. All meetings of the commission shall be called  
119 by the chairperson, except the first meeting of the original  
120 commission members, which shall be called by the Governor.

121           (3) The appointed members of the commission shall be  
122 compensated at a per diem rate as authorized by Section 25-3-69,  
123 plus actual and necessary expenses as authorized by Section  
124 25-3-41.

125           (4) The Governor's Commission on Disability shall include a  
126 director appointed by the Governor, an administrative assistant, a  
127 clerical support staff member and at least two (2) full-time and

128 one (1) part-time information technician. The staffing of the  
129 Governor's Commission on Disabilities may also be supplemented by  
130 use of interns and volunteers from the community.

131 (5) The State Department of Rehabilitation Services, the  
132 Department of Human Services, the State Department of Education  
133 and advocates necessary to enable the Governor's Commission on  
134 Disability to carry out the work of this entity may participate on  
135 the commission as nonvoting members. These representatives may  
136 provide the commission with data, input and resources to  
137 facilitate their planning and coordinating efforts.

138 SECTION 4. Section 37-33-157, Mississippi Code of 1972, is  
139 amended as follows:[RDD1]

140 37-33-157. The Department of Rehabilitation Services shall  
141 provide the rehabilitation services authorized by law and by the  
142 rules, regulations and policies of the board to every individual  
143 determined to be eligible therefor, and in carrying out the  
144 purposes of this chapter the department is authorized, when  
145 consistent with the rules, regulations and policies of the State  
146 Board of Rehabilitation Services:

147 (a) To expend funds received either by appropriation or  
148 directly from federal or private sources;

149 (b) To cooperate with other departments, agencies and  
150 institutions, both public and private, in providing the services  
151 authorized by this chapter to disabled individuals, in studying  
152 the problems involved therein, and in establishing, developing and  
153 providing in conformity with the purposes of this chapter, such  
154 programs, facilities and services as may be necessary or  
155 desirable;

156 (c) To enter into reciprocal agreements with other  
157 states to provide for the services authorized by this chapter to  
158 residents of the states concerned;

159 (d) To conduct research and compile statistics relating  
160 to the provision of services to or the need of services by

161 disabled individuals;

162 (e) To enter into contractual arrangements with the  
163 federal government and with other authorized public agencies or  
164 persons for performance of services related to rehabilitation;

165 (f) To contract with schools, hospitals and other  
166 agencies, and with doctors, optometrists, nurses, technicians and  
167 other persons, for training, physical restoration, transportation  
168 and other rehabilitation services;

169 (g) To take such action as may be necessary to enable  
170 the department to apply for, accept and receive for the state and  
171 its residents the full benefits available under the federal  
172 Vocational Rehabilitation Act, and any amendments thereto, and  
173 under any other federal legislation or program having as its  
174 purpose the providing of, improvement or extension of, vocational  
175 rehabilitation services;

176 (h) To establish an Office on the Deaf and Hard of  
177 Hearing to provide services and activities authorized under  
178 Section 37-33-171; and

179 (i) To cooperate with and participate in the duties and  
180 responsibilities of the Governor's Commission on Disability  
181 created in Sections 1 through 3 of this act.

182 SECTION 5. This act shall take effect and be in force from  
183 and after July 1, 2000.