MISSISSIPPI LEGISLATURE REGULAR SESSION 2007

By: Representative Malone

To: Corrections

HOUSE BILL NO. 1406

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) Administer the daily operations of the corporation;

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

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

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

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