

By: Representative Ford

To: Public Health and Welfare

HOUSE BILL NO. 479

1 AN ACT TO AMEND SECTIONS 43-1-1, 43-1-2, 43-1-3, 43-1-5 AND  
2 43-1-6, MISSISSIPPI CODE OF 1972, WHICH CREATE THE DEPARTMENT OF  
3 HUMAN SERVICES, PRESCRIBE ITS DUTIES AND TRANSFER THE PROGRAMS  
4 WITHIN THE DIVISION OF FEDERAL-STATE PROGRAMS TO THE STATE  
5 DEPARTMENT OF HUMAN SERVICES, TO EXTEND THE REPEAL DATES FROM JULY  
6 1, 2001, TO JULY 1, 2002; AND FOR RELATED PURPOSES.

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

8 SECTION 1. Section 43-1-1, Mississippi Code of 1972, is  
9 amended as follows:

10 43-1-1. (1) The Department of Human Services shall be the  
11 State Department of Public Welfare and shall retain all powers and  
12 duties as granted to the State Department of Public Welfare.  
13 Wherever the term "State Department of Public Welfare" or "State  
14 Board of Public Welfare" appears in any law, the same shall mean  
15 the Department of Human Services. The Executive Director of the  
16 Department of Human Services may assign to the appropriate offices  
17 such powers and duties deemed appropriate to carry out the lawful  
18 functions of the department.

19 (2) This section shall stand repealed on July 1, 2002.

20 SECTION 2. Section 43-1-2, Mississippi Code of 1972, is  
21 amended as follows:

22 43-1-2. (1) There is created the Mississippi Department of  
23 Human Services, whose offices shall be located in Jackson,  
24 Mississippi, and which shall be under the policy direction of the  
25 Governor.

26 (2) The chief administrative officer of the department shall  
27 be the Executive Director of Human Services. The Governor shall  
28 appoint the Executive Director of Human Services with the advice

29 and consent of the Senate, and he shall serve at the will and  
30 pleasure of the Governor, and until his successor is appointed and  
31 qualified. The Executive Director of Human Services shall possess  
32 the following qualifications:

33 (a) A bachelor's degree from an accredited institution  
34 of higher learning and ten (10) years' experience in management,  
35 public administration, finance or accounting; or

36 (b) A master's or doctoral degree from an accredited  
37 institution of higher learning and five (5) years' experience in  
38 management, public administration, finance or accounting.

39 Those qualifications shall be certified by the State  
40 Personnel Board.

41 (3) There shall be a Joint Oversight Committee of the  
42 Department of Human Services composed of the respective chairmen  
43 of the Senate Public Health and Welfare Committee, the Senate  
44 Appropriations Committee, the House Public Health and Welfare  
45 Committee and the House Appropriations Committee, two (2) members  
46 of the Senate appointed by the Lieutenant Governor to serve at the  
47 will and pleasure of the Lieutenant Governor, and two (2) members  
48 of the House of Representatives appointed by the Speaker of the  
49 House to serve at the will and pleasure of the Speaker. The  
50 chairmanship of the committee shall alternate for twelve-month  
51 periods between the Senate members and the House members, with the  
52 Chairman of the Senate Public Health and Welfare Committee serving  
53 as the first chairman. The committee shall meet once each month,  
54 or upon the call of the chairman at such times as he deems  
55 necessary or advisable, and may make recommendations to the  
56 Legislature pertaining to any matter within the jurisdiction of  
57 the Mississippi Department of Human Services. The appointing  
58 authorities may designate an alternate member from their  
59 respective houses to serve when the regular designee is unable to  
60 attend such meetings of the oversight committee. For attending  
61 meetings of the oversight committee, such legislators shall

62 receive per diem and expenses which shall be paid from the  
63 contingent expense funds of their respective houses in the same  
64 amounts as provided for committee meetings when the Legislature is  
65 not in session; however, no per diem and expenses for attending  
66 meetings of the committee will be paid while the Legislature is in  
67 session. No per diem and expenses will be paid except for  
68 attending meetings of the oversight committee without prior  
69 approval of the proper committee in their respective houses.

70 (4) The State Department of Human Services shall provide the  
71 services authorized by law to every individual determined to be  
72 eligible therefor, and in carrying out the purposes of the  
73 department, the executive director is authorized:

74 (a) To formulate the policy of the department regarding  
75 human services within the jurisdiction of the department;

76 (b) To adopt, modify, repeal and promulgate, after due  
77 notice and hearing, and where not otherwise prohibited by federal  
78 or state law, to make exceptions to and grant exemptions and  
79 variances from, and to enforce rules and regulations implementing  
80 or effectuating the powers and duties of the department under any  
81 and all statutes within the department's jurisdiction, all of  
82 which shall be binding upon the county departments of human  
83 services;

84 (c) To apply for, receive and expend any federal or  
85 state funds or contributions, gifts, devises, bequests or funds  
86 from any other source;

87 (d) Except as limited by Section 43-1-3, to enter into  
88 and execute contracts, grants and cooperative agreements with any  
89 federal or state agency or subdivision thereof, or any public or  
90 private institution located inside or outside the State of  
91 Mississippi, or any person, corporation or association in  
92 connection with carrying out the programs of the department; and

93 (e) To discharge such other duties, responsibilities  
94 and powers as are necessary to implement the programs of the  
95 department.

96 (5) The executive director shall establish the  
97 organizational structure of the Mississippi Department of Human  
98 Services which shall include the creation of any units necessary  
99 to implement the duties assigned to the department and consistent  
100 with specific requirements of law, including but not limited to:

101 (a) Office of Family and Children's Services;

102 (b) Office of Youth Services;

103 (c) Office of Economic Assistance;

104 (d) Office of Child Support.

105 (6) The Executive Director of Human Services shall appoint  
106 heads of offices, bureaus and divisions, as defined in Section  
107 7-17-11, who shall serve at the pleasure of the executive  
108 director. The salary and compensation of such office, bureau and  
109 division heads shall be subject to the rules and regulations  
110 adopted and promulgated by the State Personnel Board as created  
111 under Section 25-9-101 et seq. The executive director shall have  
112 the authority to organize offices as deemed appropriate to carry  
113 out the responsibilities of the department. The organization  
114 charts of the department shall be presented annually with the  
115 budget request of the Governor for review by the Legislature.

116 (7) This section shall stand repealed on July 1, 2002.

117 SECTION 3. Section 43-1-3, Mississippi Code of 1972, is  
118 amended as follows:

119 43-1-3. Notwithstanding the authority granted under  
120 subsection (4)(d) of Section 43-1-2, the Department of Human  
121 Services or the Executive Director of Human Services shall not be  
122 authorized to delegate, privatize or otherwise enter into a  
123 contract with a private entity for the operation of any office,  
124 bureau or division of the department, as defined in Section  
125 7-17-11, without specific authority to do so by general act of the

126 Legislature. However, nothing in this section shall be construed  
127 to invalidate (i) any contract of the department that is in place  
128 and operational before January 1, 1994; or (ii) the continued  
129 renewal of any such contract with the same entity upon the  
130 expiration of the contract; or (iii) the execution of a contract  
131 with another legal entity as a replacement of any such contract  
132 that is expiring, provided that the replacement contract is  
133 substantially the same as the expiring contract. Notwithstanding  
134 any other provision of this section, the department shall be  
135 authorized to continue the operation of its child support  
136 collection program with a private entity on a pilot program basis  
137 in Hinds and Warren Counties in Mississippi, and the department  
138 and the private entity shall specifically be prohibited from  
139 expanding such pilot program to any counties other than Hinds and  
140 Warren Counties without specific authority to do so by amendment  
141 to this section by general act of the Legislature. Before  
142 December 15, 1994, the department shall provide a detailed report  
143 to the Joint Oversight Committee established by Section 43-1-2 and  
144 to the Legislature that describes the results of the pilot program  
145 for the privatization of the department's child support collection  
146 program as of December 1, 1994, including an evaluation of whether  
147 there has been substantial compliance with the performance  
148 standards specified in the contract for the private entity in  
149 conducting the pilot program.

150 This section shall stand repealed on July 1, 2002.

151 SECTION 4. Section 43-1-5, Mississippi Code of 1972, is  
152 amended as follows:

153 43-1-5. It shall be the duty of the Department of Human  
154 Services to:

155 (1) Establish and maintain programs not inconsistent with  
156 the terms of this chapter and the rules, regulations and policies  
157 of the State Department of Human Services, and publish the rules  
158 and regulations of the department pertaining to such programs.

159           (2) Make such reports in such form and containing such  
160 information as the federal government may, from time to time,  
161 require, and comply with such provisions as the federal government  
162 may, from time to time, find necessary to assure the correctness  
163 and verification of such reports.

164           (3) Within ninety (90) days after the end of each fiscal  
165 year, and at each regular session of the Legislature, make and  
166 publish one (1) report to the Governor and to the Legislature,  
167 showing for the period of time covered, in each county and for the  
168 state as a whole:

169                   (a) The total number of recipients;

170                   (b) The total amount paid to them in cash;

171                   (c) The maximum and the minimum amount paid to any  
172 recipients in any one (1) month;

173                   (d) The total number of applications;

174                   (e) The number granted;

175                   (f) The number denied;

176                   (g) The number cancelled;

177                   (h) The amount expended for administration of the  
178 provisions of this chapter;

179                   (i) The amount of money received from the federal  
180 government, if any;

181                   (j) The amount of money received from recipients of  
182 assistance and from their estates and the disposition of same;

183                   (k) Such other information and recommendations as the  
184 Governor may require or the department shall deem advisable;

185                   (l) The number of state-owned automobiles purchased and  
186 operated during the year by the department, the number purchased  
187 and operated out of funds appropriated by the Legislature, the  
188 number purchased and operated out of any other public funds, the  
189 miles traveled per automobile, the total miles traveled, the  
190 average cost per mile and depreciation estimate on each  
191 automobile;

192 (m) The cost per mile and total number of miles  
193 traveled by department employees in privately-owned automobiles,  
194 for which reimbursement is made out of state funds;

195 (n) Each association, convention or meeting attended by  
196 any department employees, the purposes thereof, the names of the  
197 employees attending and the total cost to the state of such  
198 convention, association or meeting;

199 (o) How the money appropriated to the institutions  
200 under the jurisdiction of the department has been expended during  
201 the preceding year, beginning and ending with the fiscal year of  
202 each institution, exhibiting the salaries paid to officers and  
203 employees of the institutions, and each and every item of receipt  
204 and expenditure;

205 (p) The activities of each division within the  
206 Department of Human Services and recommendations for improvement  
207 of the services to be performed by each division;

208 (q) In order of authority, the twenty (20) highest paid  
209 employees in the department receiving an annual salary in excess  
210 of Forty Thousand Dollars (\$40,000.00), by P.I.N. number, job  
211 title, job description and annual salary.

212 Each report shall be balanced and shall begin with the  
213 balance at the end of the preceding fiscal year, and if any  
214 property belonging to the state or the institution is used for  
215 profit such report shall show the expenses incurred in managing  
216 the property and the amount received from the same. Such reports  
217 shall also show a summary of the gross receipts and gross  
218 disbursements for each fiscal year and shall show the money on  
219 hand at the beginning of the fiscal period of each division and  
220 institution of the department.

221 This section shall stand repealed on July 1, 2002.

222 SECTION 5. Section 43-1-6, Mississippi Code of 1972, is  
223 amended as follows:

224           43-1-6. The following programs within the Division of  
225 Federal-State Programs, Office of the Governor, shall be  
226 transferred to the State Department of Human Services:

- 227           (a) Office of Energy and Community Services;  
228           (b) Juvenile Justice Advisory Committee; and  
229           (c) Mississippi Council on Aging.

230           All authority to implement those programs shall be vested in  
231 the State Department of Human Services.

232           This section shall stand repealed on July 1, 2002.

233           SECTION 6. This act shall take effect and be in force from  
234 and after July 1, 2001.