To: Public Health and Welfare

MISSISSIPPI LEGISLATURE                        REGULAR SESSION 2001
By: Representative Ford

HOUSE BILL NO. 479
(As Passed the House)

AN ACT TO AMEND SECTIONS 43-1-1, 43-1-2, 43-1-3, 43-1-5 AND
43-1-6, MISSISSIPPI CODE OF 1972, WHICH CREATE THE DEPARTMENT OF
HUMAN SERVICES, PRESCRIBE ITS DUTIES AND TRANSFER THE PROGRAMS
WITHIN THE DIVISION OF FEDERAL-STATE PROGRAMS TO THE STATE
DEPARTMENT OF HUMAN SERVICES, TO EXTEND THE REPEAL DATES FROM JULY
1, 2001, TO JULY 1, 2007; TO FURTHER AMEND SECTION 43-1-3,
MISSISSIPPI CODE OF 1972, TO DELETE THE AUTHORITY OF THE
DEPARTMENT TO OPERATE ITS CHILD SUPPORT COLLECTION PROGRAM WITH A
PRIVATE ENTITY ON A PILOT PROGRAM BASIS; AND FOR RELATED PURPOSES.

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

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

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

(2) This section shall stand repealed on July 1, 2007.

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

43-1-2. (1) There is created the Mississippi Department of
Human Services, whose offices shall be located in Jackson,
Mississippi, and which shall be under the policy direction of the
Governor.
(2) The chief administrative officer of the department shall be the Executive Director of Human Services. The Governor shall appoint the Executive Director of Human Services with the advice and consent of the Senate, and he shall serve at the will and pleasure of the Governor, and until his successor is appointed and qualified. The Executive Director of Human Services shall possess the following qualifications:

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

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

Those qualifications shall be certified by the State Personnel Board.

(3) There shall be a Joint Oversight Committee of the Department of Human Services composed of the respective chairmen of the Senate Public Health and Welfare Committee, the Senate Appropriations Committee, the House Public Health and Welfare Committee and the House Appropriations Committee, two (2) members of the Senate appointed by the Lieutenant Governor to serve at the will and pleasure of the Lieutenant Governor, and two (2) members of the House of Representatives appointed by the Speaker of the House to serve at the will and pleasure of the Speaker. The chairmanship of the committee shall alternate for twelve-month periods between the Senate members and the House members, with the Chairman of the Senate Public Health and Welfare Committee serving as the first chairman. The committee shall meet once each month, or upon the call of the chairman at such times as he deems necessary or advisable, and may make recommendations to the Legislature pertaining to any matter within the jurisdiction of the Mississippi Department of Human Services. The appointing authorities may designate an alternate member from their
respective houses to serve when the regular designee is unable to attend such meetings of the oversight committee. For attending meetings of the oversight committee, such legislators shall receive per diem and expenses which shall be paid from the contingent expense funds of their respective houses in the same amounts as provided for committee meetings when the Legislature is not in session; however, no per diem and expenses for attending meetings of the committee will be paid while the Legislature is in session. No per diem and expenses will be paid except for attending meetings of the oversight committee without prior approval of the proper committee in their respective houses.

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

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

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

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

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

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

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

(a) Office of Family and Children's Services;
(b) Office of Youth Services;
(c) Office of Economic Assistance;
(d) Office of Child Support.

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

(7) This section shall stand repealed on July 1, 2007.

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

43-1-3. Notwithstanding the authority granted under
subsection (4)(d) of Section 43-1-2, the Department of Human
Services or the Executive Director of Human Services shall not be
authorized to delegate, privatize or otherwise enter into a
contract with a private entity for the operation of any office,
bureau or division of the department, as defined in Section 7-17-11, without specific authority to do so by general act of the Legislature. However, nothing in this section shall be construed to invalidate (i) any contract of the department that is in place and operational before January 1, 1994; or (ii) the continued renewal of any such contract with the same entity upon the expiration of the contract; or (iii) the execution of a contract with another legal entity as a replacement of any such contract that is expiring, provided that the replacement contract is substantially the same as the expiring contract. * * *

This section shall stand repealed on July 1, 2007.

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

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

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

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

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

(a) The total number of recipients;

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

(c) The maximum and the minimum amount paid to any recipients in any one (1) month;
(d) The total number of applications;
(e) The number granted;
(f) The number denied;
(g) The number cancelled;
(h) The amount expended for administration of the
provisions of this chapter;
(i) The amount of money received from the federal
government, if any;
(j) The amount of money received from recipients of
assistance and from their estates and the disposition of same;
(k) Such other information and recommendations as the
Governor may require or the department shall deem advisable;
(l) The number of state-owned automobiles purchased and
operated during the year by the department, the number purchased
and operated out of funds appropriated by the Legislature, the
number purchased and operated out of any other public funds, the
miles traveled per automobile, the total miles traveled, the
average cost per mile and depreciation estimate on each
automobile;
(m) The cost per mile and total number of miles
traveled by department employees in privately-owned automobiles,
for which reimbursement is made out of state funds;
(n) Each association, convention or meeting attended by
any department employees, the purposes thereof, the names of the
employees attending and the total cost to the state of such
convention, association or meeting;
(o) How the money appropriated to the institutions
under the jurisdiction of the department has been expended during
the preceding year, beginning and ending with the fiscal year of
each institution, exhibiting the salaries paid to officers and
employees of the institutions, and each and every item of receipt
and expenditure;
(p) The activities of each division within the Department of Human Services and recommendations for improvement of the services to be performed by each division;

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

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

This section shall stand repealed on July 1, 2007.

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

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

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

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

This section shall stand repealed on July 1, 2007.

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