

By: Senator(s) Smith, Burton, King, Dearing,
Chaney, Dawkins, Johnson (19th), Hamilton,
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To: Public Health and
Welfare; Appropriations

SENATE BILL NO. 2503
(As Sent to Governor)

1 AN ACT TO CREATE A JOINT COMMITTEE ON ESTABLISHING A
2 FREESTANDING MISSISSIPPI DEPARTMENT OF CHILDREN'S AFFAIRS; TO
3 AMEND SECTIONS 43-1-1, 43-1-2, 43-1-3, 43-1-5 AND 43-1-6,
4 MISSISSIPPI CODE OF 1972, WHICH CREATE THE DEPARTMENT OF HUMAN
5 SERVICES, PRESCRIBE ITS DUTIES AND TRANSFER THE PROGRAMS WITHIN
6 THE DIVISION OF FEDERAL-STATE PROGRAMS TO THE STATE DEPARTMENT OF
7 HUMAN SERVICES, TO EXTEND THE REPEAL DATES FROM JULY 1, 2001, TO
8 JULY 1, 2002; AND FOR RELATED PURPOSES.

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

10 SECTION 1. (1) There is hereby created a Joint Committee on
11 Establishing a Mississippi Department of Children's Affairs. The
12 membership of the committee shall include the following: the
13 Chairman of the Senate Public Health and Welfare Committee; the
14 Chairman of the Senate Appropriations Committee; three (3) members
15 of the Senate appointed by the Lieutenant Governor; the Chairman
16 of the House Public Health and Welfare Committee; the Chairman of
17 the House Appropriations Committee; and three (3) members of the
18 House appointed by the Speaker of the House. The Chairman of the
19 Senate Public Health and Welfare Committee and the Chairman of the
20 House Public Health and Welfare Committee shall serve as
21 co-chairmen of the committee. The Joint Committee on Establishing
22 a Mississippi Department of Children's Affairs shall, with the
23 assistance of the Executive Director of the Department of Human
24 Services, the State Health Officer, the Executive Director of the
25 Mississippi Department of Mental Health, the Executive Director of
26 the Division of Medicaid, and the affected division directors,
27 study the implementation of a freestanding agency of Mississippi
28 government that would focus on and administer appropriate programs
29 relating to children. These programs may include the following:

30 (a) the functions of the Division of Youth Services of the
31 Department of Human Services; (b) the functions of the Child
32 Support Unit of the Department of Human Services; (c) the
33 functions of all other child service programs presently
34 administered by the Department of Human Services, including the
35 Division of Family and Children's Services, the Office for
36 Children and Youth, the foster care or foster home placement
37 program, child adoption and child placement, and investigation of
38 child abuse and neglect; (d) the administration of the school
39 attendance officers enforcing the Mississippi Compulsory School
40 Attendance Law presently administered by the district attorney
41 offices; (e) the alternative school programs presently
42 administered by the various school districts; (f) the Support Our
43 Students (SOS) community-based program presently under the State
44 Department of Education and any other youth mentoring program
45 operating under public grant funds; (g) any program for children
46 with severe emotional disturbances; (h) child care facility
47 licensure programs presently administered by the Mississippi
48 Department of Health; and (i) any staff transfers, budget
49 revisions, and cost reductions on additional cost resulting from
50 any recommended transitions.

51 (2) The joint committee shall make a report of its findings
52 and recommendations, including necessary legislation, to the
53 Legislature, the Lieutenant Governor and the Governor on December
54 1, 2001, for implementation in the 2002 Regular Session.

55 (3) The joint committee shall meet on the call of the
56 co-chairmen and shall organize by selecting from its membership a
57 vice chairman who shall also serve as secretary and shall be
58 responsible for keeping all records of the committee. A majority
59 of the members of the committee shall constitute a quorum. All
60 members shall be notified in writing of all meetings, such notices
61 to be mailed at least five (5) days prior to the date on which a
62 meeting is to be held.

63 (4) Members of the committee shall be paid from the
64 contingent expense funds of their respective houses in the same
65 amounts as provided for committee meetings when the Legislature is
66 not in session.

67 (5) All agencies and divisions of agencies affected by this
68 study are hereby directed to cooperate with the Joint Committee on
69 Establishing a Mississippi Department of Children's Affairs in
70 formulating and preparing its recommendations.

71 (6) The committee is empowered to utilize staff already
72 employed by the agencies affected by this section and any other
73 assistance made available to it.

74 (7) Upon presentation of its report, the committee shall be
75 dissolved.

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

78 43-1-1. (1) The Department of Human Services shall be the
79 State Department of Public Welfare and shall retain all powers and
80 duties as granted to the State Department of Public Welfare.
81 Wherever the term "State Department of Public Welfare" or "State
82 Board of Public Welfare" appears in any law, the same shall mean
83 the Department of Human Services. The Executive Director of the
84 Department of Human Services may assign to the appropriate offices
85 such powers and duties deemed appropriate to carry out the lawful
86 functions of the department.

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

88 SECTION 3. Section 43-1-2, Mississippi Code of 1972, is
89 amended as follows:

90 43-1-2. (1) There is created the Mississippi Department of
91 Human Services, whose offices shall be located in Jackson,
92 Mississippi, and which shall be under the policy direction of the
93 Governor.

94 (2) The chief administrative officer of the department shall
95 be the Executive Director of Human Services. The Governor shall

96 appoint the Executive Director of Human Services with the advice
97 and consent of the Senate, and he shall serve at the will and
98 pleasure of the Governor, and until his successor is appointed and
99 qualified. The Executive Director of Human Services shall possess
100 the following qualifications:

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

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

107 Those qualifications shall be certified by the State
108 Personnel Board.

109 (3) There shall be a Joint Oversight Committee of the
110 Department of Human Services composed of the respective chairmen
111 of the Senate Public Health and Welfare Committee, the Senate
112 Appropriations Committee, the House Public Health and Welfare
113 Committee and the House Appropriations Committee, two (2) members
114 of the Senate appointed by the Lieutenant Governor to serve at the
115 will and pleasure of the Lieutenant Governor, and two (2) members
116 of the House of Representatives appointed by the Speaker of the
117 House to serve at the will and pleasure of the Speaker. The
118 chairmanship of the committee shall alternate for twelve-month
119 periods between the Senate members and the House members, with the
120 Chairman of the Senate Public Health and Welfare Committee serving
121 as the first chairman. The committee shall meet once each month,
122 or upon the call of the chairman at such times as he deems
123 necessary or advisable, and may make recommendations to the
124 Legislature pertaining to any matter within the jurisdiction of
125 the Mississippi Department of Human Services. The appointing
126 authorities may designate an alternate member from their
127 respective houses to serve when the regular designee is unable to
128 attend such meetings of the oversight committee. For attending

129 meetings of the oversight committee, such legislators shall
130 receive per diem and expenses which shall be paid from the
131 contingent expense funds of their respective houses in the same
132 amounts as provided for committee meetings when the Legislature is
133 not in session; however, no per diem and expenses for attending
134 meetings of the committee will be paid while the Legislature is in
135 session. No per diem and expenses will be paid except for
136 attending meetings of the oversight committee without prior
137 approval of the proper committee in their respective houses.

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

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

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

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

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

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

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

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

170 (b) Office of Youth Services;

171 (c) Office of Economic Assistance;

172 (d) Office of Child Support.

173 (6) The Executive Director of Human Services shall appoint
174 heads of offices, bureaus and divisions, as defined in Section
175 7-17-11, who shall serve at the pleasure of the executive
176 director. The salary and compensation of such office, bureau and
177 division heads shall be subject to the rules and regulations
178 adopted and promulgated by the State Personnel Board as created
179 under Section 25-9-101 et seq. The executive director shall have
180 the authority to organize offices as deemed appropriate to carry
181 out the responsibilities of the department. The organization
182 charts of the department shall be presented annually with the
183 budget request of the Governor for review by the Legislature.

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

185 SECTION 4. Section 43-1-3, Mississippi Code of 1972, is
186 amended as follows:

187 43-1-3. Notwithstanding the authority granted under
188 subsection (4)(d) of Section 43-1-2, the Department of Human
189 Services or the Executive Director of Human Services shall not be
190 authorized to delegate, privatize or otherwise enter into a
191 contract with a private entity for the operation of any office,
192 bureau or division of the department, as defined in Section
193 7-17-11, without specific authority to do so by general act of the

194 Legislature. However, nothing in this section shall be construed
195 to invalidate (i) any contract of the department that is in place
196 and operational before January 1, 1994; or (ii) the continued
197 renewal of any such contract with the same entity upon the
198 expiration of the contract; or (iii) the execution of a contract
199 with another legal entity as a replacement of any such contract
200 that is expiring, provided that the replacement contract is
201 substantially the same as the expiring contract. Notwithstanding
202 any other provision of this section, the department shall be
203 authorized to continue the operation of its child support
204 collection program with a private entity on a pilot program basis
205 in Hinds and Warren Counties in Mississippi, and the department
206 and the private entity shall specifically be prohibited from
207 expanding such pilot program to any counties other than Hinds and
208 Warren Counties without specific authority to do so by amendment
209 to this section by general act of the Legislature. Before
210 December 15, 1994, the department shall provide a detailed report
211 to the Joint Oversight Committee established by Section 43-1-2 and
212 to the Legislature that describes the results of the pilot program
213 for the privatization of the department's child support collection
214 program as of December 1, 1994, including an evaluation of whether
215 there has been substantial compliance with the performance
216 standards specified in the contract for the private entity in
217 conducting the pilot program.

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

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

221 43-1-5. It shall be the duty of the Department of Human
222 Services to:

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

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

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

237 (a) The total number of recipients;

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

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

241 (d) The total number of applications;

242 (e) The number granted;

243 (f) The number denied;

244 (g) The number cancelled;

245 (h) The amount expended for administration of the
246 provisions of this chapter;

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

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

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

253 (l) The number of state-owned automobiles purchased and
254 operated during the year by the department, the number purchased
255 and operated out of funds appropriated by the Legislature, the
256 number purchased and operated out of any other public funds, the
257 miles traveled per automobile, the total miles traveled, the
258 average cost per mile and depreciation estimate on each
259 automobile;

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

263 (n) Each association, convention or meeting attended by
264 any department employees, the purposes thereof, the names of the
265 employees attending and the total cost to the state of such
266 convention, association or meeting;

267 (o) How the money appropriated to the institutions
268 under the jurisdiction of the department has been expended during
269 the preceding year, beginning and ending with the fiscal year of
270 each institution, exhibiting the salaries paid to officers and
271 employees of the institutions, and each and every item of receipt
272 and expenditure;

273 (p) The activities of each division within the
274 Department of Human Services and recommendations for improvement
275 of the services to be performed by each division;

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

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

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

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

292 43-1-6. The following programs within the Division of
293 Federal-State Programs, Office of the Governor, shall be
294 transferred to the State Department of Human Services:

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

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

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

301 SECTION 7. This act shall take effect and be in force from
302 and after June 30, 2001.