

By: Representatives Moody, Fredericks,
Capps, Read, Thomas

To: Public Health and
Welfare; Appropriations

HOUSE BILL NO. 400

1 AN ACT TO AMEND SECTION 43-1-2, MISSISSIPPI CODE OF 1972, TO
2 CREATE THE STATE BOARD OF HUMAN SERVICES TO PROVIDE THE POLICY
3 DIRECTION FOR THE STATE DEPARTMENT OF HUMAN SERVICES; TO PROVIDE
4 FOR THE MEMBERSHIP AND APPOINTMENT OF THE BOARD; TO PROVIDE THAT
5 BEGINNING IN 2004, THE EXECUTIVE DIRECTOR OF HUMAN SERVICES SHALL
6 BE APPOINTED BY THE GOVERNOR FROM A LIST OF THREE NOMINEES
7 SUBMITTED BY THE BOARD; TO PROVIDE THAT IF THE GOVERNOR DOES NOT
8 MAKE THE APPOINTMENT WITHIN THIRTY DAYS AFTER RECEIVING THE LIST
9 OF NOMINEES, THE EXECUTIVE DIRECTOR SHALL BE APPOINTED BY THE
10 BOARD; TO PROVIDE THAT THE APPOINTMENT OF THE EXECUTIVE DIRECTOR
11 SHALL BE WITH THE ADVICE AND CONSENT OF THE SENATE; TO PROVIDE
12 THAT THE TERM OF OFFICE OF THE EXECUTIVE DIRECTOR SHALL BE SIX
13 YEARS, AND THE EXECUTIVE DIRECTOR MAY BE REMOVED BY THE BOARD ONLY
14 FOR CAUSE; TO PROVIDE THAT THE EXECUTIVE DIRECTOR SHALL SERVE AS
15 SECRETARY AND EXECUTIVE OFFICER OF THE BOARD, AND SHALL BE VESTED
16 WITH ALL THE AUTHORITY OF THE BOARD WHEN IT IS NOT IN SESSION; TO
17 PROVIDE THAT THE EXECUTIVE DIRECTOR SHALL BE RESPONSIBLE TO THE
18 BOARD FOR THE PROPER ADMINISTRATION OF ALL PROGRAMS UNDER THE
19 JURISDICTION OF THE DEPARTMENT; TO PROVIDE THAT THE EXECUTIVE
20 DIRECTOR SHALL EXERCISE ALL STATUTORY DUTIES AND AUTHORITY IN
21 ACCORDANCE WITH THE RULES, REGULATIONS AND POLICIES ADOPTED BY THE
22 BOARD; TO PROVIDE THAT THE MEMBERS OF THE JOINT OVERSIGHT
23 COMMITTEE OF THE DEPARTMENT MAY ATTEND ANY MEETING OF THE BOARD
24 AND MAY PARTICIPATE IN ANY DISCUSSION AMONG BOARD MEMBERS AT THE
25 MEETINGS; TO SPECIFY THE MINIMUM ORGANIZATIONAL UNITS OF THE
26 DEPARTMENT; TO PROVIDE THAT BEGINNING IN 2004, THE HEADS OF
27 CERTAIN OFFICES OF THE DEPARTMENT SHALL BE APPOINTED BY THE
28 EXECUTIVE DIRECTOR FOR TERMS OF SIX YEARS, WITH THE ADVICE AND
29 CONSENT OF THE SENATE; TO PROVIDE THAT THOSE OFFICE HEADS MAY BE
30 REMOVED ONLY FOR CAUSE UPON THE RECOMMENDATION OF THE EXECUTIVE
31 DIRECTOR, WITH THE APPROVAL OF THE BOARD; TO PROVIDE THAT THE
32 HEADS OF ALL BUREAUS AND DIVISIONS OF THE DEPARTMENT SHALL BE
33 STATE SERVICE EMPLOYEES, AND THE EMPLOYMENT AND TERMINATION OF
34 BUREAU AND DIVISION HEADS SHALL BE IN ACCORDANCE WITH THE RULES
35 AND REGULATIONS OF THE STATE PERSONNEL BOARD; TO EXTEND THE
36 REPEALER DATE ON THE DEPARTMENT OF HUMAN SERVICES TO JULY 1, 2005;
37 TO AMEND SECTION 43-1-4, MISSISSIPPI CODE OF 1972, TO DIRECT THE
38 BOARD TO ESTABLISH A REVIEW PROCESS TO MEASURE OUTCOMES FOR
39 CHILDREN AND FAMILIES WHO RECEIVE OR FORMERLY RECEIVED BENEFITS OR
40 SERVICES FROM THE DEPARTMENT; TO DIRECT THE BOARD TO ESTABLISH A
41 "SINGLE PORT OF ENTRY" STRUCTURE IN THE DEPARTMENT WITH GENERIC
42 CASE MANAGERS WHO ARE TRAINED TO DETERMINE THE TOTAL NEEDS OF THE
43 CHILD; TO DIRECT THE BOARD TO ESTABLISH A PROCESS DESIGNED TO
44 MAXIMIZE AND UTILIZE ALL FEDERAL FUNDS THAT ARE AVAILABLE FOR
45 PROGRAMS, BENEFITS AND SERVICES PROVIDED BY THE DEPARTMENT; TO
46 AMEND SECTIONS 43-1-1, 43-1-3, 43-1-5, 43-1-6, 43-1-9, 43-1-51,
47 43-1-53, 43-27-20, 43-27-22 AND 25-9-107, MISSISSIPPI CODE OF
48 1972, TO CONFORM TO THE PRECEDING PROVISIONS; AND FOR RELATED
49 PURPOSES.

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



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

53 43-1-2. (1) There is created the State Department of Human
54 Services, whose offices shall be located in Jackson, Mississippi,
55 and which shall be under the policy direction of the State Board
56 of Human Services created in subsection (2) of this section.

57 (2) (a) There is created the State Board of Human Services,
58 which shall consist of nine (9) members, with six (6) members
59 appointed by the Governor and three (3) members appointed by the
60 Lieutenant Governor. All initial and subsequent appointments to
61 the board shall be with the advice and consent of the Senate.

62 (b) The board shall be composed of persons with
63 extensive knowledge of or practical experience in at least one of
64 the matters under the jurisdiction of the department. No board
65 member shall be an elected official of the State of Mississippi or
66 a political subdivision of the state.

67 (c) Of the Governor's appointments, one (1) member of
68 the board shall be appointed from each of the four (4)
69 congressional districts as constituted on July 1, 2002, and two
70 (2) members of the board shall be appointed from the state at
71 large. Of the Lieutenant Governor's appointments, one (1) member
72 of the board shall be appointed from each of the three (3) Supreme
73 Court districts as constituted on July 1, 2002.

74 (d) The initial members of the board shall be appointed
75 for staggered terms, as follows: Of the Governor's appointments,
76 two (2) members shall be appointed for terms that end on June 30,
77 2003; one (1) member shall be appointed for a term that ends on
78 June 30, 2004; two (2) members shall be appointed for terms that
79 end on June 30, 2005; and one (1) member shall be appointed for a
80 term that ends on June 30, 2006. Of the Lieutenant Governor's
81 appointments, one (1) member shall be appointed for a term that
82 ends on June 30, 2004; one (1) member shall be appointed for a
83 term that ends on June 30, 2005; and one (1) member shall be



84 appointed for a term that ends on June 30, 2006. All subsequent
85 appointments to the board shall be made by the original appointing
86 officer for terms of four (4) years from the expiration date of
87 the previous term. No person shall be appointed to the board for
88 more than two (2) consecutive terms.

89 (e) Any vacancy on the board before the expiration of a
90 term shall be filled by appointment of the original appointing
91 officer, with the advice and consent of the Senate. The person
92 appointed to fill the vacancy shall serve for the remainder of the
93 unexpired term.

94 (f) The members of the board shall elect one (1) member
95 to serve as chairman of the board at the first meeting. The board
96 shall elect a chairman once every two (2) years, and any person
97 who has previously served as chairman may be reelected as
98 chairman.

99 (g) Five (5) members of the board shall constitute a
100 quorum for the transaction of any business of the board. The
101 board shall hold regular monthly meetings, and other meetings as
102 may be necessary for the purpose of conducting such business as
103 may be required. All meetings shall be called by the chairman or
104 by a majority of the members of the board, except the first
105 meeting, which shall be called by the Governor. Any member who
106 does not attend three (3) consecutive regular meetings of the
107 board, except for illness, shall be subject to removal by a
108 majority vote of the members of the board.

109 (h) Members of the board shall receive the per diem
110 authorized under Section 25-3-69 for each day actually engaged in
111 the discharge of their official duties, and shall receive
112 reimbursement for mileage and necessary travel expenses incurred,
113 as provided in Section 25-3-41.

114 (3) (a) The chief administrative officer of the department
115 shall be the Executive Director of Human Services, who shall be
116 appointed as follows: The board shall submit to the Governor



117 three (3) nominees for the position of executive director not
118 later than fifteen (15) days before the date of the beginning of
119 the executive director's term. Each of the persons nominated for
120 executive director shall possess the qualifications prescribed in
121 paragraph (c) of this subsection. The Governor shall appoint the
122 executive director from the list of nominees submitted, within
123 thirty (30) days from the date that the Governor receives the list
124 of nominees from the board. If the Governor fails to appoint the
125 executive director from the list of nominees within thirty (30)
126 days, the board shall appoint the executive director from the list
127 of nominees within fifteen (15) days after the thirty-day period
128 for the Governor. The appointment of the executive director shall
129 be with the advice and consent of the Senate.

130 (b) The term of office of the executive director shall
131 be six (6) years, and the executive director may be removed by the
132 board only for cause, by a majority vote of the members of the
133 board. The term of the initial executive director that is
134 appointed for a term shall begin on February 1, 2004, and the
135 terms of subsequent executive directors that are appointed for a
136 full term shall begin on February 1 following the expiration of
137 the previous term.

138 (c) The executive director * * * shall possess the
139 following qualifications, which shall be certified by the State
140 Personnel Board:

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

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

148 (d) Any vacancy in the office of executive director
149 before the expiration of the term shall be filled by appointment



150 of the Governor or the board, as the case may be, with the advice
151 and consent of the Senate. The appointment to fill a vacancy
152 shall be made in the same manner as provided in paragraph (a) of
153 this subsection for a full term appointment, except that the board
154 shall submit the nominees to the Governor not later than twenty
155 (20) days after the vacancy occurs. The person appointed to fill
156 the vacancy shall serve for the remainder of the unexpired term.

157 (e) The executive director shall serve as secretary and
158 executive officer of the board. The executive director shall be
159 vested with all the authority of the board when it is not in
160 session, and shall be subject to such rules and regulations as may
161 be prescribed by the board. The executive director shall be
162 responsible to the board for the proper administration of all
163 programs under the jurisdiction of the department. Whenever the
164 executive director is given any duty or authority by law, the
165 executive director shall exercise that duty or authority in
166 accordance with the rules, regulations and policies adopted by the
167 board.

168 (f) The salary of the executive director shall be set
169 by the board, not to exceed the maximum amount set by the
170 Legislature.

171 (g) The provisions of paragraphs (a), (b) and (d) of
172 this subsection shall not be applicable until January 1, 2004.
173 Before January 1, 2004, the appointment of the executive director
174 shall be governed by the law that was in effect on June 30, 2002.

175 (4) (a) There shall be a Joint Oversight Committee of the
176 Department of Human Services composed of the respective chairmen
177 of the Senate Public Health and Welfare Committee, the Senate
178 Appropriations Committee, the House Public Health and Welfare
179 Committee and the House Appropriations Committee, two (2) members
180 of the Senate appointed by the Lieutenant Governor to serve at the
181 will and pleasure of the Lieutenant Governor, and two (2) members
182 of the House of Representatives appointed by the Speaker of the



183 House to serve at the will and pleasure of the Speaker. The
184 chairmanship of the committee shall alternate for twelve-month
185 periods between the Senate members and the House members, with the
186 Chairman of the Senate Public Health and Welfare Committee serving
187 as the first chairman.

188 **(b)** The committee shall meet once each month, or upon
189 the call of the chairman at such times as he deems necessary or
190 advisable. The committee or any individual member of the
191 committee may attend any meeting of the State Board of Human
192 Services, and may participate in any discussion occurring among
193 the board members at the meetings. The committee may make
194 recommendations to the Legislature pertaining to any matter within
195 the jurisdiction of the * * * department * * *.

196 **(c)** The appointing authorities may designate an
197 alternate member from their respective houses to serve when the
198 regular designee is unable to attend the meetings of the * * *
199 committee.

200 **(d)** For attending meetings of the * * * committee, the
201 legislators shall receive per diem and expenses, which shall be
202 paid from the contingent expense funds of their respective houses
203 in the same amounts as provided for committee meetings when the
204 Legislature is not in session; however, no per diem and expenses
205 for attending meetings of the committee will be paid while the
206 Legislature is in session. No per diem and expenses will be paid
207 except for attending meetings of the * * * committee without prior
208 approval of the proper committee in their respective houses.

209 **(5)** The * * * department, under the policy direction of the
210 board, shall provide the services authorized by law to every
211 individual determined to be eligible therefor. * * * In carrying
212 out the purposes of the department, the board is authorized:

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



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

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

226 (d) Except as limited by Section 43-1-3, to enter into,
227 and to authorize the executive director to execute, with the
228 approval of the board, contracts, grants and cooperative
229 agreements with any federal or state agency or subdivision
230 thereof, or any public or private institution located inside or
231 outside the State of Mississippi, or any person, corporation or
232 association in connection with carrying out the programs of the
233 department; and

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

237 (6) The executive director, with the approval of the board,
238 shall establish the organizational structure of the * * *
239 department, * * * which shall include the creation of any units
240 necessary to implement the duties assigned to the department and
241 consistent with specific requirements of law, including, but not
242 limited to:

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

244 (b) Office of Youth Services;

245 (c) Office of Economic Assistance;

246 (d) Office of Child Support Enforcement;

247 (e) Office of Aging and Adult Services;



248 (f) Office for Children and Youth;

249 (g) Office of Community Services.

250 (7) (a) The executive director * * * shall appoint the
251 heads of all offices, bureaus and divisions of the department, as
252 defined in Section 7-17-11, and any necessary supervisors,
253 assistants and employees of the department.

254 (b) Beginning on March 1, 2004, the heads of all
255 offices of the department that are named in subsection (6) of this
256 section shall be appointed by the executive director for terms of
257 six (6) years, with the advice and consent of the Senate, and may
258 be removed only for cause upon the recommendation of the executive
259 director, with the approval of a majority of the members of the
260 board. The terms of the initial office heads that are appointed
261 for terms shall begin on March 1, 2004, and the terms of
262 subsequent office heads that are appointed for a full term shall
263 begin on March 1 following the expiration of the previous term.
264 Any vacancy in the head of a named office before the expiration of
265 the term shall be filled by appointment of the executive director,
266 with the advice and consent of the Senate. The person appointed
267 to fill the vacancy shall serve for the remainder of the unexpired
268 term.

269 (c) The heads of all bureaus and divisions of the
270 department shall be state service employees, and the employment
271 and termination of the heads of bureaus and divisions shall be in
272 accordance with the rules and regulations of the State Personnel
273 Board.

274 (d) The salary and compensation of * * * office, bureau
275 and division heads and other employees of the department shall be
276 subject to the rules and regulations of the State Personnel
277 Board * * *.

278 (e) The executive director may organize offices as
279 deemed appropriate to carry out the responsibilities of the
280 department. The organization charts of the department shall be



281 presented annually with the budget request of the department for
282 review by the Legislature.

283 (8) This section shall stand repealed on July 1, 2005.

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

286 43-1-1. (1) The Department of Human Services shall be the
287 State Department of Public Welfare and shall retain all powers and
288 duties as granted to the State Department of Public Welfare. The
289 State Board of Human Services shall be the State Board of Public
290 Welfare and shall retain all powers and duties as granted to the
291 State Board of Public Welfare. Wherever the term "State
292 Department of Public Welfare" or "State Board of Public Welfare"
293 appears in any law, the term shall mean the Department of Human
294 Services or the State Board of Human Services, respectively. The
295 Executive Director of the Department of Human Services may assign
296 to the appropriate offices such powers and duties deemed
297 appropriate to carry out the lawful functions of the department.

298 (2) This section shall stand repealed on July 1, 2005.

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

301 43-1-3. Notwithstanding the authority granted under
302 subsection (5)(d) of Section 43-1-2, the State Board of Human
303 Services, the State Department of Human Services or the Executive
304 Director of Human Services shall not be authorized to delegate,
305 privatize or otherwise enter into a contract with a private entity
306 for the operation of any office, bureau or division of the
307 department, as defined in Section 7-17-11, without specific
308 authority to do so by general act of the Legislature. However,
309 nothing in this section shall be construed to invalidate:

310 (a) Any contract of the department that is in place and
311 operational before January 1, 1994; or

312 (b) The continued renewal of any such contract with the
313 same entity upon the expiration of the contract; or



314 (c) The execution of a contract with another legal
315 entity as a replacement of any such contract that is expiring,
316 provided that the replacement contract is substantially the same
317 as the expiring contract. * * *

318 This section shall stand repealed on July 1, 2005.

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

321 43-1-4. (1) The State Department of Human Services, under
322 the policy direction of the State Board of Human Services, shall
323 have the following powers and duties:

324 (a) To provide basic services and assistance statewide
325 to needy and disadvantaged individuals and families.

326 (b) To promote integration of the many services and
327 programs within its jurisdiction at the client level thus
328 improving the efficiency and effectiveness of service delivery and
329 providing easier access to clients.

330 (c) To develop a statewide comprehensive service
331 delivery plan in coordination with the Board of Health, the Board
332 of Mental Health, and the Department of Finance and
333 Administration. Such plan shall be developed and presented to the
334 Governor by January 1, 1990.

335 (d) To employ personnel and expend funds appropriated
336 to the department to carry out the duties and responsibilities
337 assigned to the department by law.

338 (2) The State Board of Human Services shall establish and
339 implement the following:

340 (a) Establish a review process to measure outcomes for
341 children and families who receive or formerly received benefits or
342 services from the department, in order to provide timely,
343 appropriate and cost-effective benefits and services to children.
344 This process shall include selected tracking studies of children
345 and their families who receive benefits or services from the
346 department, and those who formerly received benefits or services



347 from the department, to determine the effects on their lives of
348 receiving those benefits or services, and the effects on their
349 lives after no longer receiving those benefits or services.

350 (b) Establish a "single port of entry" structure in the
351 department with generic case managers who are trained to determine
352 the total needs of the child, in order to insure that the funds
353 available for children's services in different programs and state
354 agencies will follow the child. This structure shall be designed
355 to reduce the number and complexity of the forms that are used for
356 children to access different services provided by the department
357 or by other state agencies.

358 (c) Establish a process designed to maximize and
359 utilize, to the greatest extent possible, all federal funds that
360 are available for programs administered by the department or
361 benefits and services provided by the department. It is the
362 intent of the Legislature that the board, the department and the
363 executive director shall take whatever actions are necessary to
364 obtain the maximum amount of federal funds that are available for
365 department programs, benefits and services, and shall expend all
366 federal funds received by the department for those programs,
367 benefits and services.

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

370 43-1-5. It shall be the duty of the State Department of
371 Human Services to:

372 (a) Establish and maintain programs not inconsistent
373 with the terms of this chapter and the rules, regulations and
374 policies of the State Board of Human Services, and publish the
375 rules and regulations of the board pertaining to those programs.

376 (b) Make such reports in such form and containing such
377 information as the federal government may, from time to time,
378 require, and comply with such provisions as the federal government



379 may, from time to time, find necessary to assure the correctness
380 and verification of those reports.

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

386 (i) The total number of recipients;

387 (ii) The total amount paid to them in cash;

388 (iii) The maximum and the minimum amount paid to
389 any recipients in any one (1) month;

390 (iv) The total number of applications;

391 (v) The number granted;

392 (vi) The number denied;

393 (vii) The number cancelled;

394 (viii) The amount expended for administration of
395 the provisions of this chapter;

396 (ix) The amount of money received from the federal
397 government, if any;

398 (x) The amount of money received from recipients
399 of assistance and from their estates and the disposition of same;

400 (xi) Such other information and recommendations as
401 the Governor or the Legislature may require, or as the department
402 may deem advisable;

403 (xii) The number of state-owned automobiles
404 purchased and operated during the year by the department, the
405 number purchased and operated out of funds appropriated by the
406 Legislature, the number purchased and operated out of any other
407 public funds, the miles traveled per automobile, the total miles
408 traveled, the average cost per mile and depreciation estimate on
409 each automobile;



410 (xiii) The cost per mile and total number of miles
411 traveled by department employees in privately owned automobiles,
412 for which reimbursement is made out of state funds;

413 (xiv) Each association, convention or meeting
414 attended by any department employees, the purposes thereof, the
415 names of the employees attending and the total cost to the state
416 of such convention, association or meeting;

417 (xv) How the money appropriated to the
418 institutions under the jurisdiction of the department has been
419 expended during the preceding year, beginning and ending with the
420 fiscal year of each institution, exhibiting the salaries paid to
421 officers and employees of the institutions, and each and every
422 item of receipt and expenditure;

423 (xvi) The activities of each office of the
424 department, as defined in Section 7-17-11, and recommendations for
425 improvement of the services to be performed by each office;

426 (xvii) In order of authority, the twenty (20)
427 highest paid employees in the department receiving an annual
428 salary in excess of Forty Thousand Dollars (\$40,000.00), by PIN
429 number, job title, job description and annual salary.

430 Each report shall be balanced and shall begin with the
431 balance at the end of the preceding fiscal year, and if any
432 property belonging to the state or the institution is used for
433 profit, the report shall show the expenses incurred in managing
434 the property and the amount received from the same. Those reports
435 shall also show a summary of the gross receipts and gross
436 disbursements for each fiscal year, and shall show the money on
437 hand at the beginning of the fiscal period of each office of the
438 department.

439 This section shall stand repealed on July 1, 2005.

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



442 43-1-6. The following programs within the Division of
443 Federal-State Programs, Office of the Governor, shall be
444 transferred to the State Department of Human Services:

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

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

450 This section shall stand repealed on July 1, 2005.

451 **SECTION 7.** Section 43-1-9, Mississippi Code of 1972, is
452 amended as follows:

453 43-1-9. (1) There is created in each county of the state a
454 county department of human services, which shall consist of a
455 county director of human services, and such other personnel as may
456 be necessary for the efficient performance of the duties of the
457 county department. It shall be the duty of the board of
458 supervisors of each county to provide office space for the county
459 department.

460 (2) County director. The Executive Director of Human
461 Services shall designate, in accordance with the rules and
462 regulations of the State Personnel Board, * * * a county director
463 of human services who shall serve as the executive and
464 administrative officer of the county department and shall be
465 responsible to the state department for its management. The
466 director shall be a resident citizen of the county and shall not
467 hold any political office of the state, county, municipality or
468 subdivision thereof. However, in cases of emergency, the
469 Executive Director of Human Services may appoint a county director
470 of human services who is a nonresident of that county, to serve
471 during the period of emergency only.

472 (3) The county department of human services shall administer
473 within the county all forms of public assistance and welfare
474 services. The county department shall comply with such



475 regulations and submit such reports as may be established or
476 required by the state department. Subject to the approval of the
477 state department, the county department may cooperate with other
478 departments, agencies and institutions, state and local, when so
479 requested, in performing services in conformity with the
480 provisions of this chapter.

481 (4) In counties having two (2) judicial districts, the
482 Executive Director of Human Services may create and establish in
483 each of the judicial districts a separate county department of
484 human services, which shall consist of a county director of human
485 services and such other personnel as may be necessary for the
486 efficient performance of the duties of the department thus
487 established. In those cases the two (2) departments so
488 established shall be dealt with as though each is a separate and
489 distinct county department of human services, and each of the
490 departments and each of the directors shall operate and have
491 jurisdiction coextensive with the boundaries of the judicial
492 district in which it is established. In addition, in those cases
493 the words "county" and "director of human services" when used in
494 this chapter shall, where applicable, mean each judicial district,
495 and the director of human services appointed therefor. * * *

496 Where the board of supervisors is authorized to appropriate funds
497 or provide office space or like assistance for one (1)
498 county * * * department or director of human services, the board
499 may, as the case may be, appropriate the amount specified by law
500 or render the assistance required by law to each of the
501 departments or directors. * * * However, * * * the Executive
502 Director of Human Services shall not create and establish a
503 separate county department of human services under this paragraph
504 in any county in which a separate county department of public
505 welfare or county department of human services is not in existence
506 on January 1, 1983. In addition, in any county having two (2)
507 county departments of public welfare or county departments of



508 human services on January 1, 1983, but only one (1) county
509 director of public welfare or director of human services on that
510 date, the Executive Director of Human Services shall not authorize
511 and establish the second position of county director of human
512 services in that county.

513 (5) In any county not having two (2) judicial districts that
514 is greater than fifty (50) miles in length, the Executive Director
515 of Human Services may establish one (1) branch office of the
516 county department of human services which shall be staffed with
517 existing employees and administrative staff of the county
518 department for not less than four (4) days per week.

519 **SECTION 8.** Section 43-1-51, Mississippi Code of 1972, is
520 amended as follows:

521 43-1-51. There is * * * created within the Department of
522 Human Services a single and separate Office of Family and
523 Children's Services. The office shall be responsible for the
524 development, execution and provision of services in the following
525 areas:

- 526 (a) Protective services for children and adults;
- 527 (b) Foster care;
- 528 (c) Adoption services;
- 529 (d) Special services;
- 530 (e) Interstate compact;
- 531 (f) Licensure; and
- 532 (g) Such services as may be designated by the board.

533 Employees working in the office shall be limited to work
534 within the areas of service enumerated in this section. Services
535 enumerated under Section 43-15-13 et seq., for the foster care
536 program shall be provided by qualified staff with appropriate case
537 loads.

538 **SECTION 9.** Section 43-1-53, Mississippi Code of 1972, is
539 amended as follows:



540 43-1-53. (1) The Office of Family and Children's Services
541 shall be formed at each level of the Department of Human Services,
542 including state, regional and county levels. The Executive
543 Director of * * * Human Services shall appoint * * * a director of
544 the office in accordance with the provisions of Section 43-1-2(7).
545 The director shall have a master's degree in a field related to
546 children's services, and shall have no less than three (3) years'
547 experience in the field of service to children. In lieu of that
548 degree and experience, the director shall have a minimum of ten
549 (10) years' actual experience in the field of children's services.

550 (2) The state office of the Office of Family and Children's
551 Services shall develop policy, provide training and oversee the
552 implementation of services. The director shall establish such
553 planning and policy councils as may be necessary to carry out
554 these functions.

555 (3) The regional office of the Office of Family and
556 Children's Services shall consist of a regional services director
557 and a crisis intervention team to be dispatched on a case-by-case
558 basis by the regional services director. From and after July 1,
559 1998, the Department of Human Services shall at a minimum employ
560 and assign to the Office of Family and Children's Services two (2)
561 additional regional services directors for supervision of the
562 foster care program.

563 (4) Area offices. Each region shall be divided into three
564 (3) areas, each of which shall have two (2) supervisors and direct
565 service workers deployed at the county level, but not limited in
566 jurisdiction to that county.

567 (5) Counties. The area supervisors shall assign service
568 workers so that every county has an appropriate access point for
569 all services.

570 **SECTION 10.** Section 43-27-20, Mississippi Code of 1972, is
571 amended as follows:



572 43-27-20. (1) Within the Office of Youth Services of the
573 Department of Human Services there shall be a Bureau of Community
574 Services, which shall be headed by a director * * *. The director
575 shall hold a master's degree in social work or a related field and
576 shall have no less than three (3) years' experience in social
577 services, or in lieu of that degree and experience, * * * shall
578 have a minimum of eight (8) years' experience in social work or a
579 related field. The director shall employ and assign the community
580 workers to serve in the various areas in the state and any other
581 supporting personnel necessary to carry out the duties of the
582 bureau.

583 (2) The director of the bureau shall assign probation and
584 aftercare workers to the youth court or family court judges of the
585 various court districts, upon the request of the individual judge
586 on the basis of caseload and need, when funds are available. The
587 probation and aftercare workers shall live in their respective
588 districts, except upon approval of the director of the bureau.
589 The director of the bureau may assign a youth services counselor
590 to a district other than the district in which the youth services
591 counselor lives, upon the approval of the youth court judge of the
592 assigned district and the Director of the Office of Youth
593 Services. Every placement shall be with the approval of the youth
594 court or the family court judge, and a probation and aftercare
595 worker may be removed for cause from a youth or family court
596 district.

597 (3) Any counties or cities which, on July 1, 1973, have
598 court counselors or similar personnel may continue using this
599 personnel or may choose to come within the statewide framework.

600 (4) A probation and aftercare worker may be transferred by
601 the bureau from one court to another, after consultation with the
602 judge or judges in the court to which the employee is currently
603 assigned.



604 (5) The bureau shall have such duties as the Office of Youth
605 Services assigns to it, which shall include, but not be limited
606 to, the following:

607 (a) Preparing the social, educational and home-life
608 history and other diagnostic reports on the child for the benefit
609 of the court or the training school; however, this provision shall
610 not abridge the power of the court to require similar services
611 from other agencies, according to law.

612 (b) Serving in counseling capacities with the youth or
613 family courts.

614 (c) Serving as probation agents for the youth or family
615 courts.

616 (d) Serving, advising and counseling of children in the
617 various institutions under the control of the Bureau of Juvenile
618 Correctional Institutions as may be necessary to the placement of
619 the children in proper environment after release and the placement
620 of children in suitable jobs where necessary and proper.

621 (e) Supervising and guiding of children released or
622 conditionally released from institutions under the control of the
623 Bureau of Juvenile Correctional Institutions.

624 (f) Counseling in an aftercare program.

625 (g) Coordinating the activities of supporting community
626 agencies which aid in the social adjustment of children released
627 from the institution and in an aftercare program.

628 (h) Providing or arranging for necessary services
629 leading to the rehabilitation of delinquents, either within the
630 bureau or through cooperative arrangements with other appropriate
631 agencies.

632 (i) Providing counseling and supervision for any child
633 under ten (10) years of age who has been brought to the attention
634 of the court when other suitable personnel is not available and
635 upon request of the court concerned.



636 (j) Supervising the aftercare program and making
637 revocation investigations at the request of the court.

638 (6) This section shall stand repealed on July 1, 2003.

639 **SECTION 11.** Section 43-27-22, Mississippi Code of 1972, is
640 amended as follows:

641 43-27-22. (1) Within the Office of Youth Services of the
642 Department of Human Services there shall be a Bureau of Juvenile
643 Correctional Institutions, which shall be headed by a Director of
644 Juvenile Institutions * * *. The director * * * shall appoint the
645 individual * * * institutional administrators who, in turn, shall
646 have full power to select and employ personnel necessary to
647 operate the facility he directs, subject to the approval of the
648 Director of the Office of Youth Services.

649 (2) The bureau shall have such duties as the Director of the
650 Office of Youth Services assigns to it including, but not limited
651 to, the following:

652 (a) Operation and maintenance of training schools and
653 other facilities as may be needed to properly diagnose, care for,
654 train, educate and rehabilitate children and youths who have been
655 committed to or confined in the facilities or who are included in
656 the programs of the facilities.

657 (b) Fulfillment of the objectives of rehabilitation and
658 reformation of the youths confined in the schools, being careful
659 to employ no discipline, training or utilization of time and
660 efforts of those youths that * * * under any condition or in any
661 way interferes with those objectives.

662 (c) Grouping of the youths in the schools according to
663 age, sex and disciplinary needs with respect to their housing,
664 schooling, training, recreation and work, being careful to prevent
665 injury to the morals or interference with the training and
666 rehabilitation of the younger or correctable youths by those
667 considered to be less amenable to discipline and rehabilitation.



668 **SECTION 12.** Section 25-9-107, Mississippi Code of 1972, is
669 amended as follows:

670 25-9-107. The following terms, when used in this chapter,
671 unless a different meaning is plainly required by the context,
672 shall have the following meanings:

673 (a) "Board" * * * means the State Personnel Board
674 created under the provisions of this chapter.

675 (b) "State service" * * * means all employees of state
676 departments, agencies and institutions as defined in this section,
677 except those officers and employees excluded by this chapter.

678 (c) "Nonstate service" * * * means the following
679 officers and employees excluded from the state service by this
680 chapter. The following are excluded from the state service:

681 (i) Members of the state Legislature, their staffs
682 and other employees of the legislative branch;

683 (ii) The Governor and staff members of the
684 immediate Office of the Governor;

685 (iii) Justices and judges of the judicial branch
686 or members of appeals boards on a per diem basis;

687 (iv) The Lieutenant Governor, staff members of the
688 immediate Office of the Lieutenant Governor and officers and
689 employees directly appointed by the Lieutenant Governor;

690 (v) Officers and officials elected by popular vote
691 and persons appointed to fill vacancies in elective offices;

692 (vi) Members of boards and commissioners appointed
693 by the Governor, Lieutenant Governor or the state Legislature;

694 (vii) All academic officials, members of the
695 teaching staffs and employees of the state institutions of higher
696 learning, the State Board for Community and Junior Colleges, and
697 community and junior colleges;

698 (viii) Officers and enlisted members of the
699 National Guard of the state;



700 (ix) Prisoners, inmates, student or patient help
701 working in or about institutions;

702 (x) Contract personnel; however, any agency that
703 employs state service employees may enter into contracts for
704 personal and professional services only if those contracts are
705 approved in compliance with the rules and regulations promulgated
706 by the State Personal Service Contract Review Board under Section
707 25-9-120(3). Before paying any warrant for those contractual
708 services in excess of One Hundred Thousand Dollars (\$100,000.00),
709 the State Fiscal Officer shall determine whether the contract
710 involved was for personal or professional services, and, if so,
711 was approved by the State Personal Service Contract Review Board;

712 (xi) Part-time employees; * * * however, part-time
713 employees shall only be hired into authorized employment positions
714 classified by the board, shall meet minimum qualifications as set
715 by the board, and shall be paid in accordance with the Variable
716 Compensation Plan as certified by the board;

717 (xii) Persons appointed on an emergency basis for
718 the duration of the emergency; the effective date of the emergency
719 appointments shall not be earlier than the date approved by the
720 State Personnel Director, and shall be limited to thirty (30)
721 working days. Emergency appointments may be extended to sixty
722 (60) working days by the State Personnel Board;

723 (xiii) Physicians, dentists, veterinarians, nurse
724 practitioners and attorneys, while serving in their professional
725 capacities in authorized employment positions who are required by
726 statute to be licensed, registered or otherwise certified as such,
727 provided that the State Personnel Director shall verify that the
728 statutory qualifications are met before issuance of a payroll
729 warrant by the State Fiscal Officer;

730 (xiv) Personnel who are employed and paid from
731 funds received from a federal grant program that has been approved
732 by the Legislature or the Department of Finance and Administration



733 whose length of employment has been determined to be time-limited
734 in nature. This subparagraph shall apply to personnel employed
735 under the provisions of the Comprehensive Employment and Training
736 Act of 1973, as amended, and other special federal grant programs
737 that are not a part of regular federally funded programs in which
738 appropriations and employment positions are appropriated by the
739 Legislature. Those employees shall be paid in accordance with the
740 Variable Compensation Plan and shall meet all qualifications
741 required by federal statutes or by the Mississippi Classification
742 Plan;

743 (xv) The administrative head who is in charge of
744 any state department, agency, institution, board or commission,
745 in which the statute specifically authorizes the Governor, board,
746 commission or other authority to appoint the administrative
747 head; * * * however, * * * the salary of that administrative head
748 shall be determined by the State Personnel Board in accordance
749 with the Variable Compensation Plan unless otherwise fixed by
750 statute;

751 (xvi) The State Personnel Board shall exclude top
752 level positions if the incumbents determine and publicly advocate
753 substantive program policy and report directly to the agency head,
754 or the incumbents are required to maintain a direct confidential
755 working relationship with a key excluded official. * * * A
756 written job classification shall be approved by the board for each
757 such position, and positions so excluded shall be paid in
758 conformity with the Variable Compensation Plan. However, this
759 subparagraph (xvi) shall not apply to any position of the State
760 Department of Human Services that is specifically included in the
761 state service by law;

762 (xvii) Employees whose employment is solely in
763 connection with an agency's contract to produce, store or
764 transport goods, and whose compensation is derived therefrom;

765 (xviii) Repealed;



766 (xix) The associate director, deputy directors and
767 bureau directors within the Department of Agriculture and
768 Commerce;

769 (xx) Personnel employed by the Mississippi
770 Industries for the Blind; however, any agency may enter into
771 contracts for the personal services of MIB employees without the
772 prior approval of the State Personnel Board or the State Personal
773 Service Contract Review Board; however, any agency contracting for
774 the personal services of an MIB employee shall provide the MIB
775 employee with not less than the entry level compensation and
776 benefits that the agency would provide to a full-time employee of
777 the agency who performs the same services.

778 (d) "Agency" means any state board, commission,
779 committee, council, department or unit thereof created by the
780 Constitution or statutes if such board, commission, committee,
781 council, department, unit or the head thereof, is authorized to
782 appoint subordinate staff by the Constitution or statute, except a
783 legislative or judicial board, commission, committee, council,
784 department or unit thereof.

785 **SECTION 13.** This act shall take effect and be in force from
786 and after July 1, 2002.

