

By: Senator(s) Smith, Burton, Huggins,  
Gordon

To: Public Health and  
Welfare; Appropriations

SENATE BILL NO. 2140

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 board,  
210 shall provide the services authorized by law to every individual  
211 determined to be eligible therefor. \* \* \* In carrying out the  
212 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 department,  
239 which shall include the creation of any units necessary to  
240 implement the duties assigned to the department and consistent  
241 with specific requirements of law, including, but not limited to:

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

243 (b) Office of Youth Services;

244 (c) Office of Economic Assistance;

245 (d) Office of Child Support Enforcement;

246 (e) Office of Aging and Adult Services;

247 (f) Office for Children and Youth;



248           (g) Office of Community Services.

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

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

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

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

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





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

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

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

285 43-1-1. (1) The Department of Human Services shall be the  
286 State Department of Public Welfare and shall retain all powers and  
287 duties as granted to the State Department of Public Welfare. The  
288 State Board of Human Services shall be the State Board of Public  
289 Welfare and shall retain all powers and duties as granted to the  
290 State Board of Public Welfare. Wherever the term "State  
291 Department of Public Welfare" or "State Board of Public Welfare"  
292 appears in any law, the term shall mean the Department of Human  
293 Services or the State Board of Human Services, respectively. The  
294 Executive Director of the Department of Human Services may assign  
295 to the appropriate offices such powers and duties deemed  
296 appropriate to carry out the lawful functions of the department.

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

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

300 43-1-3. Notwithstanding the authority granted under  
301 subsection (5)(d) of Section 43-1-2, the State Board of Human  
302 Services, the State Department of Human Services or the Executive  
303 Director of Human Services shall not be authorized to delegate,  
304 privatize or otherwise enter into a contract with a private entity  
305 for the operation of any office, bureau or division of the  
306 department, as defined in Section 7-17-11, without specific  
307 authority to do so by general act of the Legislature. However,  
308 nothing in this section shall be construed to invalidate:

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

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



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

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

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

320           43-1-4. (1) The State Department of Human Services, under  
321 the policy direction of the State Board of Human Services, shall  
322 have the following powers and duties:

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

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

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

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

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

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



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

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

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

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

369 43-1-5. It shall be the duty of the State Department of  
370 Human Services to:

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

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



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

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

385                   (i) The total number of recipients;

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

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

389                   (iv) The total number of applications;

390                   (v) The number granted;

391                   (vi) The number denied;

392                   (vii) The number canceled;

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

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

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

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

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



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

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

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

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

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

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

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

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



441 43-1-6. The following programs within the Division of  
442 Federal-State Programs, Office of the Governor, shall be  
443 transferred to the State Department of Human Services:

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

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

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

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

452 43-1-9. (1) There is created in each county of the state a  
453 county department of human services, which shall consist of a  
454 county director of human services, and such other personnel as may  
455 be necessary for the efficient performance of the duties of the  
456 county department. It shall be the duty of the board of  
457 supervisors of each county to provide office space for the county  
458 department.

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

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



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

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

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



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

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

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

520 43-1-51. There is \* \* \* created within the Department of  
521 Human Services a single and separate Office of Family and  
522 Children's Services. The office shall be responsible for the  
523 development, execution and provision of services in the following  
524 areas:

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

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

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





539           43-1-53. (1) The Office of Family and Children's Services  
540 shall be formed at each level of the Department of Human Services,  
541 including state, regional and county levels. The Executive  
542 Director of \* \* \* Human Services shall appoint \* \* \* a director of of  
543 the office in accordance with the provisions of Section 43-1-2(7).  
544 The director shall have a master's degree in a field related to  
545 children's services, and shall have no less than three (3) years'  
546 experience in the field of service to children. In lieu of that  
547 degree and experience, the director shall have a minimum of ten  
548 (10) years' actual experience in the field of children's services.

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

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

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

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

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



571           43-27-20. (1) Within the Office of Youth Services of the  
572 Department of Human Services there shall be a Bureau of Community  
573 Services, which shall be headed by a director \* \* \*. The director  
574 shall hold a master's degree in social work or a related field and  
575 shall have no less than three (3) years' experience in social  
576 services, or in lieu of that degree and experience, \* \* \* shall  
577 have a minimum of eight (8) years' experience in social work or a  
578 related field. The director shall employ and assign the community  
579 workers to serve in the various areas in the state and any other  
580 supporting personnel necessary to carry out the duties of the  
581 bureau.

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

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

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



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

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

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

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

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

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

623           (f) Counseling in an aftercare program.

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

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

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



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

637       \* \* \*

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

640           43-27-22. (1) Within the Office of Youth Services of the  
641 Department of Human Services there shall be a Bureau of Juvenile  
642 Correctional Institutions, which shall be headed by a Director of  
643 Juvenile Institutions \* \* \*. The director \* \* \* shall appoint the  
644 individual \* \* \* institutional administrators who, in turn, shall  
645 have full power to select and employ personnel necessary to  
646 operate the facility he directs, subject to the approval of the  
647 Director of the Office of Youth Services.

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

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

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

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



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

669           25-9-107. The following terms, when used in this chapter,  
670 unless a different meaning is plainly required by the context,  
671 shall have the following meanings:

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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



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

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

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



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

766 (xviii) Repealed;

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

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

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

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

