

By: Senator(s) Little, Huggins

To: Public Health and Welfare

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 3207

1 AN ACT TO AMEND SECTIONS 43-1-1, 43-1-2, 43-1-3, 43-1-5 AND
2 43-1-6, MISSISSIPPI CODE OF 1972, WHICH CREATE THE DEPARTMENT OF
3 HUMAN SERVICES, PRESCRIBE ITS DUTIES AND RESPONSIBILITIES, PROVIDE
4 FOR THE APPOINTMENT OF AN EXECUTIVE DIRECTOR OF HUMAN SERVICES,
5 PROVIDE FOR THE AUTHORITY AND RESPONSIBILITIES OF THE EXECUTIVE
6 DIRECTOR, PROVIDE FOR A JOINT OVERSIGHT COMMITTEE OF THE
7 DEPARTMENT OF HUMAN SERVICES, PROVIDE THE STRUCTURE OF THE
8 DEPARTMENT AND TRANSFER THE PROGRAMS WITHIN THE DIVISION OF
9 FEDERAL-STATE PROGRAMS TO THE STATE DEPARTMENT OF HUMAN SERVICES,
10 TO EXTEND THE REPEAL DATES ON THOSE SECTIONS; AND FOR RELATED
11 PURPOSES.

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

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

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

24 (2) This section shall stand repealed on July 1, 2004.

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

27 43-1-2. (1) There is created the Mississippi Department of
28 Human Services, whose offices shall be located in Jackson,
29 Mississippi, and which shall be under the policy direction of the
30 Governor.



31 (2) The chief administrative officer of the department shall
32 be the Executive Director of Human Services. The Governor shall
33 appoint the Executive Director of Human Services with the advice
34 and consent of the Senate, and he shall serve at the will and
35 pleasure of the Governor, and until his successor is appointed and
36 qualified. The Executive Director of Human Services shall possess
37 the following qualifications:

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

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

44 Those qualifications shall be certified by the State
45 Personnel Board.

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



64 respective houses to serve when the regular designee is unable to
65 attend such meetings of the oversight committee. For attending
66 meetings of the oversight committee, such legislators shall
67 receive per diem and expenses which shall be paid from the
68 contingent expense funds of their respective houses in the same
69 amounts as provided for committee meetings when the Legislature is
70 not in session; however, no per diem and expenses for attending
71 meetings of the committee will be paid while the Legislature is in
72 session. No per diem and expenses will be paid except for
73 attending meetings of the oversight committee without prior
74 approval of the proper committee in their respective houses.

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

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

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

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

92 (d) Except as limited by Section 43-1-3, to enter into
93 and execute contracts, grants and cooperative agreements with any
94 federal or state agency or subdivision thereof, or any public or
95 private institution located inside or outside the State of



96 Mississippi, or any person, corporation or association in
97 connection with carrying out the programs of the department; and
98 (e) To discharge such other duties, responsibilities
99 and powers as are necessary to implement the programs of the
100 department.

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

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

107 (b) Office of Youth Services;

108 (c) Office of Economic Assistance;

109 (d) Office of Child Support.

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

121 (7) This section shall stand repealed on July 1, 2004.

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

124 43-1-3. Notwithstanding the authority granted under
125 subsection (4)(d) of Section 43-1-2, the Department of Human
126 Services or the Executive Director of Human Services shall not be
127 authorized to delegate, privatize or otherwise enter into a
128 contract with a private entity for the operation of any office,



129 bureau or division of the department, as defined in Section
130 7-17-11, without specific authority to do so by general act of the
131 Legislature. However, nothing in this section shall be construed
132 to invalidate (i) any contract of the department that is in place
133 and operational before January 1, 1994; or (ii) the continued
134 renewal of any such contract with the same entity upon the
135 expiration of the contract; or (iii) the execution of a contract
136 with another legal entity as a replacement of any such contract
137 that is expiring, provided that the replacement contract is
138 substantially the same as the expiring contract. Notwithstanding
139 any other provision of this section, the department shall be
140 authorized to continue the operation of its child support
141 collection program with a private entity on a pilot program basis
142 in Hinds and Warren Counties in Mississippi, and the department
143 and the private entity shall specifically be prohibited from
144 expanding such pilot program to any counties other than Hinds and
145 Warren Counties without specific authority to do so by amendment
146 to this section by general act of the Legislature. Before
147 December 15, 1994, the department shall provide a detailed report
148 to the Joint Oversight Committee established by Section 43-1-2 and
149 to the Legislature that describes the results of the pilot program
150 for the privatization of the department's child support collection
151 program as of December 1, 1994, including an evaluation of whether
152 there has been substantial compliance with the performance
153 standards specified in the contract for the private entity in
154 conducting the pilot program.

155 This section shall stand repealed on July 1, 2004.

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

158 43-1-5. It shall be the duty of the Department of Human
159 Services to:

160 (1) Establish and maintain programs not inconsistent with
161 the terms of this chapter and the rules, regulations and policies



162 of the State Department of Human Services, and publish the rules
163 and regulations of the department pertaining to such programs.

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

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

174 (a) The total number of recipients;

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

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

178 (d) The total number of applications;

179 (e) The number granted;

180 (f) The number denied;

181 (g) The number cancelled;

182 (h) The amount expended for administration of the
183 provisions of this chapter;

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

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

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

190 (l) The number of state-owned automobiles purchased and
191 operated during the year by the department, the number purchased
192 and operated out of funds appropriated by the Legislature, the
193 number purchased and operated out of any other public funds, the
194 miles traveled per automobile, the total miles traveled, the



195 average cost per mile and depreciation estimate on each
196 automobile;

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

200 (n) Each association, convention or meeting attended by
201 any department employees, the purposes thereof, the names of the
202 employees attending and the total cost to the state of such
203 convention, association or meeting;

204 (o) How the money appropriated to the institutions
205 under the jurisdiction of the department has been expended during
206 the preceding year, beginning and ending with the fiscal year of
207 each institution, exhibiting the salaries paid to officers and
208 employees of the institutions, and each and every item of receipt
209 and expenditure;

210 (p) The activities of each division within the
211 Department of Human Services and recommendations for improvement
212 of the services to be performed by each division;

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

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

226 This section shall stand repealed on July 1, 2004.



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

229 43-1-6. The following programs within the Division of
230 Federal-State Programs, Office of the Governor, shall be
231 transferred to the State Department of Human Services:

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

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

237 This section shall stand repealed on July 1, 2004.

238 **SECTION 6.** This act shall take effect and be in force from
239 and after June 30, 2002.

