

By: Senator(s) Little, Huggins

To: Public Health and Welfare

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24 (2) This section shall stand repealed on July 1, 2003.

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, 2003.

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, 2003.

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, 2003.



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, 2003.

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

