

By: Representatives Moody, Barnett (92nd),  
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Nicholson, Read, Stevens, Thomas, Whittington

To: Public Health and  
Welfare; Appropriations

## HOUSE BILL NO. 1333

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 APPROVAL OF  
29 THE BOARD; TO PROVIDE THAT THOSE OFFICE HEADS MAY BE REMOVED ONLY  
30 FOR CAUSE UPON THE RECOMMENDATION OF THE EXECUTIVE DIRECTOR, WITH  
31 THE APPROVAL OF THE BOARD; TO PROVIDE THAT THE HEADS OF ALL  
32 BUREAUS AND DIVISIONS OF THE DEPARTMENT SHALL BE STATE SERVICE  
33 EMPLOYEES, AND THE EMPLOYMENT AND TERMINATION OF BUREAU AND  
34 DIVISION HEADS SHALL BE IN ACCORDANCE WITH THE RULES AND  
35 REGULATIONS OF THE STATE PERSONNEL BOARD; TO EXTEND THE REPEALER  
36 DATE ON THE DEPARTMENT OF HUMAN SERVICES TO JULY 1, 2005; TO AMEND  
37 SECTION 43-1-4, MISSISSIPPI CODE OF 1972, TO DIRECT THE BOARD TO  
38 ESTABLISH A REVIEW PROCESS TO MEASURE OUTCOMES FOR CHILDREN AND  
39 FAMILIES WHO RECEIVE OR FORMERLY RECEIVED BENEFITS OR SERVICES  
40 FROM THE DEPARTMENT; TO DIRECT THE BOARD TO ESTABLISH A "SINGLE  
41 PORT OF ENTRY" STRUCTURE IN THE DEPARTMENT WITH GENERIC CASE  
42 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. The Governor and Lieutenant  
67 Governor shall give due regard to geographic distribution, race  
68 and gender in making their appointments to the board.

69           (c) Of the Governor's appointments, one (1) member of  
70 the board shall be appointed from each of the four (4)  
71 congressional districts as constituted on July 1, 2003, and two  
72 (2) members of the board shall be appointed from the state at  
73 large. Of the Lieutenant Governor's appointments, one (1) member  
74 of the board shall be appointed from each of the three (3) Supreme  
75 Court districts as constituted on July 1, 2003.

76           (d) The initial members of the board shall be appointed  
77 for staggered terms, as follows: Of the Governor's appointments,  
78 two (2) members shall be appointed for terms that end on June 30,  
79 2004; one (1) member shall be appointed for a term that ends on  
80 June 30, 2005; two (2) members shall be appointed for terms that  
81 end on June 30, 2006; and one (1) member shall be appointed for a  
82 term that ends on June 30, 2007. Of the Lieutenant Governor's  
83 appointments, one (1) member shall be appointed for a term that



84 ends on June 30, 2005; one (1) member shall be appointed for a  
85 term that ends on June 30, 2006; and one (1) member shall be  
86 appointed for a term that ends on June 30, 2007. All subsequent  
87 appointments to the board shall be made by the original appointing  
88 officer for terms of four (4) years from the expiration date of  
89 the previous term. No person shall be appointed to the board for  
90 more than two (2) consecutive terms.

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

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

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

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



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

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

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

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

146               (ii) A master's or doctoral degree from an  
147 accredited institution of higher learning and five (5) years'



148 experience in management, public administration, finance or  
149 accounting.

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

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

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

173 (g) The provisions of paragraphs (a), (b) and (d) of  
174 this subsection shall not be applicable until January 1, 2004.  
175 Before January 1, 2004, the appointment of the executive director  
176 shall be governed by the law that was in effect on June 30, 2003.

177 (4) (a) There shall be a Joint Oversight Committee of the  
178 Department of Human Services composed of the respective chairmen  
179 of the Senate Public Health and Welfare Committee, the Senate  
180 Appropriations Committee, the House Public Health and Welfare



181 Committee and the House Appropriations Committee, two (2) members  
182 of the Senate appointed by the Lieutenant Governor to serve at the  
183 will and pleasure of the Lieutenant Governor, and two (2) members  
184 of the House of Representatives appointed by the Speaker of the  
185 House to serve at the will and pleasure of the Speaker. The  
186 chairmanship of the committee shall alternate for twelve-month  
187 periods between the Senate members and the House members, with the  
188 Chairman of the Senate Public Health and Welfare Committee serving  
189 as the first chairman.

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

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

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

211           (5) The \* \* \* department, under the policy direction of the  
212 board, shall provide the services authorized by law to every



213 individual determined to be eligible therefor. In carrying out  
214 the purposes of the department, the board is authorized:

215 (a) To formulate the policy of the department regarding  
216 human services within the jurisdiction of the department;

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

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

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

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

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

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



- 246 (b) Office of Youth Services;  
247 (c) Office of Economic Assistance;  
248 (d) Office of Child Support Enforcement;  
249 (e) Office of Aging and Adult Services;  
250 (f) Office of Children and Youth;  
251 (g) Office of Community Services.

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

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

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

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





279           (e) The executive director may organize offices as  
280 deemed appropriate to carry out the responsibilities of the  
281 department. The organization charts of the department shall be  
282 presented annually with the budget request of the department for  
283 review by the Legislature.

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

285           **SECTION 2.** Section 43-1-4, Mississippi Code of 1972, is  
286 amended as follows:

287           43-1-4. (1) The State Department of Human Services, under  
288 the policy direction of the State Board of Human Services, shall  
289 have the following powers and duties:

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

292           (b) To promote integration of the many services and  
293 programs within its jurisdiction at the client level thus  
294 improving the efficiency and effectiveness of service delivery and  
295 providing easier access to clients.

296           (c) To develop a statewide comprehensive service  
297 delivery plan in coordination with the Board of Health, the Board  
298 of Mental Health, and the Department of Finance and  
299 Administration. Such plan shall be developed and presented to the  
300 Governor by January 1, 1990.

301           (d) To employ personnel and expend funds appropriated  
302 to the department to carry out the duties and responsibilities  
303 assigned to the department by law.

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

306           (a) Establish a review process to measure outcomes for  
307 children and families who receive or formerly received benefits or  
308 services from the department, in order to provide timely,  
309 appropriate and cost-effective benefits and services to children.  
310 This process shall include selected tracking studies of children  
311 and their families who receive benefits or services from the



312 department, and those who formerly received benefits or services  
313 from the department, to determine the effects on their lives of  
314 receiving those benefits or services, and the effects on their  
315 lives after no longer receiving those benefits or services.

316 (b) Establish a "single port of entry" structure in the  
317 department with generic case managers who are trained to determine  
318 the total needs of the child, in order to insure that the funds  
319 available for children's services in different programs and state  
320 agencies will follow the child. This structure shall be designed  
321 to reduce the number and complexity of the forms that are used for  
322 children to access different services provided by the department  
323 or by other state agencies.

324 (c) Establish a process designed to maximize and  
325 utilize, to the greatest extent possible, all federal funds that  
326 are available for programs administered by the department or  
327 benefits and services provided by the department. It is the  
328 intent of the Legislature that the board, the department and the  
329 executive director shall take whatever actions are necessary to  
330 obtain the maximum amount of federal funds that are available for  
331 department programs, benefits and services, and shall expend all  
332 federal funds received by the department for those programs,  
333 benefits and services.

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

336 43-1-1. (1) The Department of Human Services shall be the  
337 State Department of Public Welfare and shall retain all powers and  
338 duties as granted to the State Department of Public Welfare. The  
339 State Board of Human Services shall be the State Board of Public  
340 Welfare and shall retain all powers and duties as granted to the  
341 State Board of Public Welfare. Wherever the term "State  
342 Department of Public Welfare" or "State Board of Public Welfare"  
343 appears in any law, the term shall mean the Department of Human  
344 Services or the State Board of Human Services, respectively. The



345 Executive Director of the Department of Human Services may assign  
346 to the appropriate offices such powers and duties deemed  
347 appropriate to carry out the lawful functions of the department.

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

349 **SECTION 4.** Section 43-1-3, Mississippi Code of 1972, is  
350 amended as follows:

351 43-1-3. Notwithstanding the authority granted under  
352 subsection (5)(d) of Section 43-1-2, the State Board of Human  
353 Services, the State Department of Human Services or the Executive  
354 Director of Human Services shall not be authorized to delegate,  
355 privatize or otherwise enter into a contract with a private entity  
356 for the operation of any office, bureau or division of the  
357 department, as defined in Section 7-17-11, without specific  
358 authority to do so by general act of the Legislature. However,  
359 nothing in this section shall be construed to invalidate:

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

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

364 (c) The execution of a contract with another legal  
365 entity as a replacement of any such contract that is expiring,  
366 provided that the replacement contract is substantially the same  
367 as the expiring contract. \* \* \*

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

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

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

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



377           (b) Make such reports in such form and containing such  
378 information as the federal government may, from time to time,  
379 require, and comply with such provisions as the federal government  
380 may, from time to time, find necessary to assure the correctness  
381 and verification of those reports.

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

387                   (i) The total number of recipients;

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

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

391                   (iv) The total number of applications;

392                   (v) The number granted;

393                   (vi) The number denied;

394                   (vii) The number cancelled;

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

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

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

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

404                   (xii) The number of state-owned automobiles  
405 purchased and operated during the year by the department, the  
406 number purchased and operated out of funds appropriated by the  
407 Legislature, the number purchased and operated out of any other  
408 public funds, the miles traveled per automobile, the total miles



409 traveled, the average cost per mile and depreciation estimate on  
410 each automobile;

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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



473       (3) The county department of human services shall administer  
474 within the county all forms of public assistance and welfare  
475 services. The county department shall comply with such  
476 regulations and submit such reports as may be established or  
477 required by the state department. Subject to the approval of the  
478 state department, the county department may cooperate with other  
479 departments, agencies and institutions, state and local, when so  
480 requested, in performing services in conformity with the  
481 provisions of this chapter.

482       (4) In counties having two (2) judicial districts, the State  
483 Executive Director of Human Services may create and establish in  
484 each of the judicial districts a separate county department of  
485 human services which shall consist of a county director of human  
486 services and such other personnel as may be necessary for the  
487 efficient performance of the duties of the department thus  
488 established. In those cases the two (2) departments so  
489 established shall be dealt with as though each is a separate and  
490 distinct county department of human services, and each of the  
491 departments and each of the directors shall operate and have  
492 jurisdiction coextensive with the boundaries of the judicial  
493 district in which it is established. In addition, in those cases  
494 the words "county" and "director of human services" when used in  
495 this chapter shall, where applicable, mean each judicial district,  
496 and the director of human services appointed therefor. Where the  
497 board of supervisors is authorized to appropriate funds or provide  
498 office space or like assistance for one (1) county \* \* \*  
499 department or director of human services, the board may, as the  
500 case may be, appropriate the amount specified by law or render the  
501 assistance required by law to each of the departments or  
502 directors. \* \* \* However, \* \* \* the Executive Director of Human  
503 Services shall not create and establish a separate county  
504 department of human services under this paragraph in any county in  
505 which a separate county department of public welfare is not in



506 existence on January 1, 1983. In addition, in any county having  
507 two (2) county departments of public welfare or county departments  
508 of 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 Division 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 Division of Family and Children's Services two  
561 (2) 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 (1) court to another, after consultation with



602 the judge or judges in the court to which the employee is  
603 currently 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, 2005.

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 wherein the statute specifically authorizes the Governor, board,  
746 commission or other authority to appoint said 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, that 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, 2003.

