

By: Representative Holland

To: Public Health and Human
Services; AppropriationsCOMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 906

1 AN ACT TO AMEND SECTION 43-1-2, MISSISSIPPI CODE OF 1972, TO
2 CREATE THE HUMAN SERVICES PROFESSIONAL MONITORING BOARD TO MONITOR
3 THE POLICIES AND ACTIVITIES OF THE DEPARTMENT OF HUMAN SERVICES;
4 TO PROVIDE FOR THE MEMBERSHIP OF THE BOARD; TO PROVIDE THAT ONCE
5 EVERY THREE MONTHS, THE DEPARTMENT SHALL PRESENT THE BOARD WITH
6 THE STATE OF AFFAIRS OF THE DEPARTMENT, AND THE BOARD SHALL REPORT
7 BACK TO THE DEPARTMENT AND TO THE LEGISLATURE WITH AN EVALUATION
8 OF HOW WELL THE LONG-TERM OBJECTIVES OF THE DEPARTMENT ARE BEING
9 MET; TO EXTEND THE REPEALER ON THAT SECTION; AND FOR RELATED
10 PURPOSES.

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

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

14 43-1-2. (1) There is created the Mississippi Department of
15 Human Services, whose offices shall be located in Jackson,
16 Mississippi, and which shall be under the policy direction of the
17 Governor.

18 (2) The chief administrative officer of the department shall
19 be the Executive Director of Human Services. The Governor shall
20 appoint the Executive Director of Human Services with the advice
21 and consent of the Senate, and he or she shall serve at the will
22 and pleasure of the Governor, and until his or her successor is
23 appointed and qualified. The Executive Director of Human Services
24 shall possess the following qualifications:

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

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

31 Those qualifications shall be certified by the State
32 Personnel Board.

33 (3) There shall be a Joint Oversight Committee of the
34 Department of Human Services composed of the respective chairmen
35 of the Senate Public Health and Welfare Committee, the Senate
36 Appropriations Committee, the House Public Health and Human
37 Services Committee and the House Appropriations Committee, two (2)
38 members of the Senate appointed by the Lieutenant Governor to
39 serve at the will and pleasure of the Lieutenant Governor, and two
40 (2) members of the House of Representatives appointed by the
41 Speaker of the House to serve at the will and pleasure of the
42 Speaker. The chairmanship of the committee shall alternate for
43 twelve-month periods between the Senate members and the House
44 members, with the Chairman of the Senate Public Health and Welfare
45 Committee serving as the first chairman. The committee shall meet
46 once each month, or upon the call of the chairman at such times as
47 he deems necessary or advisable, and may make recommendations to
48 the Legislature pertaining to any matter within the jurisdiction
49 of the Mississippi Department of Human Services. The appointing
50 authorities may designate an alternate member from their
51 respective houses to serve when the regular designee is unable to
52 attend the meetings of the oversight committee. For attending
53 meetings of the oversight committee, those legislators shall
54 receive per diem and expenses, which shall be paid from the
55 contingent expense funds of their respective houses in the same
56 amounts as provided for committee meetings when the Legislature is
57 not in session; however, no per diem and expenses for attending
58 meetings of the committee will be paid while the Legislature is in
59 session. No per diem and expenses will be paid except for
60 attending meetings of the oversight committee without prior
61 approval of the proper committee in their respective houses.

62 (4) The State Department of Human Services shall provide the
63 services authorized by law to every individual determined to be

64 eligible therefor, and in carrying out the purposes of the
65 department, the executive director is authorized:

66 (a) To formulate the policy of the department regarding
67 human services within the jurisdiction of the department;

68 (b) To adopt, modify, repeal and promulgate, after due
69 notice and hearing, and where not otherwise prohibited by federal
70 or state law, to make exceptions to and grant exemptions and
71 variances from, and to enforce rules and regulations implementing
72 or effectuating the powers and duties of the department under any
73 and all statutes within the department's jurisdiction, all of
74 which shall be binding upon the county departments of human
75 services;

76 (c) To apply for, receive and expend any federal or
77 state funds or contributions, gifts, devises, bequests or funds
78 from any other source;

79 (d) Except as limited by Section 43-1-3, to enter into
80 and execute contracts, grants and cooperative agreements with any
81 federal or state agency or subdivision thereof, or any public or
82 private institution located inside or outside the State of
83 Mississippi, or any person, corporation or association in
84 connection with carrying out the programs of the department; and

85 (e) To discharge such other duties, responsibilities
86 and powers as are necessary to implement the programs of the
87 department.

88 (5) (a) There is created the Human Services Professional
89 Monitoring Board, which shall be composed of nine (9) members as
90 follows:

91 (i) The Chair of the Infant Mortality Task Force,
92 ex officio;

93 (ii) One (1) licensed social worker, to be
94 appointed by the Lieutenant Governor;

95 (iii) One (1) licensed attorney who is experienced
96 in children's issues, to be appointed by the Speaker of the House
97 of Representatives;

98 (iv) One (1) representative of an organization
99 that advocates for children's health issues, to be appointed by
100 the Governor;

101 (v) One (1) representative of an organization that
102 advocates for foster children, to be appointed by the Governor;

103 (vi) One (1) representative of a senior citizens'
104 advocacy group, to be appointed by the Governor;

105 (vii) One (1) consumer of services of the
106 department, to be appointed by the Lieutenant Governor;

107 (viii) One (1) consumer of services of the
108 department, to be appointed by the Speaker of the House of
109 Representatives; and

110 (ix) One (1) consumer of services of the
111 department, to be appointed by the Governor.

112 (b) The initial appointed members of the board shall be
113 appointed for staggered terms as follows: The members described
114 in subparagraphs (ii), (iii) and (iv) of paragraph (a) shall be
115 appointed for terms that end on June 30, 2006; the members
116 described in subparagraphs (v) and (vi) of paragraph (a) shall be
117 appointed for terms that end on June 30, 2008; and the members
118 described in subparagraphs (vii), (viii) and (ix) of paragraph (a)
119 shall be appointed for terms that end on June 30, 2010. All
120 appointments to the board after the expiration of the original
121 terms shall be made by the original appointing authorities for
122 terms of six (6) years from the expiration date of the previous
123 term. Any vacancy on the board before the expiration of a term
124 shall be filled by appointment of the original appointing
125 authority. The person appointed to fill the vacancy shall serve
126 for the remainder of the unexpired term.

127 (c) The Human Services Professional Monitoring Board
128 shall meet monthly to monitor the policies and activities of the
129 department. Once every three months, the department shall present
130 the board with the state of affairs of the department, and the
131 board shall report back to the department and to the Legislature
132 with an evaluation of how well the long-term objectives of the
133 department are being met.

134 (6) The executive director shall establish the
135 organizational structure of the Mississippi Department of Human
136 Services, which shall include the creation of any units necessary
137 to implement the duties assigned to the department and consistent
138 with specific requirements of law, including, but not limited to:

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

140 (b) Office of Youth Services;

141 (c) Office of Economic Assistance;

142 (d) Office of Child Support Enforcement.

143 (7) The Executive Director of Human Services shall appoint
144 heads of offices, bureaus and divisions, as defined in Section
145 7-17-11, who shall serve at the pleasure of the executive
146 director. The salary and compensation of those office, bureau and
147 division heads shall be subject to the rules and regulations
148 adopted and promulgated by the State Personnel Board as created
149 under Section 25-9-101 et seq. The executive director shall have
150 the authority to organize offices as deemed appropriate to carry
151 out the responsibilities of the department. The organization
152 charts of the department shall be presented annually with the
153 budget request of the Governor for review by the Legislature.

154 (8) This section shall stand repealed on July 1, 2006.

155 **SECTION 2.** This act shall take effect and be in force from
156 and after July 1, 2004.