

By: Senator(s) Nunnelee

To: Public Health and  
Welfare; Appropriations

SENATE BILL NO. 2841  
(As Passed the Senate)

1 AN ACT TO AMEND SECTIONS 43-1-1, 43-1-2, 43-1-5 AND 43-1-6,  
2 MISSISSIPPI CODE OF 1972, WHICH CREATE THE DEPARTMENT OF HUMAN  
3 SERVICES, PRESCRIBE ITS DUTIES AND RESPONSIBILITIES, PROVIDE FOR  
4 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, PROVIDE THE STRUCTURE OF THE DEPARTMENT AND TRANSFER  
8 THE PROGRAMS WITHIN THE DIVISION OF FEDERAL-STATE PROGRAMS TO THE  
9 DEPARTMENT, TO EXTEND THE AUTOMATIC REPEALERS ON THOSE SECTIONS;  
10 AND FOR RELATED PURPOSES.

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

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

14 43-1-1. (1) The Department of Human Services shall be the  
15 State Department of Public Welfare and shall retain all powers and  
16 duties as granted to the State Department of Public Welfare.

17 Wherever the term "State Department of Public Welfare" or "State  
18 Board of Public Welfare" appears in any law, the same shall mean  
19 the Department of Human Services. The Executive Director of the  
20 Department of Human Services may assign to the appropriate offices  
21 such powers and duties deemed appropriate to carry out the lawful  
22 functions of the department.

23 (2) The State Auditor shall conduct or have conducted a  
24 financial, inventory and compliance audit of the Department of  
25 Human Services and file a report with any recommendations to the  
26 Chairmen of the Senate Public Health and Welfare Committee and the  
27 House Public Health and Human Services Committee on or before  
28 November 1, 2004, which shall include any findings of  
29 noncompliance by the federal Department of Health and Human  
30 Services.

31 (3) This section shall stand repealed on July 1, 2006.

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

34           43-1-2. (1) There is created the Mississippi Department of  
35 Human Services, whose offices shall be located in Jackson,  
36 Mississippi, and which shall be under the policy direction of the  
37 Governor.

38           (2) The chief administrative officer of the department shall  
39 be the Executive Director of Human Services. The Governor shall  
40 appoint the Executive Director of Human Services with the advice  
41 and consent of the Senate, and he shall serve at the will and  
42 pleasure of the Governor, and until his successor is appointed and  
43 qualified. The Executive Director of Human Services shall possess  
44 the following qualifications:

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

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

51           Those qualifications shall be certified by the State  
52 Personnel Board.

53           (3) There shall be a Joint Oversight Committee of the  
54 Department of Human Services composed of the respective Chairmen  
55 of the Senate Public Health and Welfare Committee, the Senate  
56 Appropriations Committee, the House Public Health and Welfare  
57 Committee and the House Appropriations Committee, two (2) members  
58 of the Senate appointed by the Lieutenant Governor to serve at the  
59 will and pleasure of the Lieutenant Governor, and two (2) members  
60 of the House of Representatives appointed by the Speaker of the  
61 House to serve at the will and pleasure of the Speaker. The  
62 chairmanship of the committee shall alternate for twelve-month  
63 periods between the Senate members and the House members, with the  
64 Chairman of the Senate Public Health and Welfare Committee serving

65 as the first chairman. The committee shall meet once each month,  
66 or upon the call of the chairman at such times as he deems  
67 necessary or advisable, and may make recommendations to the  
68 Legislature pertaining to any matter within the jurisdiction of  
69 the Mississippi Department of Human Services. The appointing  
70 authorities may designate an alternate member from their  
71 respective houses to serve when the regular designee is unable to  
72 attend such meetings of the oversight committee. For attending  
73 meetings of the oversight committee, such legislators shall  
74 receive per diem and expenses which shall be paid from the  
75 contingent expense funds of their respective houses in the same  
76 amounts as provided for committee meetings when the Legislature is  
77 not in session; however, no per diem and expenses for attending  
78 meetings of the committee will be paid while the Legislature is in  
79 session. No per diem and expenses will be paid except for  
80 attending meetings of the oversight committee without prior  
81 approval of the proper committee in their respective houses.

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

86 (a) To formulate the policy of the department regarding  
87 human services within the jurisdiction of the department;

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

96 (c) To apply for, receive and expend any federal or  
97 state funds or contributions, gifts, devises, bequests or funds  
98 from any other source;

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

105 (e) To discharge such other duties, responsibilities  
106 and powers as are necessary to implement the programs of the  
107 department.

108 (5) The executive director shall establish the  
109 organizational structure of the Mississippi Department of Human  
110 Services which shall include the creation of any units necessary  
111 to implement the duties assigned to the department and consistent  
112 with specific requirements of law, including, but not limited to:

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

114 (b) Office of Youth Services;

115 (c) Office of Economic Assistance;

116 (d) Office of Child Support.

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

128 (7) This section shall stand repealed on July 1, 2006.

129           **SECTION 3.** Section 43-1-5, Mississippi Code of 1972, is  
130 amended as follows:

131           43-1-5. It shall be the duty of the Department of Human  
132 Services to:

133           (1) Establish and maintain programs not inconsistent with  
134 the terms of this chapter and the rules, regulations and policies  
135 of the State Department of Human Services, and publish the rules  
136 and regulations of the department pertaining to such programs.

137           (2) Make such reports in such form and containing such  
138 information as the federal government may, from time to time,  
139 require, and comply with such provisions as the federal government  
140 may, from time to time, find necessary to assure the correctness  
141 and verification of such reports.

142           (3) Within ninety (90) days after the end of each fiscal  
143 year, and at each regular session of the Legislature, make and  
144 publish one (1) report to the Governor and to the Legislature,  
145 showing for the period of time covered, in each county and for the  
146 state as a whole:

147                   (a) The total number of recipients;

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

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

151                   (d) The total number of applications;

152                   (e) The number granted;

153                   (f) The number denied;

154                   (g) The number cancelled;

155                   (h) The amount expended for administration of the  
156 provisions of this chapter;

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

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

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

163           (l) The number of state-owned automobiles purchased and  
164 operated during the year by the department, the number purchased  
165 and operated out of funds appropriated by the Legislature, the  
166 number purchased and operated out of any other public funds, the  
167 miles traveled per automobile, the total miles traveled, the  
168 average cost per mile and depreciation estimate on each  
169 automobile;

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

173           (n) Each association, convention or meeting attended by  
174 any department employees, the purposes thereof, the names of the  
175 employees attending and the total cost to the state of such  
176 convention, association or meeting;

177           (o) How the money appropriated to the institutions  
178 under the jurisdiction of the department has been expended during  
179 the preceding year, beginning and ending with the fiscal year of  
180 each institution, exhibiting the salaries paid to officers and  
181 employees of the institutions, and each and every item of receipt  
182 and expenditure;

183           (p) The activities of each division within the  
184 Department of Human Services and recommendations for improvement  
185 of the services to be performed by each division;

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

190           Each report shall be balanced and shall begin with the  
191 balance at the end of the preceding fiscal year, and if any  
192 property belonging to the state or the institution is used for  
193 profit such report shall show the expenses incurred in managing

194 the property and the amount received from the same. Such reports  
195 shall also show a summary of the gross receipts and gross  
196 disbursements for each fiscal year and shall show the money on  
197 hand at the beginning of the fiscal period of each division and  
198 institution of the department.

199 This section shall stand repealed on July 1, 2006.

200 **SECTION 4**. Section 43-1-6, Mississippi Code of 1972, is  
201 amended as follows:

202 43-1-6. The following programs within the Division of  
203 Federal-State Programs, Office of the Governor, shall be  
204 transferred to the State Department of Human Services:

- 205 (a) Office of Energy and Community Services;  
206 (b) Juvenile Justice Advisory Committee; and  
207 (c) Mississippi Council on Aging.

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

210 This section shall stand repealed on July 1, 2006.

211 **SECTION 5**. This act shall take effect and be in force from  
212 and after June 30, 2004.