

## House Amendments to Senate Bill No. 2841

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

### AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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

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

28           (2) This section shall stand repealed on July 1, 2006.

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

31           43-1-2. (1) There is created the Mississippi Department of  
32 Human Services, whose offices shall be located in Jackson,  
33 Mississippi, and which shall be under the policy direction of the  
34 Governor.

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

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

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

48           Those qualifications shall be certified by the State  
49 Personnel Board.

50           (3) There shall be a Joint Oversight Committee of the  
51 Department of Human Services composed of the respective chairmen  
52 of the Senate Public Health and Welfare Committee, the Senate  
53 Appropriations Committee, the House Public Health and Human  
54 Services Committee and the House Appropriations Committee, four  
55 (4) members of the Senate appointed by the Lieutenant Governor to  
56 serve at the will and pleasure of the Lieutenant Governor, and  
57 four (4) members of the House of Representatives appointed by the  
58 Speaker of the House to serve at the will and pleasure of the  
59 Speaker. The chairmanship of the committee shall alternate for  
60 twelve-month periods between the Senate members and the House  
61 members, with the Chairman of the Senate Public Health and Welfare  
62 Committee serving as the first chairman. The committee shall meet  
63 once each month, or upon the call of the chairman at such times as  
64 he or she deems necessary or advisable, and may make  
65 recommendations to the Legislature pertaining to any matter within  
66 the jurisdiction of the Mississippi Department of Human Services.  
67 The appointing authorities may designate an alternate member from  
68 their respective houses to serve when the regular designee is  
69 unable to attend the meetings of the oversight committee. For  
70 attending meetings of the oversight committee, the legislators  
71 shall receive per diem and expenses, which shall be paid from the  
72 contingent expense funds of their respective houses in the same  
73 amounts as provided for committee meetings when the Legislature is  
74 not in session; however, no per diem and expenses for attending  
75 meetings of the committee will be paid while the Legislature is in  
76 session. No per diem and expenses will be paid except for

77 attending meetings of the oversight committee without prior  
78 approval of the proper committee in their respective houses.

79 (4) The \* \* \* Department of Human Services shall provide the  
80 services authorized by law to every individual determined to be  
81 eligible therefor, and in carrying out the purposes of the  
82 department, the executive director is authorized:

83 (a) To formulate the policy of the department regarding  
84 human services within the jurisdiction of the department;

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

93 (c) To apply for, receive and expend any federal or  
94 state funds or contributions, gifts, devises, bequests or funds  
95 from any other source;

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

102 (e) To discharge such other duties, responsibilities  
103 and powers as are necessary to implement the programs of the  
104 department.

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

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

111 (b) Office of Youth Services;

112 (c) Office of Economic Assistance;

113 (d) Office of Child Support Enforcement.

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

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

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

128 43-1-3. Notwithstanding the authority granted under  
129 subsection (4)(d) of Section 43-1-2, the Department of Human  
130 Services or the Executive Director of Human Services shall not be  
131 authorized to delegate, privatize or otherwise enter into a  
132 contract with a private entity for the operation of any office,  
133 bureau or division of the department, as defined in Section  
134 7-17-11, without specific authority to do so by general act of the  
135 Legislature. However, nothing in this section shall be construed  
136 to invalidate (i) any contract of the department that is in place  
137 and operational before January 1, 1994; or (ii) the continued  
138 renewal of any such contract with the same entity upon the  
139 expiration of the contract; or (iii) the execution of a contract  
140 with another legal entity as a replacement of any such contract  
141 that is expiring, provided that the replacement contract is  
142 substantially the same as the expiring contract. \* \* \*

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

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

146 43-1-5. It shall be the duty of the Department of Human  
147 Services to:

148 (1) Establish and maintain programs not inconsistent with  
149 the terms of this chapter and the rules, regulations and policies  
150 of the \* \* \* Department of Human Services, and publish the rules  
151 and regulations of the department pertaining to those programs.

152 (2) Make such reports in such form and containing such  
153 information as the federal government may, from time to time,  
154 require, and comply with such provisions as the federal government  
155 may, from time to time, find necessary to assure the correctness  
156 and verification of such reports.

157 (3) Within ninety (90) days after the end of each fiscal  
158 year, and at each regular session of the Legislature, make and  
159 publish one (1) report to the Governor and to the Legislature,  
160 showing for the period of time covered, in each county and for the  
161 state as a whole:

162 (a) The total number of recipients;

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

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

166 (d) The total number of applications;

167 (e) The number granted;

168 (f) The number denied;

169 (g) The number cancelled;

170 (h) The amount expended for administration of the  
171 provisions of this chapter;

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

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

176 (k) Such other information and recommendations as the  
177 Governor may require or the department \* \* \* deems advisable;

178 (l) The number of state-owned automobiles purchased and  
179 operated during the year by the department, the number purchased  
180 and operated out of funds appropriated by the Legislature, the

181 number purchased and operated out of any other public funds, the  
182 miles traveled per automobile, the total miles traveled, the  
183 average cost per mile and depreciation estimate on each  
184 automobile;

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

188 (n) Each association, convention or meeting attended by  
189 any department employees, the purposes thereof, the names of the  
190 employees attending and the total cost to the state of the  
191 convention, association or meeting;

192 (o) How the money appropriated to the institutions  
193 under the jurisdiction of the department has been expended during  
194 the preceding year, beginning and ending with the fiscal year of  
195 each institution, exhibiting the salaries paid to officers and  
196 employees of the institutions, and each and every item of receipt  
197 and expenditure;

198 (p) The activities of each division within the  
199 Department of Human Services and recommendations for improvement  
200 of the services to be performed by each division;

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

205 Each report shall be balanced and shall begin with the  
206 balance at the end of the preceding fiscal year, and if any  
207 property belonging to the state or the institution is used for  
208 profit, the report shall show the expenses incurred in managing  
209 the property and the amount received from the same. Those reports  
210 shall also show a summary of the gross receipts and gross  
211 disbursements for each fiscal year and shall show the money on  
212 hand at the beginning of the fiscal period of each division and  
213 institution of the department.

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

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

217           43-1-6. The following programs within the Division of  
218 Federal-State Programs, Office of the Governor, shall be  
219 transferred to the \* \* \* Department of Human Services:

- 220           (a) Office of Energy and Community Services;  
221           (b) Juvenile Justice Advisory Committee; and  
222           (c) Mississippi Council on Aging.

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

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

226           **SECTION 6.** This act shall take effect and be in force from  
227 and after July 1, 2004.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

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, 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 REPEAL DATES ON THOSE SECTIONS; TO  
10 FURTHER AMEND SECTION 43-1-2, MISSISSIPPI CODE OF 1972, TO EXPAND  
11 THE MEMBERSHIP OF THE JOINT OVERSIGHT COMMITTEE; TO FURTHER AMEND  
12 SECTION 43-1-3, MISSISSIPPI CODE OF 1972, TO DELETE THE AUTHORITY  
13 OF THE DEPARTMENT TO OPERATE ITS CHILD SUPPORT COLLECTION PROGRAM  
14 WITH A PRIVATE ENTITY ON A PILOT PROGRAM BASIS; AND FOR RELATED  
15 PURPOSES.

HR07\SB2841A.J

Don Richardson  
Clerk of the House of Representatives