

By: Senator(s) Nunnelee

To: Public Health and
Welfare

SENATE BILL NO. 2005

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 AND PROVIDE THE STRUCTURE OF THE DEPARTMENT, TO EXTEND
8 THE AUTOMATIC REPEALERS ON THOSE SECTIONS TO JULY 1, 2005; AND FOR
9 RELATED PURPOSES.

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

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

13 43-1-1. (1) The Department of Human Services shall be the
14 State Department of Public Welfare and shall retain all powers and
15 duties as granted to the State Department of Public Welfare.

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

22 (2) This section shall stand repealed on July 1, 2005.

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

25 43-1-2. (1) There is created the Mississippi Department of
26 Human Services, whose offices shall be located in Jackson,
27 Mississippi, and which shall be under the policy direction of the
28 Governor.

29 (2) The chief administrative officer of the department shall
30 be the Executive Director of Human Services. The Governor shall

31 appoint the Executive Director of Human Services with the advice
32 and consent of the Senate, and he shall serve at the will and
33 pleasure of the Governor, and until his successor is appointed and
34 qualified. The Executive Director of Human Services shall possess
35 the following qualifications:

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

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

42 Those qualifications shall be certified by the State
43 Personnel Board.

44 (3) There shall be a Joint Oversight Committee of the
45 Department of Human Services composed of the respective chairmen
46 of the Senate Public Health and Welfare Committee, the Senate
47 Appropriations Committee, the House Public Health and Welfare
48 Committee and the House Appropriations Committee, two (2) members
49 of the Senate appointed by the Lieutenant Governor to serve at the
50 will and pleasure of the Lieutenant Governor, and two (2) members
51 of the House of Representatives appointed by the Speaker of the
52 House to serve at the will and pleasure of the Speaker. The
53 chairmanship of the committee shall alternate for twelve-month
54 periods between the Senate members and the House members, with the
55 Chairman of the Senate Public Health and Welfare Committee serving
56 as the first chairman. The committee shall meet once each month,
57 or upon the call of the chairman at such times as he deems
58 necessary or advisable, and may make recommendations to the
59 Legislature pertaining to any matter within the jurisdiction of
60 the Mississippi Department of Human Services. The appointing
61 authorities may designate an alternate member from their
62 respective houses to serve when the regular designee is unable to
63 attend such meetings of the oversight committee. For attending

64 meetings of the oversight committee, such legislators shall
65 receive per diem and expenses which shall be paid from the
66 contingent expense funds of their respective houses in the same
67 amounts as provided for committee meetings when the Legislature is
68 not in session; however, no per diem and expenses for attending
69 meetings of the committee will be paid while the Legislature is in
70 session. No per diem and expenses will be paid except for
71 attending meetings of the oversight committee without prior
72 approval of the proper committee in their respective houses.

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

77 (a) To formulate the policy of the department regarding
78 human services within the jurisdiction of the department;

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

87 (c) To apply for, receive and expend any federal or
88 state funds or contributions, gifts, devises, bequests or funds
89 from any other source;

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

96 (e) To discharge such other duties, responsibilities
97 and powers as are necessary to implement the programs of the
98 department.

99 (5) The executive director shall establish the
100 organizational structure of the Mississippi Department of Human
101 Services which shall include the creation of any units necessary
102 to implement the duties assigned to the department and consistent
103 with specific requirements of law, including, but not limited to:

- 104 (a) Office of Family and Children's Services;
- 105 (b) Office of Youth Services;
- 106 (c) Office of Economic Assistance;
- 107 (d) Office of Child Support.

108 (6) The Executive Director of Human Services shall appoint
109 heads of offices, bureaus and divisions, as defined in Section
110 7-17-11, who shall serve at the pleasure of the executive
111 director. The salary and compensation of such office, bureau and
112 division heads shall be subject to the rules and regulations
113 adopted and promulgated by the State Personnel Board as created
114 under Section 25-9-101 et seq. The executive director shall have
115 the authority to organize offices as deemed appropriate to carry
116 out the responsibilities of the department. The organization
117 charts of the department shall be presented annually with the
118 budget request of the Governor for review by the Legislature.

119 (7) This section shall stand repealed on July 1, 2005.

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

122 43-1-3. Notwithstanding the authority granted under
123 subsection (4)(d) of Section 43-1-2, the Department of Human
124 Services or the Executive Director of Human Services shall not be
125 authorized to delegate, privatize or otherwise enter into a
126 contract with a private entity for the operation of any office,
127 bureau or division of the department, as defined in Section
128 7-17-11, without specific authority to do so by general act of the

129 Legislature. However, nothing in this section shall be construed
130 to invalidate (i) any contract of the department that is in place
131 and operational before January 1, 1994; or (ii) the continued
132 renewal of any such contract with the same entity upon the
133 expiration of the contract; or (iii) the execution of a contract
134 with another legal entity as a replacement of any such contract
135 that is expiring, provided that the replacement contract is
136 substantially the same as the expiring contract. Notwithstanding
137 any other provision of this section, the department shall be
138 authorized to continue the operation of its child support
139 collection program with a private entity on a pilot program basis
140 in Hinds and Warren Counties in Mississippi, and the department
141 and the private entity shall specifically be prohibited from
142 expanding such pilot program to any counties other than Hinds and
143 Warren Counties without specific authority to do so by amendment
144 to this section by general act of the Legislature. Before
145 December 15, 1994, the department shall provide a detailed report
146 to the Joint Oversight Committee established by Section 43-1-2 and
147 to the Legislature that describes the results of the pilot program
148 for the privatization of the department's child support collection
149 program as of December 1, 1994, including an evaluation of whether
150 there has been substantial compliance with the performance
151 standards specified in the contract for the private entity in
152 conducting the pilot program.

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

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

156 43-1-5. It shall be the duty of the Department of Human
157 Services to:

158 (1) Establish and maintain programs not inconsistent with
159 the terms of this chapter and the rules, regulations and policies
160 of the State Department of Human Services, and publish the rules
161 and regulations of the department pertaining to such programs.

162 (2) Make such reports in such form and containing such
163 information as the federal government may, from time to time,
164 require, and comply with such provisions as the federal government
165 may, from time to time, find necessary to assure the correctness
166 and verification of such reports.

167 (3) Within ninety (90) days after the end of each fiscal
168 year, and at each regular session of the Legislature, make and
169 publish one (1) report to the Governor and to the Legislature,
170 showing for the period of time covered, in each county and for the
171 state as a whole:

172 (a) The total number of recipients;

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

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

176 (d) The total number of applications;

177 (e) The number granted;

178 (f) The number denied;

179 (g) The number cancelled;

180 (h) The amount expended for administration of the
181 provisions of this chapter;

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

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

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

188 (l) The number of state-owned automobiles purchased and
189 operated during the year by the department, the number purchased
190 and operated out of funds appropriated by the Legislature, the
191 number purchased and operated out of any other public funds, the
192 miles traveled per automobile, the total miles traveled, the
193 average cost per mile and depreciation estimate on each
194 automobile;

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

198 (n) Each association, convention or meeting attended by
199 any department employees, the purposes thereof, the names of the
200 employees attending and the total cost to the state of such
201 convention, association or meeting;

202 (o) How the money appropriated to the institutions
203 under the jurisdiction of the department has been expended during
204 the preceding year, beginning and ending with the fiscal year of
205 each institution, exhibiting the salaries paid to officers and
206 employees of the institutions, and each and every item of receipt
207 and expenditure;

208 (p) The activities of each division within the
209 Department of Human Services and recommendations for improvement
210 of the services to be performed by each division;

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

215 Each report shall be balanced and shall begin with the
216 balance at the end of the preceding fiscal year, and if any
217 property belonging to the state or the institution is used for
218 profit such report shall show the expenses incurred in managing
219 the property and the amount received from the same. Such reports
220 shall also show a summary of the gross receipts and gross
221 disbursements for each fiscal year and shall show the money on
222 hand at the beginning of the fiscal period of each division and
223 institution of the department.

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

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

227 43-1-6. The following programs within the Division of
228 Federal-State Programs, Office of the Governor, shall be
229 transferred to the State Department of Human Services:

- 230 (a) Office of Energy and Community Services;
231 (b) Juvenile Justice Advisory Committee; and
232 (c) Mississippi Council on Aging.

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

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

236 **SECTION 6.** This act shall take effect and be in force from
237 and after June 30, 2004.