

By: Representatives Evans, Dedeaux,
Straughter, Watson

To: Public Health and Human
Services

HOUSE BILL NO. 698

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.

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

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28 (2) This section shall stand repealed on July 1, 2006.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, 2005.