

By: Senator(s) Nunnelee

To: Public Health and  
Welfare; Appropriations

SENATE BILL NO. 2489

1 AN ACT TO AMEND SECTION 43-1-2, MISSISSIPPI CODE OF 1972, TO  
2 PROVIDE THAT THE DEPARTMENT OF HUMAN SERVICES SHALL BE THE SOLE  
3 ADMINISTRATOR OF ALL FEDERAL FUNDS THAT ARE AVAILABLE TO  
4 MISSISSIPPI FOR PROGRAMS THAT SERVICE THE MENTORING NEEDS OF  
5 "AT-RISK" YOUTH AND TO AUTHORIZE THE DEPARTMENT TO EXPEND SUCH  
6 FUNDS WITHOUT CONTRACTING THE PROGRAMS TO ANOTHER STATE AGENCY;  
7 AND FOR RELATED PURPOSES.

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

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

11 43-1-2. (1) There is created the Mississippi Department of  
12 Human Services, whose offices shall be located in Jackson,  
13 Mississippi, and which shall be under the policy direction of the  
14 Governor.

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

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

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

28 Those qualifications shall be certified by the State  
29 Personnel Board.

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

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

63           (a) To formulate the policy of the department regarding  
64 human services within the jurisdiction of the department;

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

73           (c) To apply for, receive and expend any federal or  
74 state funds or contributions, gifts, devises, bequests or funds  
75 from any other source;

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

82           (e) To discharge such other duties, responsibilities  
83 and powers as are necessary to implement the programs of the  
84 department.

85           (5) The executive director shall establish the  
86 organizational structure of the Mississippi Department of Human  
87 Services which shall include the creation of any units necessary  
88 to implement the duties assigned to the department and consistent  
89 with specific requirements of law, including, but not limited to:

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

91           (b) Office of Youth Services;

92           (c) Office of Economic Assistance;

93           (d) Office of Child Support.

94           (6) The Executive Director of Human Services shall appoint  
95 heads of offices, bureaus and divisions, as defined in Section

96 7-17-11, who shall serve at the pleasure of the executive  
97 director. The salary and compensation of such office, bureau and  
98 division heads shall be subject to the rules and regulations  
99 adopted and promulgated by the State Personnel Board as created  
100 under Section 25-9-101 et seq. The executive director shall have  
101 the authority to organize offices as deemed appropriate to carry  
102 out the responsibilities of the department. The organization  
103 charts of the department shall be presented annually with the  
104 budget request of the Governor for review by the Legislature.

105 (7) The Mississippi Department of Human Services shall be  
106 the sole administrator of TANF and any other federal or other  
107 special source funds that become available to the State of  
108 Mississippi to serve the mentoring needs of "at-risk" youth in the  
109 state, including, but not limited to, Boys and Girls Clubs of  
110 Mississippi, Big Brothers Big Sisters of America, Communities in  
111 Schools, Families First Resource Centers and the State Coalition  
112 of Young Men's Christian Association (YMCA), and to accept, budget  
113 and expend such funds in a manner consistent with the rules and  
114 regulations of the federal government and the Department of  
115 Finance and Administration. The department shall not be required  
116 to contract the administration of such at-risk youth services to  
117 another state agency. Allocation and escalation authority for  
118 such special source funds for at-risk service programs shall be  
119 specified in the Department of Human Services' annual  
120 appropriation bill.

121 (8) This section shall stand repealed on July 1, 2007.

122 **SECTION 2.** This act shall take effect and be in force from  
123 and after July 1, 2005.