

## House Amendments to Senate Bill No. 2009

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:

7       **SECTION 1.** Section 43-1-1, Mississippi Code of 1972, is  
8 reenacted as follows:

9       43-1-1. (1) The Department of Human Services shall be the  
10 State Department of Public Welfare and shall retain all powers and  
11 duties as granted to the State Department of Public Welfare.  
12 Wherever the term "State Department of Public Welfare" or "State  
13 Board of Public Welfare" appears in any law, the same shall mean  
14 the Department of Human Services. The Executive Director of the  
15 Department of Human Services may assign to the appropriate offices  
16 such powers and duties deemed appropriate to carry out the lawful  
17 functions of the department.

18       (2) This section shall stand repealed on July 1, 2009.

19       **SECTION 2.** Section 43-1-2, Mississippi Code of 1972, is  
20 reenacted as follows:

21       43-1-2. (1) There is created the Mississippi Department of  
22 Human Services, whose offices shall be located in Jackson,  
23 Mississippi, and which shall be under the policy direction of the  
24 Governor.

25       (2) The chief administrative officer of the department shall  
26 be the Executive Director of Human Services. The Governor shall  
27 appoint the Executive Director of Human Services with the advice  
28 and consent of the Senate, and he or she shall serve at the will  
29 and pleasure of the Governor, and until his or her successor is  
30 appointed and qualified. The Executive Director of Human Services  
31 shall possess the following qualifications:

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

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

38           Those qualifications shall be certified by the State  
39 Personnel Board.

40           (3) There shall be a Joint Oversight Committee of the  
41 Department of Human Services composed of the respective chairmen  
42 of the Senate Public Health and Welfare Committee, the Senate  
43 Appropriations Committee, the House Public Health and Human  
44 Services Committee and the House Appropriations Committee, four  
45 (4) members of the Senate appointed by the Lieutenant Governor to  
46 serve at the will and pleasure of the Lieutenant Governor, and  
47 four (4) members of the House of Representatives appointed by the  
48 Speaker of the House to serve at the will and pleasure of the  
49 Speaker. The chairmanship of the committee shall alternate for  
50 twelve-month periods between the Senate members and the House  
51 members, on May 1 of each year, with the Chairman of the Senate  
52 Public Health and Welfare Committee serving as chairman beginning  
53 in even-numbered years, and the Chairman of the House Public  
54 Health and Human Services Committee serving as chairman beginning  
55 in odd-numbered years. The committee shall meet once each month,  
56 or upon the call of the chairman at such times as he or she deems  
57 necessary or advisable, and may make recommendations to the  
58 Legislature pertaining to any matter within the jurisdiction of  
59 the Department of Human Services. The appointing authorities may  
60 designate an alternate member from their respective houses to  
61 serve when the regular designee is unable to attend the meetings  
62 of the oversight committee. For attending meetings of the  
63 oversight committee, the legislators shall receive per diem and  
64 expenses, which shall be paid from the contingent expense funds of  
65 their respective houses in the same amounts as provided for  
66 committee meetings when the Legislature is not in session;

67 however, no per diem and expenses for attending meetings of the  
68 committee will be paid while the Legislature is in session. No  
69 per diem and expenses will be paid except for attending meetings  
70 of the oversight committee without prior approval of the proper  
71 committee in their respective houses.

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

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

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

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

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

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

98 (5) The executive director shall establish the  
99 organizational structure of the Department of Human Services,  
100 which shall include the creation of any units necessary to

101 implement the duties assigned to the department and consistent  
102 with specific requirements of law including, but not limited to:

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

104 (b) Office of Youth Services;

105 (c) Office of Economic Assistance;

106 (d) Office of Child Support Enforcement.

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

118 (7) This section shall stand repealed on July 1, 2009.

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

121 43-1-3. Notwithstanding the authority granted under  
122 subsection (4)(d) of Section 43-1-2, the Department of Human  
123 Services or the Executive Director of Human Services shall not be  
124 authorized to delegate, privatize or otherwise enter into a  
125 contract with a private entity for the operation of any office,  
126 bureau or division of the department, as defined in Section  
127 7-17-11, without specific authority to do so by general act of the  
128 Legislature. However, nothing in this section shall be construed  
129 to invalidate (a) any contract of the department that is in place  
130 and operational before January 1, 1994; or (b) the continued  
131 renewal of any such contract with the same entity upon the  
132 expiration of the contract; or (c) the execution of a contract  
133 with another legal entity as a replacement of any such contract  
134 that is expiring, provided that the replacement contract is  
135 substantially the same as the expiring contract.

136 This section shall stand repealed on July 1, 2009.

137 **SECTION 4.** Section 43-1-5, Mississippi Code of 1972, is  
138 reenacted as follows:

139 43-1-5. It shall be the duty of the Department of Human  
140 Services to:

141 (1) Establish and maintain programs not inconsistent with  
142 the terms of this chapter and the rules, regulations and policies  
143 of the Department of Human Services, and publish the rules and  
144 regulations of the department pertaining to those programs.

145 (2) Make such reports in such form and containing such  
146 information as the federal government may, from time to time,  
147 require, and comply with such provisions as the federal government  
148 may, from time to time, find necessary to assure the correctness  
149 and verification of those reports.

150 (3) Within ninety (90) days after the end of each fiscal  
151 year, and at each regular session of the Legislature, make and  
152 publish one (1) report to the Governor and to the Legislature,  
153 showing for the period of time covered, in each county and for the  
154 state as a whole:

- 155 (a) The total number of recipients;
- 156 (b) The total amount paid to them in cash;
- 157 (c) The maximum and the minimum amount paid to any  
158 recipients in any one (1) month;
- 159 (d) The total number of applications;
- 160 (e) The number granted;
- 161 (f) The number denied;
- 162 (g) The number cancelled;
- 163 (h) The amount expended for administration of the  
164 provisions of this chapter;
- 165 (i) The amount of money received from the federal  
166 government, if any;
- 167 (j) The amount of money received from recipients of  
168 assistance and from their estates and the disposition of same;
- 169 (k) Such other information and recommendations as the  
170 Governor may require or the department deems advisable;

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

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

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

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

(p) The activities of each office within the department and recommendations for improvement of the services to be performed by each office;

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

Each report shall be balanced and shall begin with the balance at the end of the preceding fiscal year, and if any property belonging to the state or the institution is used for profit, the report shall show the expenses incurred in managing the property and the amount received from the same. Those reports shall also show a summary of the gross receipts and gross disbursements for each fiscal year and shall show the money on

205 hand at the beginning of the fiscal period of each division and  
206 institution of the department.

207 This section shall stand repealed on July 1, 2009.

208 **SECTION 5.** Section 43-1-6, Mississippi Code of 1972, is  
209 reenacted as follows:

210 43-1-6. The following programs within the Division of  
211 Federal-State Programs, Office of the Governor, shall be  
212 transferred to the Department of Human Services:

- 213 (a) Office of Energy and Community Services;
- 214 (b) Juvenile Justice Advisory Committee; and
- 215 (c) Mississippi Council on Aging.

216 All authority to implement those programs shall be vested in  
217 the Department of Human Services.

218 This section shall stand repealed on July 1, 2009.

219 **SECTION 6.** This act shall take effect and be in force from  
220 and after July 1, 2005.

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

1 AN ACT TO REENACT 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 AND THE EXECUTIVE DIRECTOR OF HUMAN SERVICES AND  
4 PRESCRIBE THEIR POWERS AND DUTIES, AND WHICH WERE REPEALED BY  
5 OPERATION OF LAW ON JULY 1, 2004; AND FOR RELATED PURPOSES.

HR40\SB2009A.J

Don Richardson  
Clerk of the House of Representatives