

By: Senator(s) Nunnelee

To: Public Health and  
Welfare; Appropriations

SENATE BILL NO. 2542

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 Human  
34 Services Committee and the House Appropriations Committee, three  
35 (3) members of the Senate appointed by the Lieutenant Governor to  
36 serve at the will and pleasure of the Lieutenant Governor, and  
37 three (3) members of the House of Representatives appointed by the  
38 Speaker of the House to serve at the will and pleasure of the  
39 Speaker. The chairmanship of the committee shall alternate for  
40 twelve-month periods between the Senate members and the House  
41 members, on May 1 of each year, with the Chairman of the Senate  
42 Public Health and Welfare Committee serving as chairman beginning  
43 in even-numbered years, and the Chairman of the House Public  
44 Health and Human Services Committee serving as chairman beginning  
45 in odd-numbered years. The committee shall meet once each  
46 quarter, or upon the call of the chairman at such times as he  
47 deems necessary or advisable, and may make recommendations to the  
48 Legislature pertaining to any matter within the jurisdiction of  
49 the Mississippi Department of Human Services. The appointing  
50 authorities may designate an alternate member from their  
51 respective houses to serve when the regular designee is unable to  
52 attend such meetings of the oversight committee. For attending  
53 meetings of the oversight committee, such legislators shall  
54 receive per diem and expenses which shall be paid from the  
55 contingent expense funds of their respective houses in the same  
56 amounts as provided for committee meetings when the Legislature is  
57 not in session; however, no per diem and expenses for attending  
58 meetings of the committee will be paid while the Legislature is in  
59 session. No per diem and expenses will be paid except for  
60 attending meetings of the oversight committee without prior  
61 approval of the proper committee in their respective houses.

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

66 (a) To formulate the policy of the department regarding  
67 human services within the jurisdiction of the department;

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

76 (c) To apply for, receive and expend any federal or  
77 state funds or contributions, gifts, devises, bequests or funds  
78 from any other source;

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

85 (e) To discharge such other duties, responsibilities  
86 and powers as are necessary to implement the programs of the  
87 department.

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

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

94 (b) Office of Youth Services;

95 (c) Office of Economic Assistance;

96 (d) Office of Child Support Enforcement.

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

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

124 (8) This section shall stand repealed on July 1, 2009.

125 **SECTION 2.** This act shall take effect and be in force from  
126 and after July 1, 2006.