

By: Senator(s) Nunnelee

To: Public Health and
Welfare; Appropriations

SENATE BILL NO. 2174

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, 2007.