

By: Representatives Mims, Dixon

To: Public Health and Human
Services

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1147

1 AN ACT TO AMEND SECTIONS 43-1-1, 43-1-2, 43-1-3, 43-1-5, AND
2 43-27-20, MISSISSIPPI CODE OF 1972, TO EXTEND THE AUTOMATIC
3 REPEALERS ON CERTAIN STATUTES RELATING TO THE ADMINISTRATION OF
4 THE MISSISSIPPI DEPARTMENT OF HUMAN SERVICES; AND FOR RELATED
5 PURPOSES.

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

7 **SECTION 1.** Section 43-1-1, Mississippi Code of 1972, is
8 amended 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 Human
15 Services may assign to the appropriate offices such powers and
16 duties deemed appropriate to carry out the lawful functions of the
17 department.

18 (2) This section shall stand repealed on July 1, * * * 2023.



19 **SECTION 2.** Section 43-1-2, Mississippi Code of 1972, is
20 amended 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 shall serve at the will and
29 pleasure of the Governor, and until his successor is appointed and
30 qualified. The Executive Director of Human Services shall possess
31 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, three
45 (3) members of the Senate appointed by the Lieutenant Governor to
46 serve at the will and pleasure of the Lieutenant Governor, and
47 three (3) 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
56 quarter, or upon the call of the chairman at such times as he
57 deems necessary or advisable, and may make recommendations to the
58 Legislature pertaining to any matter within the jurisdiction of
59 the Mississippi Department of Human Services. The appointing
60 authorities may designate an alternate member from their
61 respective houses to serve when the regular designee is unable to
62 attend such meetings of the oversight committee. For attending
63 meetings of the oversight committee, such legislators shall
64 receive per diem and expenses which shall be paid from the
65 contingent expense funds of their respective houses in the same
66 amounts as provided for committee meetings when the Legislature is
67 not in session; however, no per diem and expenses for attending
68 meetings of the committee will be paid while the Legislature is in



69 session. No per diem and expenses will be paid except for
70 attending meetings of the oversight committee without prior
71 approval of the proper 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



Mississippi, or any person, corporation or association in connection with carrying out the programs of the department; and

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

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

(a) Office of Family Children's Services;

(b) Office of Youth Services;

(c) Office of Economic Assistance;

(d) Office of Child Support Enforcement; or

(e) Office of Field Operations to administer any state or county level programs under the purview of the Mississippi Department of Human Services, with the exception of programs which fall under paragraphs (a) and (b) above.

(6) The Executive Director of Human Services shall appoint heads of offices, bureaus and divisions, as defined in Section 7-17-11, who shall serve at the pleasure of the executive director. The salary and compensation of such office, bureau and division heads shall be subject to the rules and regulations adopted and promulgated by the State Personnel Board as created under Section 25-9-101 et seq. The executive director shall have



the authority to organize offices as deemed appropriate to carry out the responsibilities of the department. The organization charts of the department shall be presented annually with the budget request of the Governor for review by the Legislature.

(7) This section shall stand repealed on July 1, * * * 2023.

SECTION 3. Section 43-1-3, Mississippi Code of 1972, is amended as follows:

43-1-3. Notwithstanding the authority granted under subsection (4) (d) of Section 43-1-2, the Department of Human Services or the Executive Director of Human Services shall not be authorized to delegate, privatize or otherwise enter into a contract with a private entity for the operation of any office, bureau or division of the department, as defined in Section 7-17-11, without specific authority to do so by general act of the Legislature. However, nothing in this section shall be construed to invalidate * * * (a) any contract of the department that is in place and operational before January 1, 1994; or * * * (b) the continued renewal of any such contract with the same entity upon the expiration of the contract; or * * * (c) the execution of a contract with another legal entity as a replacement of any such contract that is expiring, provided that the replacement contract is substantially the same as the expiring contract. Nothing in this section shall prohibit the Department of Human Services or the Executive Director of Human Services from entering into any contract with vendors or contractors intended to improve



performance, reduce costs or increase efficiency, so long as the contract remains under the supervision or control of an office, bureau or division of the department, and provided that no county office of the department may be closed unless the Legislature specifically authorizes its closure in advance of the closure.

This section shall stand repealed on July 1, * * * 2023.

SECTION 4. Section 43-1-5, Mississippi Code of 1972, is amended as follows:

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

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

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

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

(a) The total number of recipients;



168 (b) The total amount paid to them in cash;
169 (c) The maximum and the minimum amount paid to any
170 recipients in any one (1) month;
171 (d) The total number of applications;
172 (e) The number granted;
173 (f) The number denied;
174 (g) The number cancelled;
175 (h) The amount expended for administration of the
176 provisions of this chapter;
177 (i) The amount of money received from the federal
178 government, if any;
179 (j) The amount of money received from recipients of
180 assistance and from their estates and the disposition of same;
181 (k) Such other information and recommendations as the
182 Governor may require or the department shall deem advisable;
183 (l) The number of state-owned automobiles purchased and
184 operated during the year by the department, the number purchased
185 and operated out of funds appropriated by the Legislature, the
186 number purchased and operated out of any other public funds, the
187 miles traveled per automobile, the total miles traveled, the
188 average cost per mile and depreciation estimate on each
189 automobile;
190 (m) The cost per mile and total number of miles
191 traveled by department employees in privately owned automobiles,
192 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 such 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 of Human Services and recommendations for improvement of the services to be performed by each division.

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, such report shall show the expenses incurred in managing the property and the amount received from the same. Such reports shall also show a summary of the gross receipts and gross disbursements for each fiscal year and shall show the money on hand at the beginning of the fiscal period of each division and institution of the department.

This section shall stand repealed on July 1, * * * 2023.

SECTION 5. Section 43-27-20, Mississippi Code of 1972, is amended as follows:



218 43-27-20. (a) Within the Department of Youth Services there
219 shall be a Division of Community Services which shall be headed by
220 a director appointed by and responsible to the Director of the
221 Department of Youth Services. He shall hold a master's degree in
222 social work or a related field and shall have no less than three
223 (3) years' experience in social services, or in lieu of such
224 degree and experience, he shall have a minimum of eight (8) years'
225 experience in social work or a related field. He shall employ and
226 assign the community workers to serve in the various areas in the
227 state and any other supporting personnel necessary to carry out
228 the duties of the Division of Community Services.

229 (b) The Director of the Division of Community Services shall
230 assign probation and aftercare workers to the youth court or
231 family court judges of the various court districts upon the
232 request of the individual judge on the basis of caseload and need,
233 when funds are available. The probation and aftercare workers
234 shall live in their respective districts except upon approval of
235 the Director of the Division of Community Services. The Director
236 of the Division of Community Services is authorized to assign a
237 youth services counselor to a district other than the district in
238 which the youth services counselor lives upon the approval of the
239 youth court judge of the assigned district and the Director of the
240 Division of Youth Services. Every placement shall be with the
241 approval of the youth court or the family court judge, and a



probation and aftercare worker may be removed for cause from a youth or family court district.

(c) Any counties or cities which, on July 1, 1973, have court counselors or similar personnel may continue using this personnel or may choose to come within the statewide framework.

(d) A probation and aftercare worker may be transferred by the division from one (1) court to another after consultation with the judge or judges in the court to which the employee is currently assigned.

(e) The Division of Community Services shall have such duties as the Department of Youth Services shall assign to it which shall include, but not be limited to, the following:

(1) Preparing the social, educational and home-life history and other diagnostic reports on the child for the benefit of the court or the training school; however, this provision shall not abridge the power of the court to require similar services from other agencies, according to law.

(2) Serving in counseling capacities with the youth or family courts.

(3) Serving as probation agents for the youth or family courts.

(4) Serving, advising and counseling of children in the various institutions under the control of the Division of Juvenile Institutions as may be necessary to the placement of the children



in proper environment after release and the placement of children
in suitable jobs where necessary and proper.

(5) Supervising and guiding of children released or
conditionally released from institutions under the control of the
Division of Juvenile Institutions.

(6) Counseling in an aftercare program.

(7) Coordinating the activities of supporting community
agencies which aid in the social adjustment of children released
from the institution and in an aftercare program.

(8) Providing or arranging for necessary services
leading to the rehabilitation of delinquents, either within the
division or through cooperative arrangements with other
appropriate agencies.

(9) Providing counseling and supervision for any child
under ten (10) years of age who has been brought to the attention
of the court when other suitable personnel is not available and
upon request of the court concerned.

(10) Supervising the aftercare program and making
revocation investigations at the request of the court.

(11) Implement a Standardized Risk Assessment Tool for
use in the community.

(12) Develop a graduated sanctions policy for use
within the community.

(f) This section shall stand repealed on July 1, * * * 2023.



290 **SECTION 6.** This act shall take effect and be in force from
291 and after July 1, 2019.

