

By: Representative Roberson

To: Public Health and Human Services

HOUSE BILL NO. 398

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 DATE OF THE  
3 REPEALERS ON THOSE STATUTES CREATING AND RELATING TO THE  
4 ADMINISTRATION OF THE MISSISSIPPI DEPARTMENT OF HUMAN SERVICES;  
5 AND FOR RELATED 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18 (2) This section shall stand repealed on July 1, \* \* \* 2026.



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



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 Mississippi Department of Human  
100 Services which shall include the creation of any units necessary  
101 to 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 Children's Services;
- 104 (b) Office of Youth Services;
- 105 (c) Office of Economic Assistance;
- 106 (d) Office of Child Support Enforcement; or
- 107 (e) Office of Field Operations to administer any state  
108 or county level programs under the purview of the Mississippi  
109 Department of Human Services, with the exception of programs which  
110 fall under paragraphs (a) and (b) above.

111 (6) The Executive Director of Human Services shall appoint  
112 heads of offices, bureaus and divisions, as defined in Section  
113 7-17-11, who shall serve at the pleasure of the executive  
114 director. The salary and compensation of such office, bureau and  
115 division heads shall be subject to the rules and regulations  
116 adopted and promulgated by the State Personnel Board as created  
117 under Section 25-9-101 et seq. The executive director shall have



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

122 (7) This section shall stand repealed on July 1, \* \* \* 2026.

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

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



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

148 This section shall stand repealed on July 1, \* \* \* 2026.

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

151 43-1-5. It shall be the duty of the Department of Human  
152 Services to:

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

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

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

167 (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;





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

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

203           (p) The activities of each office within the Department  
204 of Human Services and recommendations for improvement of the  
205 services to be performed by each division.

206           Each report shall be balanced and shall begin with the  
207 balance at the end of the preceding fiscal year, and if any  
208 property belonging to the state or the institution is used for  
209 profit, such report shall show the expenses incurred in managing  
210 the property and the amount received from the same. Such reports  
211 shall also show a summary of the gross receipts and gross  
212 disbursements for each fiscal year and shall show the money on  
213 hand at the beginning of the fiscal period of each division and  
214 institution of the department.

215           This section shall stand repealed on July 1, \* \* \* 2026.

216           **SECTION 5.** Section 43-27-20, Mississippi Code of 1972, is  
217 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



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

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

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

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

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

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

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

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



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

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

271 (6) Counseling in an aftercare program.

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

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

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

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

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

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

289 (f) This section shall stand repealed on July 1, \* \* \* 2026.



290           **SECTION 6.** This act shall take effect and be in force from  
291 and after July 1, 2023.

