

By: Senator(s) Bryan

To: Public Health and Welfare

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2369

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 CERTAIN STATUTES RELATING TO THE ADMINISTRATION OF
4 THE MISSISSIPPI DEPARTMENT OF HUMAN SERVICES; TO UPDATE THE
5 ORGANIZATIONAL STRUCTURE OF THE DEPARTMENT AND THE DUTIES OF THE
6 OFFICE OF COMMUNITY SERVICES WITHIN THE DIVISION OF YOUTH SERVICES
7 OF THE DEPARTMENT; AND FOR RELATED PURPOSES.

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

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

11 43-1-1. (1) The Department of Human Services shall be the
12 State Department of Public Welfare and shall retain all powers and
13 duties as granted to the State Department of Public Welfare.

14 Wherever the term "State Department of Public Welfare" or "State
15 Board of Public Welfare" appears in any law, the same shall mean
16 the Department of Human Services. The Executive Director of Human
17 Services may assign to the appropriate offices such powers and
18 duties deemed appropriate to carry out the lawful functions of the
19 department.

20 (2) This section shall stand repealed on July 1, * * * 2027.



21 **SECTION 2.** Section 43-1-2, Mississippi Code of 1972, is
22 amended as follows:

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

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

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

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

40 Those qualifications shall be certified by the State
41 Personnel Board.

42 (3) There shall be a Joint Oversight Committee of the
43 Department of Human Services composed of the respective Chairmen
44 of the Senate Public Health and Welfare Committee, the Senate
45 Appropriations Committee, the House Public Health and Human



46 Services Committee and the House Appropriations Committee, three
47 (3) members of the Senate appointed by the Lieutenant Governor to
48 serve at the will and pleasure of the Lieutenant Governor, and
49 three (3) members of the House of Representatives appointed by the
50 Speaker of the House to serve at the will and pleasure of the
51 Speaker. The chairmanship of the committee shall alternate for
52 twelve-month periods between the Senate members and the House
53 members, on May 1 of each year, with the Chairman of the Senate
54 Public Health and Welfare Committee serving as chairman beginning
55 in even-numbered years, and the Chairman of the House Public
56 Health and Human Services Committee serving as chairman beginning
57 in odd-numbered years. The committee shall meet once each
58 quarter, or upon the call of the chairman at such times as he
59 deems necessary or advisable, and may make recommendations to the
60 Legislature pertaining to any matter within the jurisdiction of
61 the Mississippi Department of Human Services. The appointing
62 authorities may designate an alternate member from their
63 respective houses to serve when the regular designee is unable to
64 attend such meetings of the oversight committee. For attending
65 meetings of the oversight committee, such legislators shall
66 receive per diem and expenses which shall be paid from the
67 contingent expense funds of their respective houses in the same
68 amounts as provided for committee meetings when the Legislature is
69 not in session; however, no per diem and expenses for attending
70 meetings of the committee will be paid while the Legislature is in



71 session. No per diem and expenses will be paid except for
72 attending meetings of the oversight committee without prior
73 approval of the proper committee in their respective houses.

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

78 (a) To formulate the policy of the department regarding
79 human services within the jurisdiction of the department;

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

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

91 (d) Except as limited by Section 43-1-3, to enter into
92 and execute contracts, grants and cooperative agreements with any
93 federal or state agency or subdivision thereof, or any public or
94 private institution located inside or outside the State of



95 Mississippi, or any person, corporation or association in
96 connection with carrying out the programs of the department; and
97 (e) To discharge such other duties, responsibilities
98 and powers as are necessary to implement the programs of the
99 department.

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

- 105 (a) * * * Office of Youth Services;
- 106 (* * * b) Office of Economic * * * Programs;
- 107 (* * * c) Office of Child Support Enforcement; or
- 108 (* * * d) Office of Field Operations to administer any
109 state or county level programs under the purview of the
110 Mississippi Department of Human Services, with the exception of
111 programs * * * that fall under * * * paragraph (a) * * * of this
112 subsection.

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



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

124 (7) This section shall stand repealed on July 1, * * * 2027.

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

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



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

150 This section shall stand repealed on July 1, * * * 2027.

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

153 43-1-5. It shall be the duty of the Department of Human
154 Services to:

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

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

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

169 (a) The total number of recipients;



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



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

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

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

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

217 This section shall stand repealed on July 1, * * * 2027.

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



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

232 (b) The Director of the * * * Office of Community Services
233 shall assign probation and aftercare workers to the youth court or
234 family court judges of the various court districts upon the
235 request of the individual judge on the basis of caseload and need,
236 when funds are available. * * * The Director of the * * * Office
237 of Community Services is authorized to assign a youth services
238 counselor to * * * various court districts upon the approval of
239 the * * * appropriate judge * * * and the Director of the Division
240 of Youth Services. * * *

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



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

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

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

256 (* * * ii) Serving in counseling capacities with the
257 youth or family courts.

258 (* * * iii) Serving as probation agents for the youth
259 or family courts.

260 (* * * iv) Serving, advising and counseling of
261 children * * * under the control of the Division of * * * Youth
262 Services as may be necessary to the placement of the children in
263 their proper environment * * * upon release and the placement of
264 children in suitable jobs where necessary and proper.

265 (* * * y) Supervising and guiding of children released
266 or conditionally released from institutions under the control of
267 the Division of * * * Youth Services.

268 * * *



269 (* * * vi) Coordinating the activities of supporting
270 community agencies which aid in the social adjustment of children
271 released from the institution and in an aftercare program.

272 (* * * vii) Providing * * * linkage and/or referral for
273 services leading to the rehabilitation of delinquents, either
274 within the division or through cooperative arrangements with other
275 appropriate agencies.

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

280 (* * * ix) Supervising the completion of aftercare
281 programs * * * and/or making revocation investigations at the
282 request of the court.

283 (* * * x) * * * Implementing a Standardized Risk
284 Assessment Tool for use in the community.

285 (* * * xi) * * * Developing and implementing a
286 graduated sanctions policy for use within the community.

287 (e) This section shall stand repealed on July 1, * * * 2027.

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

