

By: Senator(s) Bryan

To: Public Health and
Welfare

SENATE BILL NO. 2369
(As Sent to Governor)

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; TO PROVIDE THAT CERTAIN EMPLOYEES OF THE
8 DEPARTMENT OF HUMAN SERVICES WHO ARE TERMINATED FROM EMPLOYMENT
9 SHALL BE PROHIBITED FROM RECEIVING EMPLOYMENT FROM ANOTHER STATE
10 AGENCY, DEPARTMENT OR INSTITUTION; AND FOR RELATED PURPOSES.

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

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

14 43-1-1. (1) The Department of Human Services shall be the
15 State Department of Public Welfare and shall retain all powers and
16 duties as granted to the State Department of Public Welfare.

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



23 (2) This section shall stand repealed on July 1, * * * 2026.

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

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

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

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

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

43 Those qualifications shall be certified by the State
44 Personnel Board.

45 (3) There shall be a Joint Oversight Committee of the
46 Department of Human Services composed of the respective Chairmen
47 of the Senate Public Health and Welfare Committee, the Senate



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



73 meetings of the committee will be paid while the Legislature is in
74 session. No per diem and expenses will be paid except for
75 attending meetings of the oversight committee without prior
76 approval of the proper committee in their respective houses.

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

81 (a) To formulate the policy of the department regarding
82 human services within the jurisdiction of the department;

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

91 (c) To apply for, receive and expend any federal or
92 state funds or contributions, gifts, devises, bequests or funds
93 from any other source;

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



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

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

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

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



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

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

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

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



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

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

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

156 43-1-5. It shall be the duty of the Department of Human
157 Services to:

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

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

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

172 (a) The total number of recipients;



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



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

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

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

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

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

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



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

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

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 * * * Office of Community Services shall have such
252 duties as the * * * Division of Youth Services shall assign to it
253 which shall include, but not be limited to, the following:

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

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

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

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

268 (* * * y) Supervising and guiding of children released
269 or conditionally released from institutions under the control of
270 the Division of * * * Youth Services.

271 * * *



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

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

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

283 (* * * ix) Supervising the completion of aftercare
284 programs * * * and/or making revocation investigations at the
285 request of the court.

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

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

290 (e) This section shall stand repealed on July 1, * * * 2026.

291 **SECTION 6.** Notwithstanding any other provision of law to the
292 contrary, an employee of the Department of Human Services whose
293 employment was effectuated, in whole or in part, with funds
294 received from a grant or contract issued by the State of
295 Mississippi or the United States of America, who was terminated
296 from such employment, shall be prohibited from receiving



297 employment from any other agency, department or institution of the
298 state that uses funds from the same grant or contract to employ
299 personnel.

300 **SECTION 7.** This act shall take effect and be in force from
301 and after July 1, 2023.

