

**Adopted  
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

**Senate Bill No. 2369**

**BY: Committee**

**Amend by striking all after the enacting clause and inserting  
in lieu thereof the following:**

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23 (2) This section shall stand repealed on July 1, \* \* \* 2026.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

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

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.

