

By: Representatives Holland, Denny

To: Public Health and  
Welfare; Appropriations

## HOUSE BILL NO. 970

1 AN ACT TO AMEND SECTION 43-1-2, MISSISSIPPI CODE OF 1972, TO  
2 CREATE THE STATE BOARD OF HUMAN SERVICES TO PROVIDE THE POLICY  
3 DIRECTION FOR THE STATE DEPARTMENT OF HUMAN SERVICES; TO PROVIDE  
4 FOR THE MEMBERSHIP AND APPOINTMENT OF THE BOARD; TO PROVIDE THAT  
5 THE EXECUTIVE DIRECTOR OF HUMAN SERVICES SHALL BE APPOINTED BY THE  
6 BOARD; TO AUTHORIZE THE JOINT OVERSIGHT COMMITTEE OF THE  
7 DEPARTMENT AND INDIVIDUAL MEMBERS OF THE COMMITTEE TO ATTEND ANY  
8 MEETING OF THE BOARD AND TO PARTICIPATE IN ANY BOARD DISCUSSIONS;  
9 TO SPECIFY THE MINIMAL ORGANIZATIONAL UNITS OF THE DEPARTMENT; TO  
10 PROVIDE THAT THE HEADS OF OFFICES OF THE DEPARTMENT SHALL SERVE AT  
11 THE WILL AND PLEASURE OF THE EXECUTIVE DIRECTOR; TO PROVIDE THAT  
12 THE HEADS OF BUREAUS AND DIVISIONS OF THE DEPARTMENT SHALL BE  
13 STATE SERVICE EMPLOYEES; TO EXTEND THE REPEALER DATE ON THE  
14 DEPARTMENT OF HUMAN SERVICES; TO AMEND SECTION 43-1-4, TO PROVIDE  
15 ADDITIONAL DUTIES OF THE BOARD; TO AMEND SECTIONS 43-1-1, 43-1-3,  
16 43-1-5, 43-1-6, 43-1-9 AND 25-9-107, MISSISSIPPI CODE OF 1972, TO  
17 CONFORM TO THE PRECEDING PROVISIONS; AND FOR RELATED PURPOSES.

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

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

21 43-1-2. (1) There is created the State Department of Human  
22 Services, whose offices shall be located in Jackson, Mississippi,  
23 and which shall be under the policy direction of the State Board  
24 of Human Services created in subsection (2) of this section.

25 (2) (a) There is created the State Board of Human Services,  
26 which shall consist of nine (9) members appointed by the Governor.  
27 All initial and subsequent appointments to the board shall be with  
28 the advice and consent of the Senate. The board shall be in place  
29 by July 1, 2003.

30 (b) The board shall be composed of persons with  
31 extensive knowledge of or practical experience with the Department  
32 of Human Services. No board member shall be an elected official  
33 of the State of Mississippi or a political subdivision of the  
34 state. One (1) member shall be appointed from each congressional



35 district as constituted on January 1, 2003; one (1) of these shall  
36 be an individual who has received services from the Department of  
37 Human Services in the past, one (1) may have knowledge of federal  
38 and state funding issues, one (1) may have experience with the  
39 youth court system and one (1) may have knowledge of welfare to  
40 work programs. Five (5) members shall be appointed from the state  
41 at large. Three (3) of these must hold a current or past license  
42 as a masters level social worker and have some experience with  
43 vulnerable adults and children; one (1) may be a medical doctor;  
44 one (1) may be an attorney with background in human services  
45 issues.

46 (c) The initial members of the board shall be appointed  
47 for staggered terms, as follows: Two (2) members shall be  
48 appointed for terms that end on June 30, 2004; two (2) members  
49 shall be appointed for terms that end on June 30, 2005; three (3)  
50 members shall be appointed for terms that end on June 30, 2006;  
51 and two (2) members shall be appointed for terms that end on June  
52 30, 2007. All subsequent appointments to the board shall be for  
53 terms of four (4) years from the expiration date of the previous  
54 term. No person shall be appointed to the board for more than two  
55 (2) consecutive terms.

56 (d) Any vacancy on the board before the expiration of a  
57 term shall be filled by appointment of the Governor, with the  
58 advice and consent of the Senate. The person appointed to fill  
59 the vacancy shall serve for the remainder of the unexpired term  
60 and must fulfill the requirements in paragraph (b) of this  
61 section.

62 (e) The members of the board shall select one (1)  
63 member to serve as chairman of the board at the first meeting.  
64 The board shall select a chairman once every two (2) years, and  
65 any person who has previously served as chairman may be reelected  
66 as chairman, but not for more than two (2) consecutive terms.



67           (f) Five (5) members of the board shall constitute a  
68 quorum for the transaction of any business of the board. The  
69 board shall hold regular monthly meetings, and other meetings as  
70 may be necessary for the purpose of conducting such business as  
71 may be required. All meetings shall be called by the chairman or  
72 by a majority of the members of the board, except the first  
73 meeting, which shall be called by the Governor. Any member who  
74 does not attend three (3) consecutive regular meetings of the  
75 board, except for illness, shall be subject to removal by a  
76 majority vote of the members of the board.

77           (g) Members of the board shall receive the per diem  
78 authorized under Section 25-3-69 for each day spent actually  
79 discharging their official duties, and shall receive reimbursement  
80 for mileage and necessary travel expenses incurred as provided in  
81 Section 25-3-41.

82           (3) (a) The chief administrative officer of the department  
83 shall be the Executive Director of Human Services. The \* \* \*  
84 executive director shall be appointed by the board and \* \* \* shall  
85 serve at the will and pleasure of the board.

86           (b) The executive director \* \* \* shall possess the  
87 following qualifications which shall be certified by the State  
88 Personnel Board:

89                   (i) Strong administrative ability;

90                   (ii) Knowledge related to the fields of services  
91 provided by DHS;

92                   (iii) Understanding of the legislative process;  
93 and

94                   (iv) Knowledge of state and federal funding  
95 streams.

96           (c) The executive director shall serve as secretary and  
97 executive officer of the board. The executive director shall be  
98 vested with all the authority of the board when it is not in  
99 session, and shall be subject to such rules and regulations as may



100 be prescribed by the board. The executive director shall be  
101 responsible to the board for the proper administration of all  
102 programs under the jurisdiction of the department. Whenever the  
103 executive director is given any duty or authority by law, the  
104 executive director shall exercise that duty or authority in  
105 accordance with the rules, regulations and policies adopted by the  
106 board.

107 (d) The salary of the executive director shall be set  
108 by the board, not to exceed the maximum amount set by the  
109 Legislature.

110 (e) The provision of paragraphs (a), (b) and (d) of  
111 this subsection shall not be applicable until the board is in  
112 place, which shall not be later than July 1, 2003, and a search  
113 for the executive director has been finalized, which shall be not  
114 later than January 1, 2004.

115 \* \* \*

116 (4) (a) There shall be a Joint Oversight Committee of the  
117 Department of Human Services composed of the respective Chairmen  
118 of the Senate Public Health and Welfare Committee, the Senate  
119 Appropriations Committee, the House Public Health and Welfare  
120 Committee and the House Appropriations Committee, two (2) members  
121 of the Senate appointed by the Lieutenant Governor to serve at the  
122 will and pleasure of the Lieutenant Governor, and two (2) members  
123 of the House of Representatives appointed by the Speaker of the  
124 House to serve at the will and pleasure of the Speaker. The  
125 chairmanship of the committee shall alternate for twelve-month  
126 periods between the Senate members and the House members, with the  
127 Chairman of the Senate Public Health and Welfare Committee serving  
128 as the first chairman.

129 (b) The committee shall meet once each month, or upon  
130 the call of the chairman at such times as he deems necessary or  
131 advisable. The committee or any individual member of the  
132 committee may attend any meetings of the State Board of Human



133 Services. The committee may make recommendations to the  
134 Legislature pertaining to any matter within the jurisdiction of  
135 the \* \* \* department \* \* \*.

136 (c) The appointing authorities may designate an  
137 alternate member from their respective houses to serve when the  
138 regular designee is unable to attend the meetings of the \* \* \*  
139 committee.

140 (d) For attending meetings of the \* \* \* committee, the  
141 legislators shall receive per diem and expenses which shall be  
142 paid from the contingent expense funds of their respective houses  
143 in the same amounts as provided for committee meetings when the  
144 Legislature is not in session; however, no per diem and expenses  
145 for attending meetings of the committee will be paid while the  
146 Legislature is in session. No per diem and expenses will be paid  
147 except for attending meetings of the \* \* \* committee without prior  
148 approval of the proper committee in their respective houses.

149 (5) The \* \* \* department, under the policy direction of the  
150 board, shall provide the services authorized by law to every  
151 individual determined to be eligible therefor. In carrying out  
152 the purposes of the department, the board is authorized:

153 (a) To appoint a full-time Executive Director of Human  
154 Services who shall be employed by the board and shall serve as  
155 executive secretary of the board;

156 (b) To formulate the policy of the department regarding  
157 human services within the jurisdiction of the department;

158 (c) To adopt, modify, repeal and promulgate, after due  
159 notice and hearing, \* \* \* rules and regulations implementing or  
160 effectuating the powers and duties of the department under any and  
161 all statutes within the department's jurisdiction, and to enforce  
162 those rules and regulations and where not otherwise prohibited by  
163 state or federal law, to make exceptions to and grant exemptions  
164 and variances from those rules and regulations; all of which shall



165 be binding upon the state, regional and county departments of  
166 human services;

167 (d) To apply for, receive and expend any federal or  
168 state funds or contributions, gifts, devises, bequests or funds  
169 from any other source;

170 (e) Except as limited by Section 43-1-3, to enter into  
171 and to authorize the executive director to execute, with approval  
172 of the board, contracts, grants and cooperative agreements with  
173 any federal or state agency or subdivision thereof, or any public  
174 or private institution located inside or outside the State of  
175 Mississippi, or any person, corporation or association in  
176 connection with carrying out the programs of the department; and

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

180 (6) The executive director, with the approval of the board,  
181 shall establish the organizational structure of the \* \* \*  
182 department, which shall include the creation of any units  
183 necessary to implement the duties assigned to the department and  
184 consistent with specific requirements of law, including, but not  
185 limited to:

186 (a) Office of Family and Children's Services;

187 (b) Office of Youth Services;

188 (c) Office of Economic Assistance;

189 (d) Office of Child Support Enforcement;

190 (e) Office of Aging and Adult Services;

191 (f) Office for Children and Youth;

192 (g) Office of Community Services.

193 (7) (a) The executive director \* \* \* shall appoint the  
194 heads of all offices, bureaus and divisions of the department, as  
195 defined in Section 7-17-11, and any necessary supervisors,  
196 assistants and employees of the department.



197           (b) Beginning on March 1, 2004, deputy directors of the  
198 department shall be appointed by the executive director. These  
199 directors must have expertise in the programmatic area or areas  
200 that they are to oversee.

201           (c) The heads of all bureaus and divisions of the  
202 department shall be state service employees, and the employment  
203 and termination of the heads of bureaus and divisions shall be in  
204 accordance with the rules and regulations of the State Personnel  
205 Board.

206           (d) The salary and compensation of the office, bureau  
207 and division heads and other employees of the department shall be  
208 subject to the rules and regulations of the State Personnel  
209 Board \* \* \*.

210           (e) The executive director may have the authority to  
211 organize offices as deemed appropriate to carry out the  
212 responsibilities of the department. The organization charts of  
213 the department shall be presented annually with the budget request  
214 of the department for review by the Legislature.

215           (8) This section shall stand repealed on July 1, 2007.

216           **SECTION 2.** Section 43-1-4, Mississippi Code of 1972, is  
217 amended as follows:

218           43-1-4. (1) The State Department of Human Services, under  
219 the policy direction of the State Board of Human Services, shall  
220 have the following powers and duties:

221           (a) To provide basic services and assistance statewide  
222 to needy and disadvantaged individuals and families.

223           (b) To promote integration of the many services and  
224 programs within its jurisdiction at the client level thus  
225 improving the efficiency and effectiveness of service delivery and  
226 providing easier access to clients.

227           (c) To develop a statewide comprehensive service  
228 delivery plan in coordination with the Board of Health, the Board  
229 of Mental Health, the Division of Medicaid and the Department of



230 Finance and Administration. The plan shall be developed and  
231 presented to the Governor by July 1, 2005.

232 (d) To employ personnel and expend funds appropriated  
233 to the department to carry out the duties and responsibilities  
234 assigned to the department by law.

235 (2) The State Board of Human Services shall establish and  
236 implement the following:

237 (a) Establish a review process to measure outcomes for  
238 children and families who receive or formerly received benefits or  
239 services for the department, in order to provide timely,  
240 appropriate and cost-effective benefits and services to children  
241 and families. This process shall include selected tracking  
242 studies of children and their families who receive benefits or  
243 services from the department, and those who formerly received  
244 benefits or services from the department, to determine the effects  
245 on their lives of receiving those benefits or services, and the  
246 effects on their lives after no longer receiving those benefits or  
247 services.

248 (b) Establish a comprehensive approach to services to  
249 determine the total needs of all individuals being served, in  
250 order to ensure that the funds available for human services in  
251 different programs and state agencies will follow the individual  
252 receiving the services. This structure shall be designed to  
253 assist moving families from welfare to work and reducing the  
254 number and complexity of the forms that are used for individuals  
255 receiving the services to access different services provided by  
256 the department or by other agencies.

257 (c) Set continuing education standards for all direct  
258 service workers and assure these workers as well as supervisors  
259 and department heads receive on-going training.

260 (d) Establish productivity standards for all employees  
261 including county, regional and state employees of the department.  
262 These standards are to be reviewed annually.





263           (e) Create advisory councils as needed to assist the  
264 board and department in the performance and discharge of their  
265 duties.

266           (f) Monitor agency-wide compliance with federal and  
267 state regulations and licensing standards, including all  
268 contractual agreements.

269           (g) Set fair standards and procedures for the letting  
270 of all grants and contracts made by each office, division and  
271 bureau of the department.

272           (h) Carefully monitor the financial issues by:

273                   (i) Ensuring that the budget and finance offices  
274 of the department have experienced personnel who can deal with  
275 federal and state funding streams.

276                   (ii) Establishing a process designed to maximize  
277 and utilize, to the greatest extent possible, all federal funds  
278 that are available for programs administered by the department or  
279 benefits and services provided by the department. It is the  
280 intent of the Legislature that the board, the department and the  
281 executive director will take whatever actions are necessary to  
282 obtain the maximum amount of federal funds that are available for  
283 department programs, benefits and services, and will expend all  
284 federal funds received by the department for those programs,  
285 benefits and services.

286                   (iii) Carefully study the flow of dollars through  
287 the department and make whatever adjustments are necessary in  
288 accounting practices to reduce complexity and assure accurate  
289 bookkeeping of each individual program.

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

292           43-1-1. (1) The Department of Human Services shall be the  
293 State Department of Public Welfare and shall retain all powers and  
294 duties as granted to the State Department of Public Welfare. The  
295 State Board of Human Services shall be the State Board of Public



296 Welfare and shall retain all powers and duties as granted to the  
297 State Board of Public Welfare. Wherever the term "State  
298 Department of Public Welfare" or "State Board of Public Welfare"  
299 appears in any law, the term shall mean the Department of Human  
300 Services or the State Board of Human Services, respectively. The  
301 Executive Director of the Department of Human Services may assign  
302 to the appropriate offices such powers and duties deemed  
303 appropriate to carry out the lawful functions of the department.

304 (2) This section shall stand repealed on July 1, 2007.

305 **SECTION 4.** Section 43-1-3, Mississippi Code of 1972, is  
306 amended as follows:

307 43-1-3. Notwithstanding the authority granted under  
308 subsection (5)(e) of Section 43-1-2, the State Board of Human  
309 Services, the State Department of Human Services or the Executive  
310 Director of Human Services shall not be authorized to delegate,  
311 privatize or otherwise enter into a contract with a private entity  
312 for the operation of any office, bureau or division of the  
313 department, as defined in Section 7-17-11, without specific  
314 authority to do so by general act of the Legislature. However,  
315 nothing in this section shall be construed to invalidate: (a) any  
316 existing contract of the department that is in place as of July 1,  
317 2003, which must be honored for the life of the contract; or (b)  
318 the continued renewal of any such contract with the same entity  
319 upon the expiration of the contract; or (c) the execution of a  
320 contract with another legal entity as a replacement of any such  
321 contract that is expiring, provided that the replacement contract  
322 is substantially the same as the expiring contract. \* \* \*

323 This section shall stand repealed on July 1, 2007.

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

326 43-1-5. It shall be the duty of the State Department of  
327 Human Services to:



328           (a) Establish and maintain programs not inconsistent  
329 with the terms of this chapter and the rules, regulations and  
330 policies of the State Board of Human Services, and publish the  
331 rules and regulations of the board pertaining to those programs.

332           (b) Make such reports in such form and containing such  
333 information as the federal government may, from time to time,  
334 require, and comply with such provisions as the federal government  
335 may, from time to time, find necessary to assure the correctness  
336 and verification of those reports.

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

342                   (i) The total number of recipients;

343                   (ii) The total amount paid to them in cash;

344                   (iii) The maximum and the minimum amount paid to  
345 any recipients in any one (1) month;

346                   (iv) The total number of applications;

347                   (v) The number granted;

348                   (vi) The number denied;

349                   (vii) The number cancelled;

350                   (viii) The amount expended for administration of  
351 the provisions of this chapter;

352                   (ix) The amount of money received from the federal  
353 government, if any;

354                   (x) The listing of all contracts in which each  
355 office of the department engages;

356                   (xi) The amount of money received from recipients  
357 of assistance and from their estates and the disposition of same;

358                   (xii) Such other information and recommendations  
359 as the Governor or the Legislature may require or as the  
360 department may deem advisable;



361                   (xiii) The number of state-owned automobiles  
362 purchased and operated during the year by the department, the  
363 number purchased and operated out of funds appropriated by the  
364 Legislature, the number purchased and operated out of any other  
365 public funds, the miles traveled per automobile, the total miles  
366 traveled, the average cost per mile and depreciation estimate on  
367 each automobile;

368                   (xiv) The cost per mile and total number of miles  
369 traveled by department employees in privately owned automobiles,  
370 for which reimbursement is made out of state funds;

371       \* \* \*

372                   (xv) How the money appropriated to the  
373 institutions under the jurisdiction of the department has been  
374 expended during the preceding year, beginning and ending with the  
375 fiscal year of each institution, exhibiting the salaries paid to  
376 officers and employees of the institutions, and each and every  
377 item of receipt and expenditure;

378                   (xvi) The activities of each office of the  
379 department, as defined in Section 7-17-11, and recommendations for  
380 improvement of the services to be performed by each office.

381       \* \* \*

382           Each report shall be balanced and shall begin with the  
383 balance at the end of the preceding fiscal year, and if any  
384 property belonging to the state or the institution is used for  
385 profit, the report shall show the expenses incurred in managing  
386 the property and the amount received from the same. Those reports  
387 shall also show a summary of the gross receipts and gross  
388 disbursements for each fiscal year, and shall show the money on  
389 hand at the beginning of the fiscal period of each office of the  
390 department.

391           This section shall stand repealed on July 1, 2007.

392           **SECTION 6.** Section 43-1-6, Mississippi Code of 1972, is  
393 amended as follows:



394 43-1-6. The following programs within the Division of  
395 Federal-State Programs, Office of the Governor, shall be  
396 transferred to the State Department of Human Services:

- 397 (a) Office of Energy and Community Services;  
398 (b) Juvenile Justice Advisory Committee; and  
399 (c) Mississippi Council on Aging.

400 All authority to implement those programs shall be vested in  
401 the State Department of Human Services.

402 This section shall stand repealed on July 1, 2007.

403 **SECTION 7.** Section 43-1-9, Mississippi Code of 1972, is  
404 amended as follows:

405 43-1-9. (1) There is created in each county of the state a  
406 county department of human services, which shall consist of a  
407 county director of human services, and such other personnel as may  
408 be necessary for the efficient performance of the duties of the  
409 county department. It shall be the duty of the board of  
410 supervisors of each county to provide office space for the county  
411 department.

412 (2) County director. The Executive Director of Human  
413 Services shall designate, in accordance with the rules and  
414 regulations of the State Personnel Board, \* \* \* a county director  
415 of human services who shall serve as the executive and  
416 administrative officer of the county department and shall be  
417 responsible to the state department for its management. The  
418 director shall be a resident citizen of the county and shall not  
419 hold any political office of the state, county, municipality or  
420 subdivision thereof. However, in cases of emergency, the  
421 Executive Director of Human Services may appoint a county director  
422 of human services who is a nonresident of that county, to serve  
423 during the period of emergency only.

424 (3) The county department of human services shall administer  
425 within the county all forms of public assistance and welfare  
426 services. The county department shall comply with such



427 regulations and submit such reports as may be established or  
428 required by the state department. Noncompliance may be cause for  
429 dismissal. Subject to the approval of the state department, the  
430 county department shall cooperate with other departments, agencies  
431 and institutions, state and local, when so requested, in  
432 performing services in conformity with the provisions of this  
433 chapter.

434       (4) In counties having two (2) judicial districts, the  
435 Executive Director of Human Services may create and establish in  
436 each of the judicial districts a separate county department of  
437 human services, which shall consist of a county director of human  
438 services and such other personnel as may be necessary for the  
439 efficient performance of the duties of the department thus  
440 established. In those cases the two (2) departments so  
441 established shall be dealt with as though each is a separate and  
442 distinct county department of human services, and each of the  
443 departments and each of the directors shall operate and have  
444 jurisdiction coextensive with the boundaries of the judicial  
445 district in which it is established. In addition, in those cases  
446 the words "county" and "director of human services" when used in  
447 this chapter shall, where applicable, mean each judicial district,  
448 and the director of human services appointed. Where the board of  
449 supervisors is authorized to appropriate funds or provide office  
450 space or like assistance for one (1) county \* \* \* department or  
451 director of human services, the board may, as the case may be,  
452 appropriate the amount specified by law or render the assistance  
453 required by law to each of the departments or directors. \* \* \*  
454 However, \* \* \* the Executive Director of Human Services shall not  
455 create and establish a separate county department of human  
456 services under this paragraph in any county in which a separate  
457 county department of public welfare or county department of human  
458 services is not in existence on January 1, 1983. In addition, in  
459 any county having two (2) county departments of public welfare or



460 county departments of human services on January 1, 1983, but only  
461 one (1) county director of public welfare or director of human  
462 services on that date, the Executive Director of Human Services  
463 shall not authorize and establish the second position of county  
464 director of human services in that county.

465 (5) In any county not having two (2) judicial districts that  
466 is greater than fifty (50) miles in length, the Executive Director  
467 of Human Services may establish one (1) branch office of the  
468 county department of human services, which shall be staffed with  
469 existing employees and administrative staff of the county  
470 department for not less than four (4) days per week.

471 **SECTION 8.** Section 25-9-107, Mississippi Code of 1972, is  
472 amended as follows:

473 25-9-107. The following terms, when used in this chapter,  
474 unless a different meaning is plainly required by the context,  
475 shall have the following meanings:

476 (a) "Board" \* \* \* means the Department of Human  
477 Services Board created under the provisions of this chapter.

478 (b) "State service" \* \* \* means all employees of state  
479 departments, agencies and institutions as defined in this section,  
480 except those officers and employees excluded by this chapter.

481 (c) "Nonstate service" \* \* \* means the following  
482 officers and employees excluded from the state service by this  
483 chapter. The following are excluded from the state service:

484 (i) Members of the state Legislature, their staffs  
485 and other employees of the legislative branch;

486 (ii) The Governor and staff members of the  
487 immediate Office of the Governor;

488 (iii) Justices and judges of the judicial branch  
489 or members of appeals boards on a per diem basis;

490 (iv) The Lieutenant Governor, staff members of the  
491 immediate Office of the Lieutenant Governor and officers and  
492 employees directly appointed by the Lieutenant Governor;



493 (v) Officers and officials elected by popular vote  
494 and persons appointed to fill vacancies in elective offices;

495 (vi) Members of boards and commissioners appointed  
496 by the Governor, Lieutenant Governor or the State Legislature;

497 (vii) All academic officials, members of the  
498 teaching staffs and employees of the state institutions of higher  
499 learning, the State Board for Community and Junior Colleges, and  
500 community and junior colleges;

501 (viii) Officers and enlisted members of the  
502 National Guard of the state;

503 (ix) Prisoners, inmates, student or patient help  
504 working in or about institutions;

505 (x) Contract personnel; however, any agency that  
506 employs state service employees may enter into contracts for  
507 personal and professional services only if those contracts are  
508 approved in compliance with the rules and regulations promulgated  
509 by the State Personal Service Contract Review Board under Section  
510 25-9-120(3). Before paying any warrant for those contractual  
511 services in excess of One Hundred Thousand Dollars (\$100,000.00),  
512 the State Fiscal Officer shall determine whether the contract  
513 involved was for personal or professional services, and, if so,  
514 was approved by the State Personal Service Contract Review Board;

515 (xi) Part-time employees; \* \* \* however, part-time  
516 employees shall only be hired into authorized employment positions  
517 classified by the board, shall meet minimum qualifications as set  
518 by the board, and shall be paid in accordance with the Variable  
519 Compensation Plan as certified by the board;

520 (xii) Persons appointed on an emergency basis for  
521 the duration of the emergency; the effective date of the emergency  
522 appointments shall not be earlier than the date approved by the  
523 State Personnel Director, and shall be limited to thirty (30)  
524 working days. Emergency appointments may be extended to sixty  
525 (60) working days by the State Personnel Board;





526 (xiii) Physicians, dentists, veterinarians, nurse  
527 practitioners and attorneys, while serving in their professional  
528 capacities in authorized employment positions who are required by  
529 statute to be licensed, registered or otherwise certified as such,  
530 provided that the State Personnel Director shall verify that the  
531 statutory qualifications are met before issuance of a payroll  
532 warrant by the State Fiscal Officer;

533 (xiv) Personnel who are employed and paid from  
534 funds received from a federal grant program that has been approved  
535 by the Legislature or the Department of Finance and Administration  
536 whose length of employment has been determined to be time-limited  
537 in nature. This subparagraph shall apply to personnel employed  
538 under the provisions of the Comprehensive Employment and Training  
539 Act of 1973, as amended, and other special federal grant programs  
540 that are not a part of regular federally funded programs in which  
541 appropriations and employment positions are appropriated by the  
542 Legislature. Those employees shall be paid in accordance with the  
543 Variable Compensation Plan and shall meet all qualifications  
544 required by federal statutes or by the Mississippi Classification  
545 Plan;

546 (xv) The administrative head who is in charge of  
547 any state department, agency, institution, board or commission,  
548 in which the statute specifically authorizes the Governor, board,  
549 commission or other authority to appoint the administrative  
550 head; \* \* \* however, \* \* \* the salary of that administrative head  
551 shall be determined by the State Personnel Board in accordance  
552 with the Variable Compensation Plan unless otherwise fixed by  
553 statute;

554 (xvi) The State Personnel Board shall exclude top  
555 level positions if the incumbents determine and publicly advocate  
556 substantive program policy and report directly to the agency head,  
557 or the incumbents are required to maintain a direct confidential  
558 working relationship with a key excluded official. \* \* \* A



559 written job classification shall be approved by the board for each  
560 such position, and positions so excluded shall be paid in  
561 conformity with the Variable Compensation Plan. However, this  
562 subparagraph (xvi) shall not apply to any position of the State  
563 Department of Human Services that is specifically included in the  
564 state service by law;

565 (xvii) Employees whose employment is solely in  
566 connection with an agency's contract to produce, store or  
567 transport goods, and whose compensation is derived therefrom;

568 (xviii) Repealed;

569 (xix) The associate director, deputy directors and  
570 bureau directors within the Department of Agriculture and  
571 Commerce;

572 (xx) Personnel employed by the Mississippi  
573 Industries for the Blind; however, any agency may enter into  
574 contracts for the personal services of MIB employees without the  
575 prior approval of the State Personnel Board or the State Personal  
576 Service Contract Review Board; however, any agency contracting for  
577 the personal services of an MIB employee shall provide the MIB  
578 employee with not less than the entry level compensation and  
579 benefits that the agency would provide to a full-time employee of  
580 the agency who performs the same services.

581 (d) "Agency" means any state board, commission,  
582 committee, council, department or unit thereof created by the  
583 Constitution or statutes if the board, commission, committee,  
584 council, department, unit or the head thereof, is authorized to  
585 appoint subordinate staff by the Constitution or statute, except a  
586 legislative or judicial board, commission, committee, council,  
587 department or unit thereof.

588 **SECTION 9.** This act shall take effect and be in force from  
589 and after July 1, 2003; however, in order to provide for an  
590 orderly transition, subsection (2) of Section 1 of this act, which  
591 provides for the appointment of the State Board of Human Services,



592 shall take effect and be in force from and after the passage of  
593 this act.

