

By: Representative Holland

To: Public Health and Human
Services; Appropriations

HOUSE BILL NO. 906

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, 2004.

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, 2004; 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, 2005; two (2) members
49 shall be appointed for terms that end on June 30, 2006; three (3)
50 members shall be appointed for terms that end on June 30, 2007;
51 and two (2) members shall be appointed for terms that end on June
52 30, 2008. 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, 2004, and a search
113 for the executive director has been finalized, which shall be not
114 later than January 1, 2005.

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 Human
120 Services Committee and the House Appropriations Committee, two (2)
121 members of the Senate appointed by the Lieutenant Governor to
122 serve at the will and pleasure of the Lieutenant Governor, and two
123 (2) members of the House of Representatives appointed by the
124 Speaker of the House to serve at the will and pleasure of the
125 Speaker. The chairmanship of the committee shall alternate for
126 twelve-month periods between the Senate members and the House
127 members, with the Chairman of the Senate Public Health and Welfare
128 Committee serving 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, 2005, 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 organize offices as
211 deemed appropriate to carry out the responsibilities of the
212 department. The organization charts of the department shall be
213 presented annually with the budget request of the department for
214 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, 2006.

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)
316 any existing contract of the department that is in place as of
317 July 1, 2004, which must be honored for the life of the contract;
318 or (b) the continued renewal of any such contract with the same
319 entity upon the expiration of the contract; or (c) the execution
320 of a contract with another legal entity as a replacement of any
321 such contract that is expiring, provided that the replacement
322 contract 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 and 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) Each association, convention or meeting
373 attended by any department employees, the purposes thereof, the
374 names of the employees attending and the total cost to the state
375 of such convention, association or meeting;

376 (xvi) How the money appropriated to the
377 institutions under the jurisdiction of the department has been
378 expended during the preceding year, beginning and ending with the
379 fiscal year of each institution, exhibiting the salaries paid to
380 officers and employees of the institutions, and each and every
381 item of receipt and expenditure;

382 (xvii) The activities of each office of the
383 department, as defined in Section 7-17-11, and recommendations for
384 improvement of the services to be performed by each office;

385 * * *

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

393 hand at the beginning of the fiscal period of each office and
394 institution of the department.

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

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

398 43-1-6. The following programs within the Division of
399 Federal-State Programs, Office of the Governor, shall be
400 transferred to the State Department of Human Services:

- 401 (a) Office of Energy and Community Services;
- 402 (b) Juvenile Justice Advisory Committee; and
- 403 (c) Mississippi Council on Aging.

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

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

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

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

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

426 services who is a nonresident of that county, to serve during the
427 period of emergency only.

428 (3) The county department of human services shall administer
429 within the county all forms of public assistance and welfare
430 services. The county department shall comply with such
431 regulations and submit such reports as may be established or
432 required by the state department. Noncompliance may cause for
433 dismissal. Subject to the approval of the state department, the
434 county department shall cooperate with other departments, agencies
435 and institutions, state and local, when so requested, in
436 performing services in conformity with the provisions of this
437 chapter.

438 (4) In counties having two (2) judicial districts, the
439 Executive Director of Human Services may create and establish in
440 each of the judicial districts a separate county department of
441 human services which shall consist of a county director of human
442 services and such other personnel as may be necessary for the
443 efficient performance of the duties of the department thus
444 established. In those cases the two (2) departments so
445 established shall be dealt with as though each is a separate and
446 distinct county department of human services, and each of the
447 departments and each of the directors shall operate and have
448 jurisdiction coextensive with the boundaries of the judicial
449 district in which it is established. In addition, * * * in those
450 cases the words "county" and "director of human services" when
451 used in this chapter shall, where applicable, mean each judicial
452 district, and the director of human services appointed. Where the
453 board of supervisors is authorized to appropriate funds or provide
454 office space or like assistance for one (1) county * * *
455 department or director of human services, the board may, as the
456 case may be, appropriate the amount specified by law or render the
457 assistance required by law to each of the departments or
458 directors. * * * However, * * * the Executive Director of Human

459 Services shall not create and establish a separate county
460 department of human services under this paragraph in any county
461 in which a separate county department of public welfare or county
462 department of human services is not in existence on January 1,
463 1983. In addition, in any county having two (2) county
464 departments of public welfare or county departments of human
465 services January 1, 1983, but only one (1) county director of
466 public welfare or director of human services on that date, the
467 Executive Director of Human Services shall not authorize and
468 establish the second position of county director of human services
469 in that county.

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

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

478 25-9-107. The following terms, when used in this chapter,
479 unless a different meaning is plainly required by the context,
480 shall have the following meanings:

481 (a) "Board" means the State Personnel Board created
482 under the provisions of this chapter.

483 (b) "State service" means all employees of state
484 departments, agencies and institutions as defined in this section,
485 except those officers and employees excluded by this chapter.

486 (c) "Nonstate service" means the following officers and
487 employees excluded from the state service by this chapter. The
488 following are excluded from the state service:

489 (i) Members of the State Legislature, their staffs
490 and other employees of the legislative branch;

491 (ii) The Governor and staff members of the
492 immediate Office of the Governor;

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

495 (iv) The Lieutenant Governor, staff members of the
496 immediate Office of the Lieutenant Governor and officers and
497 employees directly appointed by the Lieutenant Governor;

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

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

502 (vii) All academic officials, members of the
503 teaching staffs and employees of the state institutions of higher
504 learning, the State Board for Community and Junior Colleges, and
505 community and junior colleges;

506 (viii) Officers and enlisted members of the
507 National Guard of the state;

508 (ix) Prisoners, inmates, student or patient help
509 working in or about institutions;

510 (x) Contract personnel; however, any agency that
511 employs state service employees may enter into contracts for
512 personal and professional services only if those contracts are
513 approved in compliance with the rules and regulations promulgated
514 by the State Personal Service Contract Review Board under Section
515 25-9-120(3). Before paying any warrant for those contractual
516 services in excess of One Hundred Thousand Dollars (\$100,000.00),
517 the State Fiscal Officer shall determine whether the contract
518 involved was for personal or professional services, and, if so,
519 was approved by the State Personal Service Contract Review Board;

520 (xi) Part-time employees; * * * however, part-time
521 employees shall only be hired into authorized employment positions
522 classified by the board, shall meet minimum qualifications as set

523 by the board, and shall be paid in accordance with the Variable
524 Compensation Plan as certified by the board;

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

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

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

551 (xv) The administrative head who is in charge of
552 any state department, agency, institution, board or commission,
553 in which the statute specifically authorizes the Governor, board,
554 commission or other authority to appoint the administrative
555 head; * * * however, * * * the salary of that administrative head

556 shall be determined by the State Personnel Board in accordance
557 with the Variable Compensation Plan unless otherwise fixed by
558 statute;

559 (xvi) The State Personnel Board shall exclude top
560 level positions if the incumbents determine and publicly advocate
561 substantive program policy and report directly to the agency head,
562 or the incumbents are required to maintain a direct confidential
563 working relationship with a key excluded official. * * * A
564 written job classification shall be approved by the board for each
565 such position, and positions so excluded shall be paid in
566 conformity with the Variable Compensation Plan. However, this
567 subparagraph (xvi) shall not apply to any position of the State
568 Department of Human Services that is specifically included in the
569 state service by law;

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

573 (xviii) Repealed;

574 (xix) The associate director, deputy directors and
575 bureau directors within the Department of Agriculture and
576 Commerce;

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

586 (xxi) Personnel employed by the Mississippi
587 Department of Wildlife, Fisheries and Parks as law enforcement

588 trainees (cadets); those personnel shall be paid in accordance
589 with the Colonel Guy Groff State Variable Compensation Plan.

590 (d) "Agency" means any state board, commission,
591 committee, council, department or unit thereof created by the
592 Constitution or statutes if the board, commission, committee,
593 council, department, unit or the head thereof, is authorized to
594 appoint subordinate staff by the Constitution or statute, except a
595 legislative or judicial board, commission, committee, council,
596 department or unit thereof.

597 **SECTION 9.** This act shall take effect and be in force from
598 and after July 1, 2004; however, in order to provide for an
599 orderly transition, subsection (2) of Section 1 of this act, which
600 provides for the appointment of the State Board of Human Services,
601 shall take effect and be in force from and after the passage of
602 this act.