

By: Representatives Evans, Dedeaux, Watson

To: Public Health and Human Services

HOUSE BILL NO. 931

1 AN ACT TO AMEND SECTIONS 43-1-1, 43-1-2, 43-1-3, 43-1-5 AND
 2 43-1-6, MISSISSIPPI CODE OF 1972, WHICH CREATE THE DEPARTMENT OF
 3 HUMAN SERVICES, PRESCRIBE ITS DUTIES AND RESPONSIBILITIES, PROVIDE
 4 FOR THE APPOINTMENT OF AN EXECUTIVE DIRECTOR OF HUMAN SERVICES,
 5 PROVIDE FOR THE AUTHORITY AND RESPONSIBILITIES OF THE EXECUTIVE
 6 DIRECTOR, PROVIDE FOR A JOINT OVERSIGHT COMMITTEE OF THE
 7 DEPARTMENT, PROVIDE THE STRUCTURE OF THE DEPARTMENT AND TRANSFER
 8 THE PROGRAMS WITHIN THE DIVISION OF FEDERAL-STATE PROGRAMS TO THE
 9 DEPARTMENT, TO EXTEND THE REPEAL DATES ON THOSE SECTIONS; TO
 10 FURTHER AMEND SECTION 43-1-3, MISSISSIPPI CODE OF 1972, TO DELETE
 11 THE AUTHORITY OF THE DEPARTMENT TO OPERATE ITS CHILD SUPPORT
 12 COLLECTION PROGRAM WITH A PRIVATE ENTITY ON A PILOT PROGRAM BASIS;
 13 AND FOR RELATED PURPOSES.

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

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

17 43-1-1. (1) The Department of Human Services shall be the
 18 State Department of Public Welfare and shall retain all powers and
 19 duties as granted to the State Department of Public Welfare.
 20 Wherever the term "State Department of Public Welfare" or "State
 21 Board of Public Welfare" appears in any law, the same shall mean
 22 the Department of Human Services. The Executive Director of the
 23 Department of Human Services may assign to the appropriate offices
 24 such powers and duties deemed appropriate to carry out the lawful
 25 functions of the department.

26 (2) This section shall stand repealed on July 1, 2006.

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

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



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

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

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

46 Those qualifications shall be certified by the State
47 Personnel Board.

48 (3) There shall be a Joint Oversight Committee of the
49 Department of Human Services composed of the respective chairmen
50 of the Senate Public Health and Welfare Committee, the Senate
51 Appropriations Committee, the House Public Health and Welfare
52 Committee and the House Appropriations Committee, two (2) members
53 of the Senate appointed by the Lieutenant Governor to serve at the
54 will and pleasure of the Lieutenant Governor, and two (2) members
55 of the House of Representatives appointed by the Speaker of the
56 House to serve at the will and pleasure of the Speaker. The
57 chairmanship of the committee shall alternate for twelve-month
58 periods between the Senate members and the House members, with the
59 Chairman of the Senate Public Health and Welfare Committee serving
60 as the first chairman. The committee shall meet once each month,
61 or upon the call of the chairman at such times as he deems
62 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 State 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 Family and Children's Services;

109 (b) Office of Youth Services;

110 (c) Office of Economic Assistance;

111 (d) Office of Child Support.

112 (6) The Executive Director of Human Services shall appoint
113 heads of offices, bureaus and divisions, as defined in Section
114 7-17-11, who shall serve at the pleasure of the executive
115 director. The salary and compensation of such office, bureau and
116 division heads shall be subject to the rules and regulations
117 adopted and promulgated by the State Personnel Board as created
118 under Section 25-9-101 et seq. The executive director shall have
119 the authority to organize offices as deemed appropriate to carry
120 out the responsibilities of the department. The organization
121 charts of the department shall be presented annually with the
122 budget request of the Governor for review by the Legislature.

123 (7) This section shall stand repealed on July 1, 2006.

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

126 43-1-3. Notwithstanding the authority granted under
127 subsection (4)(d) of Section 43-1-2, the Department of Human
128 Services or the Executive Director of Human Services shall not be
129 authorized to delegate, privatize or otherwise enter into a
130 contract with a private entity for the operation of any office,



131 bureau or division of the department, as defined in Section
132 7-17-11, without specific authority to do so by general act of the
133 Legislature. However, nothing in this section shall be construed
134 to invalidate (i) any contract of the department that is in place
135 and operational before January 1, 1994; or (ii) the continued
136 renewal of any such contract with the same entity upon the
137 expiration of the contract; or (iii) the execution of a contract
138 with another legal entity as a replacement of any such contract
139 that is expiring, provided that the replacement contract is
140 substantially the same as the expiring contract. * * *

141 This section shall stand repealed on July 1, 2006.

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

144 43-1-5. It shall be the duty of the Department of Human
145 Services to:

146 (1) Establish and maintain programs not inconsistent with
147 the terms of this chapter and the rules, regulations and policies
148 of the State Department of Human Services, and publish the rules
149 and regulations of the department pertaining to such programs.

150 (2) Make such reports in such form and containing such
151 information as the federal government may, from time to time,
152 require, and comply with such provisions as the federal government
153 may, from time to time, find necessary to assure the correctness
154 and verification of such reports.

155 (3) Within ninety (90) days after the end of each fiscal
156 year, and at each regular session of the Legislature, make and
157 publish one (1) report to the Governor and to the Legislature,
158 showing for the period of time covered, in each county and for the
159 state as a whole:

160 (a) The total number of recipients;

161 (b) The total amount paid to them in cash;

162 (c) The maximum and the minimum amount paid to any
163 recipients in any one (1) month;



- 164 (d) The total number of applications;
- 165 (e) The number granted;
- 166 (f) The number denied;
- 167 (g) The number cancelled;
- 168 (h) The amount expended for administration of the
- 169 provisions of this chapter;
- 170 (i) The amount of money received from the federal
- 171 government, if any;
- 172 (j) The amount of money received from recipients of
- 173 assistance and from their estates and the disposition of same;
- 174 (k) Such other information and recommendations as the
- 175 Governor may require or the department shall deem advisable;
- 176 (l) The number of state-owned automobiles purchased and
- 177 operated during the year by the department, the number purchased
- 178 and operated out of funds appropriated by the Legislature, the
- 179 number purchased and operated out of any other public funds, the
- 180 miles traveled per automobile, the total miles traveled, the
- 181 average cost per mile and depreciation estimate on each
- 182 automobile;
- 183 (m) The cost per mile and total number of miles
- 184 traveled by department employees in privately-owned automobiles,
- 185 for which reimbursement is made out of state funds;
- 186 (n) Each association, convention or meeting attended by
- 187 any department employees, the purposes thereof, the names of the
- 188 employees attending and the total cost to the state of such
- 189 convention, association or meeting;
- 190 (o) How the money appropriated to the institutions
- 191 under the jurisdiction of the department has been expended during
- 192 the preceding year, beginning and ending with the fiscal year of
- 193 each institution, exhibiting the salaries paid to officers and
- 194 employees of the institutions, and each and every item of receipt
- 195 and expenditure;



196 (p) The activities of each division within the
197 Department of Human Services and recommendations for improvement
198 of the services to be performed by each division;

199 (q) In order of authority, the twenty (20) highest paid
200 employees in the department receiving an annual salary in excess
201 of Forty Thousand Dollars (\$40,000.00), by P.I.N. number, job
202 title, job description and annual salary.

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

212 This section shall stand repealed on July 1, 2006.

213 **SECTION 5.** Section 43-1-6, Mississippi Code of 1972, is
214 amended as follows:

215 43-1-6. The following programs within the Division of
216 Federal-State Programs, Office of the Governor, shall be
217 transferred to the State Department of Human Services:

- 218 (a) Office of Energy and Community Services;
219 (b) Juvenile Justice Advisory Committee; and
220 (c) Mississippi Council on Aging.

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

223 This section shall stand repealed on July 1, 2006.

224 **SECTION 6.** This act shall take effect and be in force from
225 and after July 1, 2004.

