

By: Senator(s) Hewes

To: Public Health and
Welfare; Appropriations

SENATE BILL NO. 2066

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 IN 2004; TO
5 PROVIDE THAT BEGINNING IN 2005, THE EXECUTIVE DIRECTOR OF HUMAN
6 SERVICES SHALL BE APPOINTED BY THE GOVERNOR FROM A LIST OF THREE
7 NOMINEES SUBMITTED BY THE BOARD; TO PROVIDE THAT IF THE GOVERNOR
8 DOES NOT MAKE THE APPOINTMENT WITHIN 30 DAYS AFTER RECEIVING THE
9 LIST OF NOMINEES, THE EXECUTIVE DIRECTOR SHALL BE APPOINTED BY THE
10 BOARD; TO PROVIDE THAT THE APPOINTMENT OF THE EXECUTIVE DIRECTOR
11 SHALL BE WITH THE ADVICE AND CONSENT OF THE SENATE; TO PROVIDE
12 THAT THE TERM OF OFFICE OF THE EXECUTIVE DIRECTOR SHALL BE SIX
13 YEARS, AND THE EXECUTIVE DIRECTOR MAY BE REMOVED BY THE BOARD ONLY
14 FOR CAUSE; TO PROVIDE THAT THE EXECUTIVE DIRECTOR SHALL SERVE AS
15 SECRETARY AND EXECUTIVE OFFICER OF THE BOARD, AND SHALL BE VESTED
16 WITH ALL THE AUTHORITY OF THE BOARD WHEN IT IS NOT IN SESSION; TO
17 PROVIDE THAT THE EXECUTIVE DIRECTOR SHALL BE RESPONSIBLE TO THE
18 BOARD FOR THE PROPER ADMINISTRATION OF ALL PROGRAMS UNDER THE
19 JURISDICTION OF THE DEPARTMENT; TO PROVIDE THAT THE EXECUTIVE
20 DIRECTOR SHALL EXERCISE ALL STATUTORY DUTIES AND AUTHORITY IN
21 ACCORDANCE WITH THE RULES, REGULATIONS AND POLICIES ADOPTED BY THE
22 BOARD; TO PROVIDE THAT THE MEMBERS OF THE JOINT OVERSIGHT
23 COMMITTEE OF THE DEPARTMENT MAY ATTEND ANY MEETING OF THE BOARD
24 AND MAY PARTICIPATE IN ANY DISCUSSION AMONG BOARD MEMBERS AT THE
25 MEETINGS; TO SPECIFY THE MINIMUM ORGANIZATIONAL UNITS OF THE
26 DEPARTMENT; TO PROVIDE THAT BEGINNING IN 2005, THE HEADS OF
27 CERTAIN OFFICES OF THE DEPARTMENT SHALL BE APPOINTED BY THE
28 EXECUTIVE DIRECTOR FOR TERMS OF SIX YEARS, WITH THE ADVICE AND
29 CONSENT OF THE SENATE; TO PROVIDE THAT THOSE OFFICE HEADS MAY BE
30 REMOVED ONLY FOR CAUSE UPON THE RECOMMENDATION OF THE EXECUTIVE
31 DIRECTOR, WITH THE APPROVAL OF THE BOARD; TO PROVIDE THAT THE
32 HEADS OF ALL BUREAUS AND DIVISIONS OF THE DEPARTMENT SHALL BE
33 STATE SERVICE EMPLOYEES, AND THE EMPLOYMENT AND TERMINATION OF
34 BUREAU AND DIVISION HEADS SHALL BE IN ACCORDANCE WITH THE RULES
35 AND REGULATIONS OF THE STATE PERSONNEL BOARD; TO EXTEND THE
36 REPEALER DATE ON THE DEPARTMENT OF HUMAN SERVICES TO JULY 1, 2005;
37 TO AMEND SECTION 43-1-4, MISSISSIPPI CODE OF 1972, TO DIRECT THE
38 BOARD TO ESTABLISH A REVIEW PROCESS TO MEASURE OUTCOMES FOR
39 CHILDREN AND FAMILIES WHO RECEIVE OR FORMERLY RECEIVED BENEFITS OR
40 SERVICES FROM THE DEPARTMENT; TO DIRECT THE BOARD TO ESTABLISH A
41 "SINGLE PORT OF ENTRY" STRUCTURE IN THE DEPARTMENT WITH GENERIC
42 CASE MANAGERS WHO ARE TRAINED TO DETERMINE THE TOTAL NEEDS OF THE
43 CHILD; TO DIRECT THE BOARD TO ESTABLISH A PROCESS DESIGNED TO
44 MAXIMIZE AND UTILIZE ALL FEDERAL FUNDS THAT ARE AVAILABLE FOR
45 PROGRAMS, BENEFITS AND SERVICES PROVIDED BY THE DEPARTMENT; TO
46 AMEND SECTIONS 43-1-1, 43-1-3, 43-1-5, 43-1-6, 43-1-9, 43-1-51,
47 43-1-53, 43-27-20, 43-27-22 AND 25-9-107, MISSISSIPPI CODE OF
48 1972, TO CONFORM TO THE PRECEDING PROVISIONS; AND FOR RELATED
49 PURPOSES.

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

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

53 43-1-2. (1) There is created the State Department of Human
54 Services, whose offices shall be located in Jackson, Mississippi,
55 and which shall be under the policy direction of the State Board
56 of Human Services created in subsection (2) of this section.

57 (2) (a) Effective July 1, 2004, there is created the State
58 Board of Human Services, which shall consist of nine (9) members,
59 with six (6) members appointed by the Governor and three (3)
60 members appointed by the Lieutenant Governor. All initial and
61 subsequent appointments to the board shall be with the advice and
62 consent of the Senate.

63 (b) The board shall be composed of persons with
64 extensive knowledge of or practical experience in at least one of
65 the matters under the jurisdiction of the department. No board
66 member shall be an elected official of the State of Mississippi or
67 a political subdivision of the state.

68 (c) Of the Governor's appointments, one (1) member of
69 the board shall be appointed from each of the four (4)
70 congressional districts as constituted on July 1, 2002, and two
71 (2) members of the board shall be appointed from the state at
72 large. Of the Lieutenant Governor's appointments, one (1) member
73 of the board shall be appointed from each of the three (3) Supreme
74 Court districts as constituted on July 1, 2002.

75 (d) The initial members of the board shall be appointed
76 for staggered terms, as follows: Of the Governor's appointments,
77 two (2) members shall be appointed for terms that end on June 30,
78 2005; one (1) member shall be appointed for a term that ends on
79 June 30, 2006; two (2) members shall be appointed for terms that
80 end on June 30, 2007; and one (1) member shall be appointed for a
81 term that ends on June 30, 2008. Of the Lieutenant Governor's
82 appointments, one (1) member shall be appointed for a term that
83 ends on June 30, 2006; one (1) member shall be appointed for a

84 term that ends on June 30, 2007; and one (1) member shall be
85 appointed for a term that ends on June 30, 2008. All subsequent
86 appointments to the board shall be made by the original appointing
87 officer for terms of four (4) years from the expiration date of
88 the previous term. No person shall be appointed to the board for
89 more than two (2) consecutive terms.

90 (e) Any vacancy on the board before the expiration of a
91 term shall be filled by appointment of the original appointing
92 officer, with the advice and consent of the Senate. The person
93 appointed to fill the vacancy shall serve for the remainder of the
94 unexpired term.

95 (f) The members of the board shall elect one (1) member
96 to serve as chairman of the board at the first meeting. The board
97 shall elect a chairman once every two (2) years, and any person
98 who has previously served as chairman may be reelected as
99 chairman.

100 (g) Five (5) members of the board shall constitute a
101 quorum for the transaction of any business of the board. The
102 board shall hold regular monthly meetings, and other meetings as
103 may be necessary for the purpose of conducting such business as
104 may be required. All meetings shall be called by the chairman or
105 by a majority of the members of the board, except the first
106 meeting, which shall be called by the Governor. Any member who
107 does not attend three (3) consecutive regular meetings of the
108 board, except for illness, shall be subject to removal by a
109 majority vote of the members of the board.

110 (h) Members of the board shall receive the per diem
111 authorized under Section 25-3-69 for each day actually engaged in
112 the discharge of their official duties, and shall receive
113 reimbursement for mileage and necessary travel expenses incurred,
114 as provided in Section 25-3-41.

115 (3) (a) The chief administrative officer of the department
116 shall be the Executive Director of Human Services, who shall be

117 appointed as follows: The board shall submit to the Governor
118 three (3) nominees for the position of executive director not
119 later than fifteen (15) days before the date of the beginning of
120 the executive director's term. Each of the persons nominated for
121 executive director shall possess the qualifications prescribed in
122 paragraph (c) of this subsection. The Governor shall appoint the
123 executive director from the list of nominees submitted, within
124 thirty (30) days from the date that the Governor receives the list
125 of nominees from the board. If the Governor fails to appoint the
126 executive director from the list of nominees within thirty (30)
127 days, the board shall appoint the executive director from the list
128 of nominees within fifteen (15) days after the thirty-day period
129 for the Governor. The appointment of the executive director shall
130 be with the advice and consent of the Senate.

131 (b) The term of office of the executive director shall
132 be six (6) years, and the executive director may be removed by the
133 board only for cause, by a majority vote of the members of the
134 board. The term of the initial executive director that is
135 appointed for a term shall begin on February 1, 2005, and the
136 terms of subsequent executive directors that are appointed for a
137 full term shall begin on February 1 following the expiration of
138 the previous term.

139 (c) The executive director * * * shall possess the
140 following qualifications, which shall be certified by the State
141 Personnel Board:

142 (i) A bachelor's degree from an accredited
143 institution of higher learning and ten (10) years' experience in
144 management, public administration, finance or accounting; or

145 (ii) A master's or doctoral degree from an
146 accredited institution of higher learning and five (5) years'
147 experience in management, public administration, finance or
148 accounting.

149 (d) Any vacancy in the office of executive director
150 before the expiration of the term shall be filled by appointment
151 of the Governor or the board, as the case may be, with the advice
152 and consent of the Senate. The appointment to fill a vacancy
153 shall be made in the same manner as provided in paragraph (a) of
154 this subsection for a full term appointment, except that the board
155 shall submit the nominees to the Governor not later than twenty
156 (20) days after the vacancy occurs. The person appointed to fill
157 the vacancy shall serve for the remainder of the unexpired term.

158 (e) The executive director shall serve as secretary and
159 executive officer of the board. The executive director shall be
160 vested with all the authority of the board when it is not in
161 session, and shall be subject to such rules and regulations as may
162 be prescribed by the board. The executive director shall be
163 responsible to the board for the proper administration of all
164 programs under the jurisdiction of the department. Whenever the
165 executive director is given any duty or authority by law, the
166 executive director shall exercise that duty or authority in
167 accordance with the rules, regulations and policies adopted by the
168 board.

169 (f) The salary of the executive director shall be set
170 by the board, not to exceed the maximum amount set by the
171 Legislature.

172 (g) The provisions of paragraphs (a), (b) and (d) of
173 this subsection shall not be applicable until January 1, 2005.
174 Before January 1, 2005, the appointment of the executive director
175 shall be governed by the law that was in effect on January 1,
176 2004.

177 (4) (a) There shall be a Joint Oversight Committee of the
178 Department of Human Services composed of the respective chairmen
179 of the Senate Public Health and Welfare Committee, the Senate
180 Appropriations Committee, the House Public Health and Welfare
181 Committee and the House Appropriations Committee, two (2) members

182 of the Senate appointed by the Lieutenant Governor to serve at the
183 will and pleasure of the Lieutenant Governor, and two (2) members
184 of the House of Representatives appointed by the Speaker of the
185 House to serve at the will and pleasure of the Speaker. The
186 chairmanship of the committee shall alternate for twelve-month
187 periods between the Senate members and the House members, with the
188 Chairman of the Senate Public Health and Welfare Committee serving
189 as the first chairman.

190 (b) The committee shall meet once each month, or upon
191 the call of the chairman at such times as he deems necessary or
192 advisable. The committee or any individual member of the
193 committee may attend any meeting of the State Board of Human
194 Services, and may participate in any discussion occurring among
195 the board members at the meetings. The committee may make
196 recommendations to the Legislature pertaining to any matter within
197 the jurisdiction of the department.

198 (c) The appointing authorities may designate an
199 alternate member from their respective houses to serve when the
200 regular designee is unable to attend the meetings of the * * *
201 committee.

202 (d) For attending meetings of the * * * committee, the
203 legislators shall receive per diem and expenses, which shall be
204 paid from the contingent expense funds of their respective houses
205 in the same amounts as provided for committee meetings when the
206 Legislature is not in session; however, no per diem and expenses
207 for attending meetings of the committee will be paid while the
208 Legislature is in session. No per diem and expenses will be paid
209 except for attending meetings of the * * * committee without prior
210 approval of the proper committee in their respective houses.

211 (5) The department, under the policy direction of the board,
212 shall provide the services authorized by law to every individual
213 determined to be eligible therefor. * * * In carrying out the
214 purposes of the department, the board is authorized:

215 (a) To formulate the policy of the department regarding
216 human services within the jurisdiction of the department;

217 (b) To adopt, modify, repeal and promulgate, after due
218 notice and hearing, * * * rules and regulations implementing or
219 effectuating the powers and duties of the department under any and
220 all statutes within the department's jurisdiction, and to enforce
221 those rules and regulations, and where not otherwise prohibited by
222 federal or state law, to make exceptions to and grant exemptions
223 and variances from those rules and regulations; all of which shall
224 be binding upon the county departments of human services;

225 (c) To apply for, receive and expend any federal or
226 state funds or contributions, gifts, devises, bequests or funds
227 from any other source;

228 (d) Except as limited by Section 43-1-3, to enter into,
229 and to authorize the executive director to execute, with the
230 approval of the board, contracts, grants and cooperative
231 agreements with any federal or state agency or subdivision
232 thereof, or any public or private institution located inside or
233 outside the State of Mississippi, or any person, corporation or
234 association in connection with carrying out the programs of the
235 department; and

236 (e) To discharge such other duties, responsibilities
237 and powers as are necessary to implement the programs of the
238 department.

239 (6) The executive director, with the approval of the board,
240 shall establish the organizational structure of the department,
241 which shall include the creation of any units necessary to
242 implement the duties assigned to the department and consistent
243 with specific requirements of law, including, but not limited to:

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

245 (b) Office of Youth Services;

246 (c) Office of Economic Assistance;

247 (d) Office of Child Support Enforcement;

248 (e) Office of Aging and Adult Services;

249 (f) Office for Children and Youth;

250 (g) Office of Community Services.

251 (7) (a) The executive director * * * shall appoint the
252 heads of all offices, bureaus and divisions of the department, as
253 defined in Section 7-17-11, and any necessary supervisors,
254 assistants and employees of the department.

255 (b) Beginning on March 1, 2005, the heads of all
256 offices of the department that are named in subsection (6) of this
257 section shall be appointed by the executive director for terms of
258 six (6) years, with the advice and consent of the Senate, and may
259 be removed only for cause upon the recommendation of the executive
260 director, with the approval of a majority of the members of the
261 board. The terms of the initial office heads that are appointed
262 for terms shall begin on March 1, 2005, and the terms of
263 subsequent office heads that are appointed for a full term shall
264 begin on March 1 following the expiration of the previous term.
265 Any vacancy in the head of a named office before the expiration of
266 the term shall be filled by appointment of the executive director,
267 with the advice and consent of the Senate. The person appointed
268 to fill the vacancy shall serve for the remainder of the unexpired
269 term.

270 (c) The heads of all bureaus and divisions of the
271 department shall be state service employees, and the employment
272 and termination of the heads of bureaus and divisions shall be in
273 accordance with the rules and regulations of the State Personnel
274 Board.

275 (d) The salary and compensation of * * * office, bureau
276 and division heads and other employees of the department shall be
277 subject to the rules and regulations of the State Personnel
278 Board * * *.

279 (e) The executive director may organize offices as
280 deemed appropriate to carry out the responsibilities of the

281 department. The organization charts of the department shall be
282 presented annually with the budget request of the department for
283 review by the Legislature.

284 (8) This section shall stand repealed on July 1, 2006.

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

287 43-1-1. (1) The Department of Human Services shall be the
288 State Department of Public Welfare and shall retain all powers and
289 duties as granted to the State Department of Public Welfare. The
290 State Board of Human Services shall be the State Board of Public
291 Welfare and shall retain all powers and duties as granted to the
292 State Board of Public Welfare. Wherever the term "State
293 Department of Public Welfare" or "State Board of Public Welfare"
294 appears in any law, the term shall mean the Department of Human
295 Services or the State Board of Human Services, respectively. The
296 Executive Director of the Department of Human Services may assign
297 to the appropriate offices such powers and duties deemed
298 appropriate to carry out the lawful functions of the department.

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

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

302 43-1-3. Notwithstanding the authority granted under
303 subsection (5)(d) of Section 43-1-2, the State Board of Human
304 Services, the State Department of Human Services or the Executive
305 Director of Human Services shall not be authorized to delegate,
306 privatize or otherwise enter into a contract with a private entity
307 for the operation of any office, bureau or division of the
308 department, as defined in Section 7-17-11, without specific
309 authority to do so by general act of the Legislature. However,
310 nothing in this section shall be construed to invalidate:

311 (a) Any contract of the department that is in place and
312 operational before January 1, 1994; or

313 **(b)** The continued renewal of any such contract with the
314 same entity upon the expiration of the contract; or

315 **(c)** The execution of a contract with another legal
316 entity as a replacement of any such contract that is expiring,
317 provided that the replacement contract is substantially the same
318 as the expiring contract. * * *

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

320 **SECTION 4.** Section 43-1-4, Mississippi Code of 1972, is
321 amended as follows:

322 43-1-4. **(1)** The State Department of Human Services, under
323 the policy direction of the State Board of Human Services, shall
324 have the following powers and duties:

325 **(a)** To provide basic services and assistance statewide
326 to needy and disadvantaged individuals and families.

327 **(b)** To promote integration of the many services and
328 programs within its jurisdiction at the client level thus
329 improving the efficiency and effectiveness of service delivery and
330 providing easier access to clients.

331 **(c)** To develop a statewide comprehensive service
332 delivery plan in coordination with the Board of Health, the Board
333 of Mental Health, and the Department of Finance and
334 Administration. Such plan shall be developed and presented to the
335 Governor by January 1, 1990.

336 **(d)** To employ personnel and expend funds appropriated
337 to the department to carry out the duties and responsibilities
338 assigned to the department by law.

339 **(2)** The State Board of Human Services shall establish and
340 implement the following:

341 **(a)** Establish a review process to measure outcomes for
342 children and families who receive or formerly received benefits or
343 services from the department, in order to provide timely,
344 appropriate and cost-effective benefits and services to children.
345 This process shall include selected tracking studies of children

346 and their families who receive benefits or services from the
347 department, and those who formerly received benefits or services
348 from the department, to determine the effects on their lives of
349 receiving those benefits or services, and the effects on their
350 lives after no longer receiving those benefits or services.

351 (b) Establish a "single port of entry" structure in the
352 department with generic case managers who are trained to determine
353 the total needs of the child, in order to insure that the funds
354 available for children's services in different programs and state
355 agencies will follow the child. This structure shall be designed
356 to reduce the number and complexity of the forms that are used for
357 children to access different services provided by the department
358 or by other state agencies.

359 (c) Establish a process designed to maximize and
360 utilize, to the greatest extent possible, all federal funds that
361 are available for programs administered by the department or
362 benefits and services provided by the department. It is the
363 intent of the Legislature that the board, the department and the
364 executive director shall take whatever actions are necessary to
365 obtain the maximum amount of federal funds that are available for
366 department programs, benefits and services, and shall expend all
367 federal funds received by the department for those programs,
368 benefits and services.

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

371 43-1-5. It shall be the duty of the State Department of
372 Human Services to:

373 (a) Establish and maintain programs not inconsistent
374 with the terms of this chapter and the rules, regulations and
375 policies of the State Board of Human Services, and publish the
376 rules and regulations of the board pertaining to those programs.

377 (b) Make such reports in such form and containing such
378 information as the federal government may, from time to time,

379 require, and comply with such provisions as the federal government
380 may, from time to time, find necessary to assure the correctness
381 and verification of those reports.

382 (c) Within ninety (90) days after the end of each
383 fiscal year, and at each regular session of the Legislature, make
384 and publish one (1) report to the Governor and to the Legislature,
385 showing for the period of time covered, in each county and for the
386 state as a whole:

387 (i) The total number of recipients;

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

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

391 (iv) The total number of applications;

392 (v) The number granted;

393 (vi) The number denied;

394 (vii) The number canceled;

395 (viii) The amount expended for administration of
396 the provisions of this chapter;

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

399 (x) The amount of money received from recipients
400 of assistance and from their estates and the disposition of same;

401 (xi) Such other information and recommendations as
402 the Governor or the Legislature may require, or as the department
403 may deem advisable;

404 (xii) The number of state-owned automobiles
405 purchased and operated during the year by the department, the
406 number purchased and operated out of funds appropriated by the
407 Legislature, the number purchased and operated out of any other
408 public funds, the miles traveled per automobile, the total miles
409 traveled, the average cost per mile and depreciation estimate on
410 each automobile;

411 (xiii) The cost per mile and total number of miles
412 traveled by department employees in privately-owned automobiles,
413 for which reimbursement is made out of state funds;

414 (xiv) Each association, convention or meeting
415 attended by any department employees, the purposes thereof, the
416 names of the employees attending and the total cost to the state
417 of such convention, association or meeting;

418 (xv) How the money appropriated to the
419 institutions under the jurisdiction of the department has been
420 expended during the preceding year, beginning and ending with the
421 fiscal year of each institution, exhibiting the salaries paid to
422 officers and employees of the institutions, and each and every
423 item of receipt and expenditure;

424 (xvi) The activities of each office of the
425 department, as defined in Section 7-17-11, and recommendations for
426 improvement of the services to be performed by each office;

427 (xvii) In order of authority, the twenty (20)
428 highest paid employees in the department receiving an annual
429 salary in excess of Forty Thousand Dollars (\$40,000.00), by PIN
430 number, job title, job description and annual salary.

431 Each report shall be balanced and shall begin with the
432 balance at the end of the preceding fiscal year, and if any
433 property belonging to the state or the institution is used for
434 profit, the report shall show the expenses incurred in managing
435 the property and the amount received from the same. Those reports
436 shall also show a summary of the gross receipts and gross
437 disbursements for each fiscal year, and shall show the money on
438 hand at the beginning of the fiscal period of each office of the
439 department.

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

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

443 43-1-6. The following programs within the Division of
444 Federal-State Programs, Office of the Governor, shall be
445 transferred to the State Department of Human Services:

- 446 (a) Office of Energy and Community Services;
- 447 (b) Juvenile Justice Advisory Committee; and
- 448 (c) Mississippi Council on Aging.

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

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

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

454 43-1-9. (1) There is created in each county of the state a
455 county department of human services, which shall consist of a
456 county director of human services, and such other personnel as may
457 be necessary for the efficient performance of the duties of the
458 county department. It shall be the duty of the board of
459 supervisors of each county to provide office space for the county
460 department.

461 (2) County director. The Executive Director of Human
462 Services shall designate, in accordance with the rules and
463 regulations of the State Personnel Board, * * * a county director
464 of human services who shall serve as the executive and
465 administrative officer of the county department and shall be
466 responsible to the state department for its management. The
467 director shall be a resident citizen of the county and shall not
468 hold any political office of the state, county, municipality or
469 subdivision thereof. However, in cases of emergency, the
470 Executive Director of Human Services may appoint a county director
471 of human services who is a nonresident of that county, to serve
472 during the period of emergency only.

473 (3) The county department of human services shall administer
474 within the county all forms of public assistance and welfare
475 services. The county department shall comply with such

476 regulations and submit such reports as may be established or
477 required by the state department. Subject to the approval of the
478 state department, the county department may cooperate with other
479 departments, agencies and institutions, state and local, when so
480 requested, in performing services in conformity with the
481 provisions of this chapter.

482 (4) In counties having two (2) judicial districts, the
483 Executive Director of Human Services may create and establish in
484 each of the judicial districts a separate county department of
485 human services, which shall consist of a county director of human
486 services and such other personnel as may be necessary for the
487 efficient performance of the duties of the department thus
488 established. In those cases the two (2) departments so
489 established shall be dealt with as though each is a separate and
490 distinct county department of human services, and each of the
491 departments and each of the directors shall operate and have
492 jurisdiction coextensive with the boundaries of the judicial
493 district in which it is established. In addition, in those cases
494 the words "county" and "director of human services" when used in
495 this chapter shall, where applicable, mean each judicial district,
496 and the director of human services appointed therefor. * * *

497 Where the board of supervisors is authorized to appropriate funds
498 or provide office space or like assistance for one (1)
499 county * * * department or director of human services, the board
500 may, as the case may be, appropriate the amount specified by law
501 or render the assistance required by law to each of the
502 departments or directors. Provided, however, that the Executive
503 Director of Human Services shall not create and establish a
504 separate county department of human services under this paragraph
505 in any county in which a separate county department of public
506 welfare or county department of human services is not in existence
507 on January 1, 1983. In addition, in any county having two (2)
508 county departments of public welfare or county departments of

509 human services on January 1, 1983, but only one (1) county
510 director of public welfare or director of human services on that
511 date, the Executive Director of Human Services shall not authorize
512 and establish the second position of county director of human
513 services in that county.

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

520 **SECTION 8.** Section 43-1-51, Mississippi Code of 1972, is
521 amended as follows:

522 43-1-51. There is * * * created within the Department of
523 Human Services a single and separate Office of Family and
524 Children's Services. The office shall be responsible for the
525 development, execution and provision of services in the following
526 areas:

- 527 (a) Protective services for children and adults;
- 528 (b) Foster care;
- 529 (c) Adoption services;
- 530 (d) Special services;
- 531 (e) Interstate compact;
- 532 (f) Licensure; and
- 533 (g) Such services as may be designated by the board.

534 Employees working in the office shall be limited to work
535 within the areas of service enumerated in this section. Services
536 enumerated under Section 43-15-13 et seq. for the foster care
537 program shall be provided by qualified staff with appropriate case
538 loads.

539 **SECTION 9.** Section 43-1-53, Mississippi Code of 1972, is
540 amended as follows:

541 43-1-53. (1) The Office of Family and Children's Services
542 shall be formed at each level of the Department of Human Services,
543 including state, regional and county levels. The Executive
544 Director of * * * Human Services shall appoint * * * a director of
545 the office in accordance with the provisions of Section 43-1-2(7).
546 The director shall have a master's degree in a field related to
547 children's services, and shall have no less than three (3) years'
548 experience in the field of service to children. In lieu of that
549 degree and experience, the director shall have a minimum of ten
550 (10) years' actual experience in the field of children's services.

551 (2) The state office of the Office of Family and Children's
552 Services shall develop policy, provide training and oversee the
553 implementation of services. The director shall establish such
554 planning and policy councils as may be necessary to carry out
555 these functions.

556 (3) The regional office of the Office of Family and
557 Children's Services shall consist of a regional services director
558 and a crisis intervention team to be dispatched on a case-by-case
559 basis by the regional services director. From and after July 1,
560 1998, the Department of Human Services shall at a minimum employ
561 and assign to the Office of Family and Children's Services two (2)
562 additional regional services directors for supervision of the
563 foster care program.

564 (4) Area offices. Each region shall be divided into three
565 (3) areas, each of which shall have two (2) supervisors and direct
566 service workers deployed at the county level, but not limited in
567 jurisdiction to that county.

568 (5) Counties. The area supervisors shall assign service
569 workers so that every county has an appropriate access point for
570 all services.

571 **SECTION 10.** Section 43-27-20, Mississippi Code of 1972, is
572 amended as follows:

573 43-27-20. (1) Within the Office of Youth Services of the
574 Department of Human Services there shall be a Bureau of Community
575 Services, which shall be headed by a director * * *. The director
576 shall hold a master's degree in social work or a related field and
577 shall have no less than three (3) years' experience in social
578 services, or in lieu of that degree and experience, * * * shall
579 have a minimum of eight (8) years' experience in social work or a
580 related field. The director shall employ and assign the community
581 workers to serve in the various areas in the state and any other
582 supporting personnel necessary to carry out the duties of the
583 bureau.

584 (2) The director of the bureau shall assign probation and
585 aftercare workers to the youth court or family court judges of the
586 various court districts, upon the request of the individual judge
587 on the basis of case load and need, when funds are available. The
588 probation and aftercare workers shall live in their respective
589 districts, except upon approval of the director of the bureau.
590 The director of the bureau may assign a youth services counselor
591 to a district other than the district in which the youth services
592 counselor lives, upon the approval of the youth court judge of the
593 assigned district and the Director of the Office of Youth
594 Services. Every placement shall be with the approval of the youth
595 court or the family court judge, and a probation and aftercare
596 worker may be removed for cause from a youth or family court
597 district.

598 (3) Any counties or cities which, on July 1, 1973, have
599 court counselors or similar personnel may continue using this
600 personnel or may choose to come within the statewide framework.

601 (4) A probation and aftercare worker may be transferred by
602 the bureau from one court to another, after consultation with the
603 judge or judges in the court to which the employee is currently
604 assigned.

605 (5) The bureau shall have such duties as the Office of Youth
606 Services assigns to it, which shall include, but not be limited
607 to, the following:

608 (a) Preparing the social, educational and home-life
609 history and other diagnostic reports on the child for the benefit
610 of the court or the training school; however, this provision shall
611 not abridge the power of the court to require similar services
612 from other agencies, according to law.

613 (b) Serving in counseling capacities with the youth or
614 family courts.

615 (c) Serving as probation agents for the youth or family
616 courts.

617 (d) Serving, advising and counseling of children in the
618 various institutions under the control of the Bureau of Juvenile
619 Correctional Institutions as may be necessary to the placement of
620 the children in proper environment after release and the placement
621 of children in suitable jobs where necessary and proper.

622 (e) Supervising and guiding of children released or
623 conditionally released from institutions under the control of the
624 Bureau of Juvenile Correctional Institutions.

625 (f) Counseling in an aftercare program.

626 (g) Coordinating the activities of supporting community
627 agencies which aid in the social adjustment of children released
628 from the institution and in an aftercare program.

629 (h) Providing or arranging for necessary services
630 leading to the rehabilitation of delinquents, either within the
631 bureau or through cooperative arrangements with other appropriate
632 agencies.

633 (i) Providing counseling and supervision for any child
634 under ten (10) years of age who has been brought to the attention
635 of the court when other suitable personnel is not available and
636 upon request of the court concerned.

637 (j) Supervising the aftercare program and making
638 revocation investigations at the request of the court.

639 * * *

640 **SECTION 11.** Section 43-27-22, Mississippi Code of 1972, is
641 amended as follows:

642 43-27-22. (1) Within the Office of Youth Services of the
643 Department of Human Services there shall be an Office of Juvenile
644 Correctional Institutions, which shall be headed by a Director of
645 Juvenile Institutions * * *. The director * * * shall appoint the
646 individual * * * institutional administrators who, in turn, shall
647 have full power to select and employ personnel necessary to
648 operate the facility he directs, subject to the approval of the
649 Director of the Office of Youth Services.

650 (2) The bureau shall have such duties as the Director of the
651 Office of Youth Services assigns to it including, but not limited
652 to, the following:

653 (a) Operation and maintenance of training schools and
654 other facilities as may be needed to properly diagnose, care for,
655 train, educate and rehabilitate children and youths who have been
656 committed to or confined in the facilities or who are included in
657 the programs of the facilities.

658 (b) Fulfillment of the objectives of rehabilitation and
659 reformation of the youths confined in the schools, being careful
660 to employ no discipline, training or utilization of time and
661 efforts of those youths that * * * under any condition or in any
662 way interfere with those objectives.

663 (c) Grouping of the youths in the schools according to
664 age, sex and disciplinary needs with respect to their housing,
665 schooling, training, recreation and work, being careful to prevent
666 injury to the morals or interference with the training and
667 rehabilitation of the younger or correctable youths by those
668 considered to be less amenable to discipline and rehabilitation.

669 **SECTION 12.** Section 25-9-107, Mississippi Code of 1972, is
670 amended as follows:

671 25-9-107. The following terms, when used in this chapter,
672 unless a different meaning is plainly required by the context,
673 shall have the following meanings:

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

676 (b) "State service" means all employees of state
677 departments, agencies and institutions as defined herein, except
678 those officers and employees excluded by this chapter.

679 (c) "Nonstate service" means the following officers and
680 employees excluded from the state service by this chapter. The
681 following are excluded from the state service:

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

684 (ii) The Governor and staff members of the
685 immediate Office of the Governor;

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

688 (iv) The Lieutenant Governor, staff members of the
689 immediate Office of the Lieutenant Governor and officers and
690 employees directly appointed by the Lieutenant Governor;

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

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

695 (vii) All academic officials, members of the
696 teaching staffs and employees of the state institutions of higher
697 learning, the State Board for Community and Junior Colleges, and
698 community and junior colleges;

699 (viii) Officers and enlisted members of the
700 National Guard of the state;

701 (ix) Prisoners, inmates, student or patient help
702 working in or about institutions;

703 (x) Contract personnel; provided, that any agency
704 which employs state service employees may enter into contracts for
705 personal and professional services only if such contracts are
706 approved in compliance with the rules and regulations promulgated
707 by the State Personal Service Contract Review Board under Section
708 25-9-120(3). Before paying any warrant for such contractual
709 services in excess of One Hundred Thousand Dollars (\$100,000.00),
710 the Auditor of Public Accounts, or the successor to those duties,
711 shall determine whether the contract involved was for personal or
712 professional services, and, if so, was approved by the State
713 Personal Service Contract Review Board;

714 (xi) Part-time employees; provided, however,
715 part-time employees shall only be hired into authorized employment
716 positions classified by the board, shall meet minimum
717 qualifications as set by the board, and shall be paid in
718 accordance with the Variable Compensation Plan as certified by the
719 board;

720 (xii) Persons appointed on an emergency basis for
721 the duration of the emergency; the effective date of the emergency
722 appointments shall not be earlier than the date approved by the
723 State Personnel Director, and shall be limited to thirty (30)
724 working days. Emergency appointments may be extended to sixty
725 (60) working days by the State Personnel Board;

726 (xiii) Physicians, dentists, veterinarians, nurse
727 practitioners and attorneys, while serving in their professional
728 capacities in authorized employment positions who are required by
729 statute to be licensed, registered or otherwise certified as such,
730 provided that the State Personnel Director shall verify that the
731 statutory qualifications are met prior to issuance of a payroll
732 warrant by the auditor;

733 (xiv) Personnel who are employed and paid from
734 funds received from a federal grant program which has been
735 approved by the Legislature or the Department of Finance and
736 Administration whose length of employment has been determined to
737 be time-limited in nature. This subparagraph shall apply to
738 personnel employed under the provisions of the Comprehensive
739 Employment and Training Act of 1973, as amended, and other special
740 federal grant programs which are not a part of regular federally
741 funded programs wherein appropriations and employment positions
742 are appropriated by the Legislature. Such employees shall be paid
743 in accordance with the Variable Compensation Plan and shall meet
744 all qualifications required by federal statutes or by the
745 Mississippi Classification Plan;

746 (xv) The administrative head who is in charge of
747 any state department, agency, institution, board or commission,
748 wherein the statute specifically authorizes the Governor, board,
749 commission or other authority to appoint said administrative head;
750 provided, however, that the salary of such administrative head
751 shall be determined by the State Personnel Board in accordance
752 with the Variable Compensation Plan unless otherwise fixed by
753 statute;

754 (xvi) The State Personnel Board shall exclude top
755 level positions if the incumbents determine and publicly advocate
756 substantive program policy and report directly to the agency head,
757 or the incumbents are required to maintain a direct confidential
758 working relationship with a key excluded official. Provided
759 further, a written job classification shall be approved by the
760 board for each such position, and positions so excluded shall be
761 paid in conformity with the Variable Compensation Plan. However,
762 this subparagraph (xvi) shall not apply to any position of the
763 State Department of Human Services that is specifically included
764 in the state service by law;

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

768 (xviii) Repealed;

769 (xix) The associate director, deputy directors and
770 bureau directors within the Department of Agriculture and
771 Commerce;

772 (xx) Personnel employed by the Mississippi
773 Industries for the Blind; provided, however, that any agency may
774 enter into contracts for the personal services of MIB employees
775 without the prior approval of the State Personnel Board or the
776 State Personal Service Contract Review Board; however, any agency
777 contracting for the personal services of an MIB employee shall
778 provide the MIB employee with not less than the entry level
779 compensation and benefits that the agency would provide to a
780 full-time employee of the agency who performs the same services;

781 (xxi) Personnel employed by the Mississippi
782 Department of Wildlife, Fisheries and Parks as law enforcement
783 trainees (cadets); such personnel shall be paid in accordance with
784 the Colonel Guy Groff State Variable Compensation Plan.

785 (d) "Agency" means any state board, commission,
786 committee, council, department or unit thereof created by the
787 Constitution or statutes if such board, commission, committee,
788 council, department, unit or the head thereof, is authorized to
789 appoint subordinate staff by the Constitution or statute, except a
790 legislative or judicial board, commission, committee, council,
791 department or unit thereof.

792 **SECTION 13.** This act shall take effect and be in force from
793 and after July 1, 2004; provided, however, that Section 1 of this
794 act, which creates a State Board of Human Services, shall take
795 effect and be in force from and after its passage.