

By: Representatives Evans, Dedeaux, Holland,
Straughter, Watson

To: Public Health and Human
Services

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 698

1 AN ACT TO REENACT 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 AND THE EXECUTIVE DIRECTOR OF HUMAN SERVICES AND
4 PRESCRIBE THEIR POWERS AND DUTIES, AND WHICH WERE REPEALED BY
5 OPERATION OF LAW ON JULY 1, 2004; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 43-1-1, Mississippi Code of 1972, is
8 reenacted as follows:

9 43-1-1. (1) The Department of Human Services shall be the
10 State Department of Public Welfare and shall retain all powers and
11 duties as granted to the State Department of Public Welfare.
12 Wherever the term "State Department of Public Welfare" or "State
13 Board of Public Welfare" appears in any law, the same shall mean
14 the Department of Human Services. The Executive Director of the
15 Department of Human Services may assign to the appropriate offices
16 such powers and duties deemed appropriate to carry out the lawful
17 functions of the department.

18 (2) This section shall stand repealed on July 1, 2009.

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

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

25 (2) The chief administrative officer of the department shall
26 be the Executive Director of Human Services. The Governor shall
27 appoint the Executive Director of Human Services with the advice
28 and consent of the Senate, and he or she shall serve at the will

29 and pleasure of the Governor, and until his or her successor is
30 appointed and qualified. The Executive Director of Human Services
31 shall possess the following qualifications:

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

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

38 Those qualifications shall be certified by the State
39 Personnel Board.

40 (3) There shall be a Joint Oversight Committee of the
41 Department of Human Services composed of the respective chairmen
42 of the Senate Public Health and Welfare Committee, the Senate
43 Appropriations Committee, the House Public Health and Human
44 Services Committee and the House Appropriations Committee, four
45 (4) members of the Senate appointed by the Lieutenant Governor to
46 serve at the will and pleasure of the Lieutenant Governor, and
47 four (4) members of the House of Representatives appointed by the
48 Speaker of the House to serve at the will and pleasure of the
49 Speaker. The chairmanship of the committee shall alternate for
50 twelve-month periods between the Senate members and the House
51 members, on May 1 of each year, with the Chairman of the Senate
52 Public Health and Welfare Committee serving as chairman beginning
53 in even-numbered years, and the Chairman of the House Public
54 Health and Human Services Committee serving as chairman beginning
55 in odd-numbered years. The committee shall meet once each month,
56 or upon the call of the chairman at such times as he or she deems
57 necessary or advisable, and may make recommendations to the
58 Legislature pertaining to any matter within the jurisdiction of
59 the Department of Human Services. The appointing authorities may
60 designate an alternate member from their respective houses to
61 serve when the regular designee is unable to attend the meetings

62 of the oversight committee. For attending meetings of the
63 oversight committee, the legislators shall receive per diem and
64 expenses, which shall be paid from the contingent expense funds of
65 their respective houses in the same amounts as provided for
66 committee meetings when the Legislature is not in session;
67 however, no per diem and expenses for attending meetings of the
68 committee will be paid while the Legislature is in session. No
69 per diem and expenses will be paid except for attending meetings
70 of the oversight committee without prior approval of the proper
71 committee in their respective houses.

72 (4) The Department of Human Services shall provide the
73 services authorized by law to every individual determined to be
74 eligible therefor, and in carrying out the purposes of the
75 department, the executive director is authorized:

76 (a) To formulate the policy of the department regarding
77 human services within the jurisdiction of the department;

78 (b) To adopt, modify, repeal and promulgate, after due
79 notice and hearing, and where not otherwise prohibited by federal
80 or state law, to make exceptions to and grant exemptions and
81 variances from, and to enforce rules and regulations implementing
82 or effectuating the powers and duties of the department under any
83 and all statutes within the department's jurisdiction, all of
84 which shall be binding upon the county departments of human
85 services;

86 (c) To apply for, receive and expend any federal or
87 state funds or contributions, gifts, devises, bequests or funds
88 from any other source;

89 (d) Except as limited by Section 43-1-3, to enter into
90 and execute contracts, grants and cooperative agreements with any
91 federal or state agency or subdivision thereof, or any public or
92 private institution located inside or outside the State of
93 Mississippi, or any person, corporation or association in
94 connection with carrying out the programs of the department; and

95 (e) To discharge such other duties, responsibilities
96 and powers as are necessary to implement the programs of the
97 department.

98 (5) The executive director shall establish the
99 organizational structure of the Department of Human Services,
100 which shall include the creation of any units necessary to
101 implement the duties assigned to the department and consistent
102 with specific requirements of law including, but not limited to:

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

104 (b) Office of Youth Services;

105 (c) Office of Economic Assistance;

106 (d) Office of Child Support Enforcement.

107 (6) The Executive Director of Human Services shall appoint
108 heads of offices, bureaus and divisions, as defined in Section
109 7-17-11, who shall serve at the pleasure of the executive
110 director. The salary and compensation of the office, bureau and
111 division heads shall be subject to the rules and regulations
112 adopted and promulgated by the State Personnel Board as created
113 under Section 25-9-101 et seq. The executive director shall have
114 the authority to organize offices as deemed appropriate to carry
115 out the responsibilities of the department. The organization
116 charts of the department shall be presented annually with the
117 budget request of the Governor for review by the Legislature.

118 (7) This section shall stand repealed on July 1, 2009.

119 **SECTION 3.** Section 43-1-3, Mississippi Code of 1972, is
120 reenacted as follows:

121 43-1-3. Notwithstanding the authority granted under
122 subsection (4)(d) of Section 43-1-2, the Department of Human
123 Services or the Executive Director of Human Services shall not be
124 authorized to delegate, privatize or otherwise enter into a
125 contract with a private entity for the operation of any office,
126 bureau or division of the department, as defined in Section
127 7-17-11, without specific authority to do so by general act of the

128 Legislature. However, nothing in this section shall be construed
129 to invalidate (a) any contract of the department that is in place
130 and operational before January 1, 1994; or (b) the continued
131 renewal of any such contract with the same entity upon the
132 expiration of the contract; or (c) the execution of a contract
133 with another legal entity as a replacement of any such contract
134 that is expiring, provided that the replacement contract is
135 substantially the same as the expiring contract.

136 This section shall stand repealed on July 1, 2009.

137 **SECTION 4.** Section 43-1-5, Mississippi Code of 1972, is
138 reenacted as follows:

139 43-1-5. It shall be the duty of the Department of Human
140 Services to:

141 (1) Establish and maintain programs not inconsistent with
142 the terms of this chapter and the rules, regulations and policies
143 of the Department of Human Services, and publish the rules and
144 regulations of the department pertaining to those programs.

145 (2) Make such reports in such form and containing such
146 information as the federal government may, from time to time,
147 require, and comply with such provisions as the federal government
148 may, from time to time, find necessary to assure the correctness
149 and verification of those reports.

150 (3) Within ninety (90) days after the end of each fiscal
151 year, and at each regular session of the Legislature, make and
152 publish one (1) report to the Governor and to the Legislature,
153 showing for the period of time covered, in each county and for the
154 state as a whole:

155 (a) The total number of recipients;

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

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

159 (d) The total number of applications;

160 (e) The number granted;

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

194 (q) In order of authority, the twenty (20) highest paid
195 employees in the department receiving an annual salary in excess
196 of Forty Thousand Dollars (\$40,000.00), by PIN number, job title,
197 job description and annual salary.

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

207 This section shall stand repealed on July 1, 2009.

208 **SECTION 5.** Section 43-1-6, Mississippi Code of 1972, is
209 reenacted as follows:

210 43-1-6. The following programs within the Division of
211 Federal-State Programs, Office of the Governor, shall be
212 transferred to the Department of Human Services:

- 213 (a) Office of Energy and Community Services;
214 (b) Juvenile Justice Advisory Committee; and
215 (c) Mississippi Council on Aging.

216 All authority to implement those programs shall be vested in
217 the Department of Human Services.

218 This section shall stand repealed on July 1, 2009.

219 **SECTION 6.** This act shall take effect and be in force from
220 and after July 1, 2005.