

By: Representative Rosebud

To: Public Health and Human  
Services

HOUSE BILL NO. 1212

1 AN ACT TO AMEND SECTION 43-1-2, MISSISSIPPI CODE OF 1972, TO  
2 CREATE A BOARD OF DIRECTORS FOR THE DEPARTMENT OF HUMAN SERVICES;  
3 TO PROVIDE THE MAKEUP OF THE BOARD; TO PROVIDE THAT THE BOARD OF  
4 DIRECTORS SHALL ASSIST AND OVERSEE THE EXECUTIVE DIRECTOR IN  
5 GOVERNING THE DEPARTMENT; TO REQUIRE THE EXECUTIVE DIRECTOR MEET  
6 WITH THE JOINT OVERSIGHT COMMITTEE OF THE DEPARTMENT AT ALL OF ITS  
7 MEETINGS AND PROVIDE SUCH INFORMATION AS REQUESTED AND ANSWER SUCH  
8 QUESTIONS AS PRESENTED BY THE COMMITTEE ABOUT THE DEPARTMENT; TO  
9 EXTEND THE DATE OF THE REPEALER ON THIS SECTION; AND FOR RELATED  
10 PURPOSES.

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

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

14 43-1-2. (1) There is created the Mississippi Department of  
15 Human Services, whose offices shall be located in Jackson,  
16 Mississippi, and which shall be under the policy direction of the  
17 Governor.

18 (2) The chief administrative officer of the department shall  
19 be the Executive Director of Human Services. The Governor shall  
20 appoint the Executive Director of Human Services with the advice  
21 and consent of the Senate, and he or she shall serve at the will  
22 and pleasure of the Governor, and until his or her successor is



23 appointed and qualified. The Executive Director of Human Services  
24 shall possess the following qualifications:

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

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

31 Those qualifications shall be certified by the State  
32 Personnel Board.

33 (3) (a) There shall be a Joint Oversight Committee of the  
34 Department of Human Services composed of the respective Chairmen  
35 of the Senate Public Health and Welfare Committee, the Senate  
36 Appropriations Committee, the House Public Health and Human  
37 Services Committee and the House Appropriations Committee, three  
38 (3) members of the Senate appointed by the Lieutenant Governor to  
39 serve at the will and pleasure of the Lieutenant Governor, and  
40 three (3) members of the House of Representatives appointed by the  
41 Speaker of the House to serve at the will and pleasure of the  
42 Speaker. The chairmanship of the committee shall alternate for  
43 twelve-month periods between the Senate members and the House  
44 members, on May 1 of each year, with the Chairman of the Senate  
45 Public Health and Welfare Committee serving as chairman beginning  
46 in even-numbered years, and the Chairman of the House Public



47 Health and Human Services Committee serving as chairman beginning  
48 in odd-numbered years.

49       **(b)** The committee shall meet once each quarter, \* \* \*  
50 and upon the call of the chairman at such additional times as he  
51 or she deems necessary or advisable \* \* \*. At all such meetings,  
52 the Executive Director of Human Services shall meet with the  
53 committee and provide such information as requested and answer  
54 such questions as presented by the committee about the operation  
55 of the department, the programs of the department, the budget of  
56 the department, and the expenditures of the department. The  
57 committee may make recommendations to the Legislature pertaining  
58 to any matter within the jurisdiction of the \* \* \* Department of  
59 Human Services. The appointing authorities may designate an  
60 alternate member from their respective houses to serve when the  
61 regular designee is unable to attend such meetings of the  
62 oversight committee.

63       **(c)** For attending meetings of the oversight committee,  
64 such legislators shall receive per diem and expenses which shall  
65 be paid from the contingent expense funds of their respective  
66 houses in the same amounts as provided for committee meetings when  
67 the Legislature is not in session; however, no per diem and  
68 expenses for attending meetings of the committee will be paid  
69 while the Legislature is in session. No per diem and expenses  
70 will be paid except for attending meetings of the oversight



71 committee without prior approval of the proper committee in their  
72 respective houses.

73       (4)   (a)   From and after July 1, 2023, there is created the  
74 board of directors of the Department of Human Services, which  
75 shall consist of four (4) persons appointed by the Governor, and  
76 three (3) persons appointed by the Lieutenant Governor, each with  
77 the advice and consent of the Senate, and each of whom shall be a  
78 qualified elector of the State of Mississippi. Notwithstanding  
79 any other provision of law to the contrary, the board of directors  
80 of the Department of Human Services shall assist and oversee the  
81 Executive Director of Human Services in governing the department,  
82 and the executive director shall consult with the board of  
83 directors before making any major decisions affecting any program  
84 of the department or any policy of the department.

85       (b)   Initial appointments shall be made by August 1,  
86 2023. The Governor shall make initial appointments of two (2)  
87 members for two (2) years, one (1) member for three (3) years, and  
88 one (1) member for four (4) years to be designated at the time of  
89 appointment. The Lieutenant Governor shall make initial  
90 appointments of one (1) member for two (2) years, one (1) member  
91 for three (3) years, and one (1) member for four (4) years to be  
92 designated at the time of appointment. Thereafter, the terms of  
93 the members shall be for four (4) years and until their successors  
94 are appointed and qualified. In the event of a vacancy during the



95 term of office of an incumbent, the appointing authority shall  
96 fill such vacancy for the unexpired portion of the term.

97 (c) The board of directors shall organize by selecting  
98 annually from its members a chair and a vice chair, and may do all  
99 things as necessary for carrying out the provisions of this  
100 chapter and the powers and duties of the department under the  
101 provisions of law. Each member of the board shall receive a per  
102 diem as provided in Section 25-3-69, plus travel and reasonable  
103 and necessary expenses incidental to the attendance at each  
104 meeting as provided in Section 25-3-41, including mileage.

105 ( \* \* \*5) The Department of Human Services shall provide the  
106 services authorized by law to every individual determined to be  
107 eligible therefor, and in carrying out the purposes of the  
108 department, the executive director is authorized:

109 (a) To formulate the policy of the department regarding  
110 human services within the jurisdiction of the department;

111 (b) To adopt, modify, repeal and promulgate, after due  
112 notice and hearing, and where not otherwise prohibited by federal  
113 or state law, to make exceptions to and grant exemptions and  
114 variances from, and to enforce rules and regulations implementing  
115 or effectuating the powers and duties of the department under any  
116 and all statutes within the department's jurisdiction, all of  
117 which shall be binding upon the county departments of human  
118 services;



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

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

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

( \* \* \* 6) The executive director shall establish the organizational structure of the Mississippi Department of Human Services, which shall include the creation of any units necessary to implement the duties assigned to the department and consistent with specific requirements of law, including, but not limited to:

(a) \* \* \* Office of Youth Services;  
( \* \* \* b) Office of Economic Assistance;  
( \* \* \* c) Office of Child Support Enforcement; or  
( \* \* \* d) Office of Field Operations to administer any state or county level programs under the purview of the Mississippi Department of Human Services, with the exception of programs \* \* \* that fall under \* \* \* paragraph (a) \* \* \* of this subsection.



144           ( \* \* \*7)   The Executive Director of Human Services shall  
145   appoint heads of offices, bureaus and divisions, as defined in  
146   Section 7-17-11, who shall serve at the pleasure of the executive  
147   director.   The salary and compensation of such office, bureau and  
148   division heads shall be subject to the rules and regulations  
149   adopted and promulgated by the State Personnel Board as created  
150   under Section 25-9-101 et seq.   The executive director shall have  
151   the authority to organize offices as deemed appropriate to carry  
152   out the responsibilities of the department.   The organization  
153   charts of the department shall be presented annually with the  
154   budget request of the Governor for review by the Legislature.

155           ( \* \* \*8)   This section shall stand repealed on July 1, \* \* \*  
156   2026.

157           **SECTION 2.**   This act shall take effect and be in force from  
158   and after July 1, 2023.

