

By: Senator(s) Turner-Ford, Jackson, Simmons
(12th), Norwood, Jordan, Frazier, Butler
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Blackmon

To: Public Health and
Welfare

SENATE BILL NO. 2815

1 AN ACT TO AMEND SECTION 43-1-2, MISSISSIPPI CODE OF 1972, TO
2 CREATE THE GOVERNING BOARD OF THE DEPARTMENT OF HUMAN SERVICES; TO
3 PROVIDE FOR THE MEMBERSHIP AND CHAIRMANSHIP OF THE GOVERNING
4 BOARD; AND FOR RELATED PURPOSES.

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

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

8 43-1-2. (1) There is created the Mississippi Department of
9 Human Services, whose offices shall be located in Jackson,
10 Mississippi, and which shall be under the * * * direction of the
11 Governing Board of the department.

12 (2) The chief administrative officer of the department shall
13 be the Executive Director of Human Services. The * * * Governing
14 Board shall appoint the Executive Director of Human Services with
15 the advice and consent of the Senate, and he shall serve at the
16 will and pleasure of the * * * Governing Board, and until his
17 successor is appointed and qualified. The Executive Director of
18 Human Services shall possess the following qualifications:



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

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

25 Those qualifications shall be certified by the State
26 Personnel Board.

27 (3) * * * The governing board of the department shall
28 consist of the following members: two (2) members appointed by the
29 Governor, two (2) members appointed by the Lieutenant Governor,
30 two (2) members appointed by the Speaker of the House, and the
31 Chairmen of the Appropriations Committee for the Senate and House
32 of Representatives. The terms of an appointment shall be for four
33 (4) years. The chairmanship of the * * * governing board shall
34 alternate for twelve-month periods between the * * * Lieutenant
35 Governor and Speaker of the House, on May 1 of each year, with
36 the * * * Lieutenant Governor serving as chairman beginning in
37 even-numbered years, and the * * * Speaker of the House serving as
38 chairman beginning in odd-numbered years. The * * * governing
39 board shall meet once each quarter, or upon the call of the
40 chairman at such times as he deems necessary or advisable, and may
41 make recommendations to the Legislature pertaining to any matter
42 within the jurisdiction of the Mississippi Department of Human
43 Services. * * *



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

48 (a) To formulate the policy of the department regarding
49 human services within the jurisdiction of the department;

50 (b) To adopt, modify, repeal and promulgate, after due
51 notice and hearing, and where not otherwise prohibited by federal
52 or state law, to make exceptions to and grant exemptions and
53 variances from, and to enforce rules and regulations implementing
54 or effectuating the powers and duties of the department under any
55 and all statutes within the department's jurisdiction, all of
56 which shall be binding upon the county departments of human
57 services;

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

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



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

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

75 (a) Office of Family Children's Services;

76 (b) Office of Youth Services;

77 (c) Office of Economic Assistance;

78 (d) Office of Child Support Enforcement; or

79 (e) Office of Field Operations to administer any state
80 or county level programs under the purview of the Mississippi
81 Department of Human Services, with the exception of programs which
82 fall under paragraphs (a) and (b) above.

83 (6) The Executive Director of Human Services shall appoint
84 heads of offices, bureaus and divisions, as defined in Section
85 7-17-11, who shall serve at the pleasure of the executive
86 director. The salary and compensation of such office, bureau and
87 division heads shall be subject to the rules and regulations
88 adopted and promulgated by the State Personnel Board as created
89 under Section 25-9-101 et seq. The executive director shall have
90 the authority to organize offices as deemed appropriate to carry
91 out the responsibilities of the department. The organization



92 charts of the department shall be presented annually with the
93 budget request of the Governor for review by the Legislature.

94 (7) This section shall stand repealed on July 1, * * * 2026.

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

