

By: Senator(s) Fillingane

To: Public Health and Welfare

SENATE BILL NO. 2152

1 AN ACT TO AMEND SECTION 43-1-9, MISSISSIPPI CODE OF 1972, TO  
 2 AUTHORIZE THE DEPARTMENT OF HUMAN SERVICES TO ENTER INTO A LEASE  
 3 WITH EACH COUNTY BOARD OF SUPERVISORS WHERE A LOCAL OFFICE IS  
 4 LOCATED TO ALLOW THE DEPARTMENT TO MAXIMIZE THE AVAILABILITY OF  
 5 FEDERAL FUNDS; TO SET THE METHOD FOR DETERMINING FAIR-MARKET VALUE  
 6 OF RENT; TO REQUIRE EACH COUNTY TO BE RESPONSIBLE FOR ALL  
 7 MAINTENANCE AND REPAIRS OF SUCH LOCAL OFFICES; TO PROVIDE THAT THE  
 8 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES MAY APPOINT  
 9 A COUNTY DIRECTOR OF HUMAN SERVICES WHO IS A NONRESIDENT OF SUCH  
 10 COUNTY WHEN THERE IS NOT A COUNTY RESIDENT SUITABLE FOR THE  
 11 POSITION; AND FOR RELATED PURPOSES.

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

13 **SECTION 1.** Section 43-1-9, Mississippi Code of 1972, is  
 14 amended as follows:

15 43-1-9. (1) There shall be created in each county of the  
 16 state a county department of human services which shall consist of  
 17 a county director of human services, and such other personnel as  
 18 may be necessary for the efficient performance of the duties of  
 19 the county department. It shall be the duty of the board of  
 20 supervisors of each county to provide adequate and habitable  
 21 office space for the county department.



22 County director. The Executive Director of Human Services  
23 shall designate, in accordance with the rules and regulations of  
24 the State Personnel Board, with the approval of the Governor, a  
25 county director of human services who shall serve as the executive  
26 and administrative officer of the county department and shall be  
27 responsible to the state department for its management. Such  
28 director shall be a resident citizen of the county and shall not  
29 hold any political office of the state, county, municipality or  
30 subdivision thereof. However, in cases of emergency or  
31 unavailability of a county resident suitable for the position as  
32 determined by the executive director, the executive director may  
33 appoint a director of human services who is a nonresident of such  
34 county, to serve during the period of emergency only or until a  
35 suitable candidate who is a county resident may be found.

36 The county department of human services shall administer  
37 within the county all forms of public assistance and welfare  
38 services, with the exception of child welfare services  
39 administered by the Department of Child Protection Services. The  
40 county department shall comply with such regulations and submit  
41 such reports as may be established or required by the state  
42 department. Subject to the approval of the state department, the  
43 county department may cooperate with other departments, agencies  
44 and institutions, state and local, when so requested, in  
45 performing services in conformity with the provisions of this  
46 chapter.



47       (2) The Department of Human Services may enter into a lease  
48 with each county board of supervisors in each county where a local  
49 office is located to allow the department to maximize the  
50 availability of federal funds. Fair market value for the  
51 county-furnished building will be established by consultation  
52 between the department and each county board of supervisors, and  
53 the department shall pay the federal share for the rent to the  
54 county. All maintenance and repairs of the local office required  
55 to keep it in an adequate and habitable condition for use by the  
56 department shall be the responsibility of the county due to the  
57 prohibition against use of federal funds for improvement of real  
58 property.

59       (3) In counties having two (2) judicial districts, the  
60 Executive Director of Human Services may create and establish in  
61 each of the judicial districts a separate county department of  
62 human services which shall consist of a director of human services  
63 and such other personnel as may be necessary for the efficient  
64 performance of the duties of the department thus established. In  
65 such cases the two (2) departments so established shall be dealt  
66 with as though each is a separate and distinct county department  
67 of human services, and each of the departments and each of the  
68 directors shall operate and have jurisdiction coextensive with the  
69 boundaries of the judicial district in which it is established;  
70 and, also, in such cases the words "county" and "director of human  
71 services" when used in this chapter shall, where applicable, mean



72 each judicial district, and the director of human services  
73 appointed therefor; and where the board of supervisors is  
74 authorized to appropriate funds or provide office space or like  
75 assistance for one (1) county department or director, such board  
76 may, as the case may be, appropriate the amount specified by law  
77 or render the assistance required by law to each of the  
78 departments or directors. However, the Executive Director of  
79 Human Services shall not create and establish a separate county  
80 department of human services pursuant to this paragraph in any  
81 county in which such separate county department of human services  
82 is not in existence on January 1, 1983. In addition, in any  
83 county having two (2) county departments of human services on  
84 January 1, 1983, but only one (1) county director of human  
85 services on that date, the Executive Director of Human Services  
86 shall not authorize and establish the second position of county  
87 director of human services in such county.

88 In any county not having two (2) judicial districts which is  
89 greater than fifty (50) miles in length, the Executive Director of  
90 Human Services may establish one (1) branch office of the county  
91 department of human services which shall be staffed with existing  
92 employees and administrative staff of such county department for  
93 not less than four (4) days per week.

94 **SECTION 2.** This act shall take effect and be in force from  
95 and after July 1, 2024.

