

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.

