

By: Representative Hines

To: Public Health and Human Services; Accountability, Efficiency, Transparency

HOUSE BILL NO. 18

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 THE EXECUTIVE DIRECTOR IN GOVERNING THE
5 DEPARTMENT; AND FOR RELATED PURPOSES.

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

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

9 43-1-2. (1) There is created the Mississippi Department of
10 Human Services, whose offices shall be located in Jackson,
11 Mississippi, and which shall be under the policy direction of the
12 Governor.

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



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

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

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

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



45 deems necessary or advisable, and may make recommendations to the
46 Legislature pertaining to any matter within the jurisdiction of
47 the Mississippi Department of Human Services. The appointing
48 authorities may designate an alternate member from their
49 respective houses to serve when the regular designee is unable to
50 attend such meetings of the oversight committee. For attending
51 meetings of the oversight committee, such legislators shall
52 receive per diem and expenses which shall be paid from the
53 contingent expense funds of their respective houses in the same
54 amounts as provided for committee meetings when the Legislature is
55 not in session; however, no per diem and expenses for attending
56 meetings of the committee will be paid while the Legislature is in
57 session. No per diem and expenses will be paid except for
58 attending meetings of the oversight committee without prior
59 approval of the proper committee in their respective houses.

60 (4) (a) From and after July 1, 2024, the Board of Directors
61 of the Department of Human Services is created, to consist of four
62 (4) persons appointed by the Governor and three (3) by the
63 Lieutenant Governor, each with the advice and consent of the
64 Senate, and each of whom shall be a qualified elector of the State
65 of Mississippi. Notwithstanding any other provision of law to the
66 contrary, the board of directors shall assist the executive
67 director in governing the department.

68 (b) Initial appointments shall be made by August 1,
69 2024. The Governor shall make initial appointments of two (2)



70 members for two (2) years, one (1) member for three (3) years, and
71 one (1) member for four (4) years to be designated at the time of
72 appointment. The Lieutenant Governor shall make initial
73 appointments of one (1) member for two (2) years, one (1) member
74 for three (3) years, and one (1) member for four (4) years to be
75 designated at the time of appointment. Thereafter, the terms of
76 the members shall be for four (4) years from the expiration date
77 of the previous term and until their successors are appointed and
78 qualified. If there is a vacancy during the term of office of an
79 incumbent, the appointing authority shall fill such vacancy, for
80 the unexpired portion of the term, by appointing an individual
81 having the same prerequisite qualifications as required for the
82 vacancy being filled.

83 (c) The board of directors shall organize by selecting
84 annually from its members a chair and a vice chair, and may do all
85 things necessary and convenient for carrying into effect the
86 provisions of this chapter and the powers and duties of the
87 department under any other provisions of law. Each member of the
88 board shall receive a per diem as provided in Section 25-3-69,
89 plus travel and reasonable and necessary expenses incidental to
90 the attendance at each meeting as provided in Section 25-3-41,
91 including mileage.

92 (5) The Department of Human Services shall provide the
93 services authorized by law to every individual determined to be



94 eligible therefor, and in carrying out the purposes of the
95 department, the executive director is authorized:

96 (a) To formulate the policy of the department regarding
97 human services within the jurisdiction of the department;

98 (b) To adopt, modify, repeal and promulgate, after due
99 notice and hearing, and where not otherwise prohibited by federal
100 or state law, to make exceptions to and grant exemptions and
101 variances from, and to enforce rules and regulations implementing
102 or effectuating the powers and duties of the department under any
103 and all statutes within the department's jurisdiction, all of
104 which shall be binding upon the county departments of human
105 services;

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

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

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



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

- 123 (a) Division of Youth Services;
124 (b) Office of Economic Programs;
125 (c) Office of Child Support Enforcement; or
126 (d) Office of Field Operations to administer any state
127 or county level programs under the purview of the Mississippi
128 Department of Human Services, with the exception of programs that
129 fall under paragraph (a) of this subsection.

130 (* * *7) The Executive Director of Human Services shall
131 appoint heads of offices, bureaus and divisions, as defined in
132 Section 7-17-11, who shall serve at the pleasure of the executive
133 director. The salary and compensation of such office, bureau and
134 division heads shall be subject to the rules and regulations
135 adopted and promulgated by the State Personnel Board as created
136 under Section 25-9-101 et seq. The executive director shall have
137 the authority to organize offices as deemed appropriate to carry
138 out the responsibilities of the department. The organization
139 charts of the department shall be presented annually with the
140 budget request of the Governor for review by the Legislature.

141 (* * *8) This section shall stand repealed on July 1, 2026.



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

