

By: Representative Rosebud

To: Accountability,
Efficiency, Transparency

HOUSE BILL NO. 926

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; AND
9 FOR RELATED PURPOSES.

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

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

13 43-1-2. (1) There is created the Mississippi Department of
14 Human Services, whose offices shall be located in Jackson,
15 Mississippi, and which shall be under the policy direction of the
16 Governor.

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



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

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

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

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

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



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

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

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



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

72 (4) (a) From and after July 1, 2024, there is created the
73 Board of Directors of the Department of Human Services, which
74 shall consist of four (4) persons appointed by the Governor, and
75 three (3) persons appointed by the Lieutenant Governor, each with
76 the advice and consent of the Senate, and each of whom shall be a
77 qualified elector of the State of Mississippi. Notwithstanding
78 any other provision of law to the contrary, the Board of Directors
79 of the Department of Human Services shall assist and oversee the
80 Executive Director of Human Services in governing the department,
81 and the executive director shall consult with the board of
82 directors before making any major decisions affecting any program
83 of the department or any policy of the department.

84 (b) Initial appointments shall be made by August 1,
85 2024. The Governor shall make initial appointments of two (2)
86 members for two (2) years, one (1) member for three (3) years, and
87 one (1) member for four (4) years to be designated at the time of
88 appointment. The Lieutenant Governor shall make initial
89 appointments of one (1) member for two (2) years, one (1) member
90 for three (3) years, and one (1) member for four (4) years to be
91 designated at the time of appointment. Thereafter, the terms of
92 the members shall be for four (4) years from the expiration date
93 of the previous term and until their successors are appointed and
94 qualified. In the event of a vacancy during the term of office of



95 an incumbent, the appointing authority shall fill such vacancy for
96 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 any
101 other provisions of law. Each member of the board shall receive a
102 per diem as provided in Section 25-3-69, plus travel and
103 reasonable and necessary expenses incidental to the attendance at
104 each 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;



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

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

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

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

136 (a) Division of Youth Services;

137 (b) Office of Economic Programs;

138 (c) Office of Child Support Enforcement; or

139 (d) Office of Field Operations to administer any state
140 or county level programs under the purview of the Mississippi
141 Department of Human Services, with the exception of programs that
142 fall under paragraph (a) of this subsection.



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

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

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

