MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Hines (By Request)

To: Public Health and Human Services

# HOUSE BILL NO. 67

AN ACT TO CREATE THE MISSISSIPPI BOARD OF HUMAN SERVICES; TO PROVIDE FOR THE MEMBERSHIP OF THE BOARD AND THE EXPERIENCE OF THE APPOINTED BOARD MEMBERS; TO PROVIDE ADDITIONAL QUALIFICATIONS OF THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES; TO BRING FORWARD SECTION 43-1-2, MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

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

**SECTION 1.** (1) There is created the Mississippi Board of Human Services. The board shall consist of the following ten (10) members, who shall each have extensive knowledge of or practical experience with the Department of Human Services:

(a) Four (4) members to be appointed by the Governor, with one (1) from each congressional district, one (1) shall be an individual who has received services from the Department of Human Services in the past, and one (1) shall be an attorney with background in human services issues;

(b) Three (3) members to be appointed by the Lieutenant Governor, with one (1) having knowledge of federal and state funding issues, one (1) having experience with the federal CCDF

program and one (1) having knowledge of TANF and SNAP programs; and

(c) Three (3) members to be appointed by the Speaker of the House, who shall hold a current or past license as a master's level social worker and have some experience with vulnerable adults and children.

(2) All initial and later appointments to the board shall be confirmed by the Senate. The initial members of the board shall be appointed for staggered terms. No person shall be appointed to the board for more than two (2) consecutive terms.

(3) Any vacancy on the board before the expiration of a term shall be filled by appointment of the Governor and confirmed by the Senate. The person appointed to fill the vacancy shall serve for the remainder of the unexpired term and must fulfill the requirements of this section.

(4) The members of the board shall select one (1) member to serve as chairperson of the board at the first meeting. The board shall select a chairperson once every two (2) years, and any person who has previously served as chairperson may be reelected as chairperson, but not for more than two (2) consecutive terms.

(5) Six (6) members of the board shall constitute a quorum for the transaction of any business of the board. The board shall hold regular monthly meetings, and other meetings as may be necessary for the purpose of conducting such business as may be required. All meetings shall be called by the chairperson or by a

majority of the members of the board, except the first meeting, which shall be called by the Governor. Any member who does not attend three (3) consecutive regular meetings of the board, except for illness, shall be subject to removal by a majority vote of the members of the board.

(6) Members of the board shall receive the per diem authorized under Section 25-3-69 for each day spent actually discharging their official duties, and shall receive reimbursement for mileage and necessary travel expenses incurred as provided in Section 25-3-41.

(7) (a) The chief administrative officer of the department shall be the Executive Director of Human Services. In addition to the qualifications required of the executive director in Section 43-1-2, the executive director shall possess the following qualifications, which shall be certified by the State Personnel Board:

(i) Strong administrative ability;

(ii) Knowledge related to the fields of services provided by the department;

(iii) Understanding of the legislative process; and

(iv) Knowledge of state and federal funding streams.

(b) The executive director shall serve as secretary and executive officer of the board. The executive director shall be

vested with all the authority of the board when it is not in session, and shall be subject to such rules and regulations as may be prescribed by the board.

(c) The executive director shall be responsible to the board for the proper administration of all programs under the jurisdiction of the department. Whenever the executive director is given any duty or authority by law, the executive director shall exercise that duty or authority in accordance with the rules, regulations and policies adopted by the board.

(d) The salary of the executive director shall be set by the board, subject to the approval of the State Personnel Board.

**SECTION 2.** Section 43-1-2, Mississippi Code of 1972, is brought forward as follows:

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

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

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

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

Those qualifications shall be certified by the State Personnel Board.

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

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

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

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

(b) To adopt, modify, repeal and promulgate, after due notice and hearing, and where not otherwise prohibited by federal or state law, to make exceptions to and grant exemptions and variances from, and to enforce rules and regulations implementing

or effectuating the powers and duties of the department under any and all statutes within the department's jurisdiction, all of which shall be binding upon the county departments of human services;

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

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

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

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

(a) Office of Family Children's Services;

(b) Office of Youth Services;

(c) Office of Economic Assistance;

(d) Office of Child Support Enforcement; or

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

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

(7) This section shall stand repealed on July 1, 2023.

**SECTION 3.** This act shall take effect and be in force from and after July 1, 2021.