

REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER AND MADAM PRESIDENT:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

H. B. No. 1551: Appropriation; Department of Human Services-Consolidated.

We, therefore, respectfully submit the following report and recommendation:

- 1. That the Senate recede from its Amendment No. 1.

- 2. That the House and Senate adopt the following amendment:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

4 **SECTION 1.** The following sum, or so much thereof as may be
5 necessary, is hereby appropriated out of any money in the State
6 General Fund not otherwise appropriated, to the Department of
7 Human Services for the fiscal year beginning July 1, 2003, and
8 ending June 30, 2004..... \$ 76,096,200.00.

9 **SECTION 2.** The following sum, or so much thereof as may be
10 necessary, is hereby appropriated out of any money in any special
11 fund in the State Treasury to the credit of the Department of
12 Human Services which is comprised of special source funds
13 collected by or otherwise available to the department for the
14 support of the various divisions of the department, for the
15 purpose of defraying the expenses of the department for the fiscal
16 year beginning July 1, 2003, and ending June 30, 2004.....
17 \$ 375,349,150.00.

18 **SECTION 3.** None of the funds appropriated by this act shall
19 be expended for any purpose that is not actually required or
20 necessary for performing any of the powers or duties of the
21 Department of Human Services that are authorized by the
22 Mississippi Constitution of 1890, state or federal law, or rules
23 or regulations that implement state or federal law.

24 **SECTION 4.** With the funds appropriated under the provisions
25 of Sections 1 and 2, the following positions are authorized:

26 AUTHORIZED POSITIONS:

27	Permanent:	Full Time	3,367
28		Part Time	8
29	Time-Limited:	Full Time	702
30		Part Time	3

31 Any person within the Office of Youth Services classified as
32 Youth Services Counselor Aide I, Youth Services Counselor Aide II,
33 Youth Services Counselor Aide III, Security Officer I, Security
34 Officer II, Security Officer III, Recreation Supervisor, General
35 Services Employee I, General Services Employee II, Youth Services
36 Counselor I, Youth Services Counselor II, and Youth Services
37 Counselor III, who must work on a statutory holiday or any holiday
38 proclaimed by the Governor, may at the discretion of the
39 superintendents of the institutions and the Executive Director of
40 the Office of Youth Services and within available personnel funds,
41 be paid "call back pay" in lieu of "compensatory time credit."

42 It is the intent of the Legislature that the Office of Youth
43 Services shall have the authority to accept from any source
44 including, but not limited to, proceeds from sale of vehicles,
45 equipment or any other property which becomes obsolete or is no
46 longer needed. It is the intent that such funds will be approved
47 for allocation and expenditure in a manner consistent with the
48 rules and regulations of the Department of Finance and
49 Administration.

50 With the funds herein appropriated, it is the intention of
51 the Legislature that it shall be the agency's responsibility to
52 make certain that funds required to be appropriated for "Personal
53 Services" for Fiscal Year 2005 do not exceed Fiscal Year 2004
54 funds appropriated for that purpose, unless programs or positions
55 are added to the agency's Fiscal Year 2005 budget by the
56 Mississippi Legislature. Based on data provided by the
57 Legislative Budget Office, the State Personnel Board shall
58 determine and publish the projected annual cost to fully fund all
59 appropriated positions in compliance with the provisions of this
60 act. It shall be the responsibility of the agency head to insure
61 that no single personnel action increases this projected annual

62 cost and/or the Fiscal Year 2004 appropriation for "Personal
63 Services" when annualized. If, at the end of any calendar month,
64 the State Personnel Board determines that the agency has taken
65 action(s) which would cause the agency to exceed this projected
66 annual cost or the Fiscal Year 2004 "Personal Services"
67 appropriated level, when annualized, then only those actions which
68 reduce the projected annual cost and/or the appropriation
69 requirement will be processed by the State Personnel Board until
70 such time as the requirements of this provision are met.

71 It is the intention of the Legislature that the Executive
72 Director of the Department of Human Services may transfer between
73 the various divisions authorized herein both funds and positions
74 not to exceed ten percent (10%) of the receiving division
75 consistent with the provisions of Section 1 of this act.
76 Provided, however, that no county office positions shall be
77 transferred to any regional office or to the state office. The
78 Executive Director of the Department of Human Services shall
79 submit written justification for the transfer to the Legislative
80 Budget Office and the Department of Finance and Administration on
81 or before the fifteenth of the month prior to the effective date
82 of the transfer. It is further the intention of the Legislature
83 that any transfers made under the provisions of this paragraph
84 shall be of an emergency nature and that in no case shall the
85 transfers be made which substantially alter the legislative intent
86 for the various divisions or offices as set forth in the original
87 appropriations made under this act.

88 Any transfers within major object of expenditure within each
89 specific budget or escalations shall be made in accordance with
90 the terms, conditions and procedures established by law.

91 No general funds authorized to be expended herein shall be
92 used to replace federal funds and/or other special funds which are
93 being used for salaries authorized under the provisions of this
94 act and which are withdrawn and no longer available.

95 **SECTION 5.** It is the intention of the Legislature that the
96 Department of Human Services shall maintain complete accounting
97 and personnel records related to the expenditure of all funds

98 appropriated under this act and that such records shall be in the
99 same format and level of detail as maintained for Fiscal Year
100 2003. It is further the intention of the Legislature that the
101 agency's budget request for Fiscal Year 2005 shall be submitted to
102 the Joint Legislative Budget Committee in a format and level of
103 detail comparable to the format and level of detail provided
104 during the Fiscal Year 2004 budget request process.

105 **SECTION 6.** Of the funds appropriated in Section 2, Two
106 Million Eighty-six Thousand Six Hundred Eighty-three Dollars
107 (\$2,086,683.00) is provided for the support of a contract with the
108 State Board of Community and Junior Colleges Industrial Training
109 Program for the training of TANF clients.

110 These funds shall be transferred to the State Board of
111 Community and Junior Colleges Industrial Training budget and shall
112 be expended in accordance with Sections 37-31-103 through
113 37-31-111, Mississippi Code of 1972. Training will be conducted
114 in the areas outlined in Section 37-31-103(2) for TANF recipients.

115 The terms and provisions for program operation will be
116 established through a nonfinancial agreement between the State
117 Board of Community and Junior Colleges and the Mississippi
118 Department of Human Services. This nonfinancial agreement will be
119 initiated by the State Board of Community and Junior Colleges in
120 accordance with current laws, rules and regulations as approved by
121 the State Board of Community and Junior Colleges.

122 Identification, eligibility, certification, enrollment,
123 follow-up, performance standards and sanction liabilities of the
124 TANF clients will be the sole responsibility of the Department of
125 Human Services.

126 **SECTION 7.** None of the funds appropriated under the
127 provisions of Sections 1 and 2 shall be used to pay any contractor
128 that is not a successful bidder for genetic paternity testing
129 services bid by the Department of Human Services.

130 **SECTION 8.** Of the funds appropriated in Section 2, One
131 Million Dollars (\$1,000,000.00) shall be transferred to the
132 Department of Health, Child Care Licensure Program from the Child
133 Care Development Fund or other appropriate special fund. These

134 funds are to be transferred to the Board of Health no later than
135 July 31, 2003. The Department of Health shall make a complete
136 accounting to the Department of Human Services detailing the uses
137 of these funds in accordance with federal and state regulations.

138 **SECTION 9.** It is the intention of the Legislature that the
139 Department of Human Services contract with the Department of
140 Health to operate the School Nurse Teen Pregnancy Prevention Pilot
141 Program as described in House Bill No. 766 of the 1997 Legislative
142 Session, in compliance with all applicable TANF federal and state
143 regulations.

144 **SECTION 10.** It is the intent of the Legislature that the
145 Department of Human Services have authority to escalate the
146 various budgets only in the major objects of Contractual Services
147 and Subsidies and only with the approval of the State Fiscal
148 Officer, from special funds collected or available from the TANF
149 (Temporary Assistance for Needy Families) Grant, in the current or
150 any prior fiscal year, not to exceed Seventy-one Million Dollars
151 (\$71,000,000.00). Upon such approval, the Department of Human
152 Services may expend such funds in the manner authorized by law.

153 The Executive Director of the Department of Human Services
154 shall submit to the Department of Finance and Administration a
155 certified statement providing a detailed explanation for any
156 escalation and an assessment of the impact on the agency's General
157 Fund budget for the three (3) fiscal years following the fiscal
158 year in which the escalation is requested. A copy of this
159 submission shall be sent to the Legislative Budget Office.

160 **SECTION 11.** Of the funds appropriated in Section 2, Four
161 Million Five Hundred Thousand Dollars (\$4,500,000.00) of TANF
162 (Temporary Assistance for Needy Families) federal funds shall be
163 transferred to the Office of the Attorney General for the purpose
164 of subgranting with entities which will develop and implement
165 programs that serve unmet needs of "at risk" youth in the state,
166 including but not being limited to, Boys and Girls Clubs, Big
167 Brothers Big Sisters of America, Communities in Schools, and the
168 State Coalition of Young Men's Christian Association (YMCA). Of
169 the funds authorized in this Section, not more than Two Million

170 Five Hundred Thousand Dollars (\$2,500,000.00) shall be allocated
171 among Boys and Girls Clubs, Big Brothers Big Sisters of America,
172 and Communities in Schools, and not more than Two Million Dollars
173 (\$2,000,000.00) shall be allocated to the State Coalition of Young
174 Men's Christian Association (YMCA). The Attorney General shall
175 administer the transferred TANF funds.

176 **SECTION 12.** Of the funds appropriated in Section 2 and
177 allocated in Section 4, Three Hundred Thousand Dollars
178 (\$300,000.00) shall be used to defray the cost of the Amer-I-Can
179 Program as established in House Bill No. 1109, 2001 Regular
180 Session.

181 **SECTION 13.** None of the above funds shall be used to hire
182 employees under Personal Service Contracts except for Personal
183 Service Contracts for the Office for Children and Youth - Child
184 Care and Office for Children and Youth - Child Care Managers.

185 **SECTION 14.** The following sum, or so much thereof as may be
186 necessary, is hereby reappropriated out of any money in the State
187 Treasury to the credit of the Department of Human Services for
188 expenditures pursuant to Senate Bill No. 2327, 2003 Regular
189 Session, for the fiscal year beginning July 1, 2003, and ending
190 June 30, 2004..... \$ 900,000.00.

191 Notwithstanding the amount reappropriated under the
192 provisions of this section, in no event shall the amount expended
193 exceed the balance as of June 30, 2003, or change the purpose for
194 which the funds were originally authorized.

195 The department is authorized to escalate, budget and expend
196 special funds received from any source to carry out the provisions
197 of this section and is authorized to establish full-time permanent
198 Department of Human Services protective service Social Worker
199 positions as necessary.

200 **SECTION 15.** The money herein appropriated shall be paid by
201 the State Treasurer out of any money in the State Treasury to the
202 credit of the proper fund or funds as set forth in this act, upon
203 warrants issued by the State Fiscal Officer; and the State Fiscal
204 Officer shall issue his warrants upon requisitions signed by the
205 proper person, officer or officers, in the manner provided by law.

206 **SECTION 16.** This act shall take effect and be in force from
207 and after July 1, 2003.

CONFEREES FOR THE HOUSE

X _____

Charlie Capps, Jr.

X _____

Bobby Moody

X _____

Frank Hamilton

CONFEREES FOR THE SENATE

X _____

Jack Gordon

X _____

Vincent Scoper

X _____

Johnnie E. Walls, Jr.