

By: Representatives Brown, Warren, Eaton,
Flaggs, Gadd, Gibbs, Hamilton (109th),
Holland, Middleton, Read, Stevens, Scott

To: Appropriations

HOUSE BILL NO. 1747

1 AN ACT MAKING AN APPROPRIATION TO THE DEPARTMENT OF HUMAN
2 SERVICES; AND FOR RELATED PURPOSES, FOR THE FISCAL YEAR 2005.

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

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, 2004, and
8 ending June 30, 2005..... \$ 66,910,786.00.

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, 2004, and ending June 30, 2005.....
17 \$ 382,826,505.00.

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..... 2,952

28	Part Time.....	8
29	Time-Limited: Full Time.....	655
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 2006 do not exceed Fiscal Year 2005
54 funds appropriated for that purpose, unless programs or positions
55 are added to the agency's Fiscal Year 2006 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 2005 appropriation for "Personal
63 Services" when annualized, with the exception of escalated funds.
64 If, at the time the agency takes any action to change "Personal
65 Services," the State Personnel Board determines that the agency
66 has taken an action which would cause the agency to exceed this
67 projected annual cost or the Fiscal Year 2005 "Personal Services"
68 appropriated level, when annualized, then only those actions which
69 reduce the projected annual cost and/or the appropriation
70 requirement will be processed by the State Personnel Board until
71 such time as the requirements of this provision are met.

72 Any transfers or escalations shall be made in accordance with
73 the terms, conditions and procedures established by law or
74 allowable under the terms set forth within this act. The State
75 Personnel Board shall not escalate positions without written
76 approval from the Department of Finance and Administration. The
77 Department of Finance and Administration shall not provide written
78 approval to escalate any funds for salaries and/or positions
79 without proof of availability of new or additional funds above the
80 appropriated level.

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84 act and which are withdrawn and no longer available.

85 **SECTION 5.** The funds authorized herein shall be used to fund
86 all operations of the agency with the following prohibitions:

87 (1) The agency shall not fill any current or future vacant
88 positions;

89 (2) The agency shall not take any action to promote or
90 otherwise award salary increases through reallocation,
91 reclassification, realignment, education benchmark, career ladder,
92 or any other means to increase salaries of employees or positions

93 except as allowed under the provisions set forth in House Bill No.
94 1279, 2004 Regular Legislative Session;

95 (3) The agency shall not expend funds for out-of-state
96 travel except as allowed under the provisions set forth in House
97 Bill No. 1279, 2004 Regular Legislative Session;

98 (4) The agency shall not expend funds for the purchase of or
99 contract for cellular phones, two-way radios or pagers, except for
100 support of employees in the Department of Public Safety and the
101 Bureau of Narcotics as recommended by Information Technology
102 Services or as allowed under the provisions set forth in House
103 Bill No. 1279, 2004 Regular Legislative Session;

104 (5) The agency shall not expend funds to publish or
105 distribute any annual reports or other publications;

106 (6) The agency shall not expend funds for public relation
107 activities regarding the functions, programs or services of the
108 agency except as allowed under the provisions set forth in House
109 Bill No. 1279, 2004 Regular Legislative Session;

110 (7) The agency shall not advertise the functions, programs
111 or services of the agency except that the Mississippi Development
112 Authority is authorized to expend funds for advertising to carry
113 out the purposes of key programs administered by the authority;

114 (8) The agency shall not expend funds for staff development
115 or training services;

116 (9) The agency shall not expend funds for the purchase of
117 new or replacement equipment or furniture, excluding lease
118 purchase payments on agreements in effect upon passage of this
119 appropriation bill, except as allowed under the provisions set
120 forth in House Bill No. 1279, 2004 Regular Legislative Session.

121 **SECTION 6.** It is the intention of the Legislature that none
122 of the funds appropriated above shall be expended unless members
123 of the Mississippi House of Representatives and Mississippi Senate
124 are notified at least five (5) days prior to a public ceremony
125 announcing the award of any grant in their district or any public

126 announcement or ceremony regarding the groundbreaking or opening
127 of a facility, roadway or bridge for which the Legislature has
128 made funds available. Any signage regarding any public event or
129 any new facility, roadway or bridge shall include the following
130 language: "Funds were made available for this project by the
131 Mississippi State Legislature."

132 **SECTION 7.** It is the intention of the Legislature that the
133 Department of Human Services shall maintain complete accounting
134 and personnel records related to the expenditure of all funds
135 appropriated under this act and that such records shall be in the
136 same format and level of detail as maintained for Fiscal Year
137 2004. It is further the intention of the Legislature that the
138 agency's budget request for Fiscal Year 2006 shall be submitted to
139 the Joint Legislative Budget Committee in a format and level of
140 detail comparable to the format and level of detail provided
141 during the Fiscal Year 2005 budget request process.

142 **SECTION 8.** None of the funds appropriated under the
143 provisions of Sections 1 and 2 shall be used to pay any contractor
144 that is not a successful bidder for genetic paternity testing
145 services bid by the Department of Human Services.

146 **SECTION 9.** Of the funds appropriated in Section 2, One
147 Million Dollars (\$1,000,000.00) shall be transferred to the
148 Department of Health, Child Care Licensure Program from the Child
149 Care Development Fund or other appropriate special fund. These
150 funds are to be transferred to the Board of Health no later than
151 July 31, 2003. The Department of Health shall make a complete
152 accounting to the Department of Human Services detailing the uses
153 of these funds in accordance with federal and state regulations.

154 **SECTION 10.** It is the intention of the Legislature that the
155 Department of Human Services contract with the Department of
156 Health to operate the School Nurse Teen Pregnancy Prevention Pilot
157 Program as described in House Bill No. 766 of the 1997 Legislative

158 Session, in compliance with all applicable TANF federal and state
159 regulations.

160 **SECTION 11.** None of the above funds shall be used to hire
161 employees under Personal Service Contracts except for Personal
162 Service Contracts for the Office for Children and Youth - Child
163 Care and Office for Children and Youth - Child Care Managers.

164 **SECTION 12.** None of the funds provided herein shall be
165 expended if the Department of Human Services takes action to
166 involuntarily terminate the employment of any protective service
167 social work employee.

168 **SECTION 13.** Of the funds appropriated under the provisions
169 of Section 2, Twelve Million Two Hundred Thousand Dollars
170 (\$12,200,000.00) shall be derived from the Budget Contingency Fund
171 created in Section 27-103-301, Mississippi Code of 1972.

172 **SECTION 14.** The money herein appropriated shall be paid by
173 the State Treasurer out of any money in the State Treasury to the
174 credit of the proper fund or funds as set forth in this act, upon
175 warrants issued by the State Fiscal Officer; and the State Fiscal
176 Officer shall issue his warrants upon requisitions signed by the
177 proper person, officer or officers, in the manner provided by law.

178 **SECTION 15.** This act shall take effect and be in force from
179 and after July 1, 2004.