

Senate Amendments to House Bill No. 1747

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

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

5 **SECTION 1.** The following sum, or so much thereof as may be
6 necessary, is hereby appropriated out of any money in the State
7 General Fund not otherwise appropriated, to the Department of
8 Human Services for the fiscal year beginning July 1, 2004, and
9 ending June 30, 2005..... \$ 73,721,025.00.

10 **SECTION 2.** The following sum, or so much thereof as may be
11 necessary, is hereby appropriated out of any money in any special
12 fund in the State Treasury to the credit of the Department of
13 Human Services which is comprised of special source funds
14 collected by or otherwise available to the department for the
15 support of the various divisions of the department, for the
16 purpose of defraying the expenses of the department for the fiscal
17 year beginning July 1, 2004, and ending June 30, 2005.....
18 \$ 365,558,314.00.

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

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

27 **AUTHORIZED POSITIONS:**

28	Permanent:	Full Time.....	2,952
29		Part Time.....	8
30	Time-Limited:	Full Time.....	655

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

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

51 With the funds herein appropriated, it is the intention of
52 the Legislature that it shall be the agency's responsibility to
53 make certain that funds required to be appropriated for "Personal
54 Services" for Fiscal Year 2006 do not exceed Fiscal Year 2005
55 funds appropriated for that purpose, unless programs or positions
56 are added to the agency's Fiscal Year 2006 budget by the
57 Mississippi Legislature. Based on data provided by the
58 Legislative Budget Office, the State Personnel Board shall
59 determine and publish the projected annual cost to fully fund all
60 appropriated positions in compliance with the provisions of this
61 act. It shall be the responsibility of the agency head to insure
62 that no single personnel action increases this projected annual
63 cost and/or the Fiscal Year 2005 appropriation for "Personal
64 Services" when annualized, with the exception of escalated funds.
65 If, at the time the agency takes any action to change "Personal

66 Services," the State Personnel Board determines that the agency
67 has taken an action which would cause the agency to exceed this
68 projected annual cost or the Fiscal Year 2005 "Personal Services"
69 appropriated level, when annualized, then only those actions which
70 reduce the projected annual cost and/or the appropriation
71 requirement will be processed by the State Personnel Board until
72 such time as the requirements of this provision are met.

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

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

86 **SECTION 5.** It is the intention of the Legislature that the
87 Department of Human Services shall maintain complete accounting
88 and personnel records related to the expenditure of all funds
89 appropriated under this act and that such records shall be in the
90 same format and level of detail as maintained for Fiscal Year
91 2004. It is further the intention of the Legislature that the
92 agency's budget request for Fiscal Year 2006 shall be submitted to
93 the Joint Legislative Budget Committee in a format and level of
94 detail comparable to the format and level of detail provided
95 during the Fiscal Year 2005 budget request process.

96 **SECTION 6.** Of the funds appropriated in Section 2, Two
97 Million Eighty-six Thousand Six Hundred Eighty-three Dollars
98 (\$2,086,683.00) is provided for the support of a contract with the
99 State Board of Community and Junior Colleges Industrial Training
100 Program for the training of TANF clients.

101 These funds shall be transferred to the State Board of
102 Community and Junior Colleges Industrial Training budget and shall
103 be expended in accordance with Sections 37-31-103 through
104 37-31-111, Mississippi Code of 1972. Training will be conducted
105 in the areas outlined in Section 37-31-103(2) for TANF recipients.
106 The terms and provisions for program operation will be established
107 through a nonfinancial agreement between the State Board of
108 Community and Junior Colleges and the Mississippi Department of
109 Human Services. This nonfinancial agreement will be initiated by
110 the State Board of Community and Junior Colleges in accordance
111 with current laws, rules and regulations as approved by the State
112 Board of Community and Junior Colleges.

113 Identification, eligibility, certification, enrollment,
114 follow-up, performance standards and sanction liabilities of the
115 TANF clients will be the sole responsibility of the Department of
116 Human Services.

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

121 **SECTION 8.** Of the funds appropriated in Section 2, One
122 Million Dollars (\$1,000,000.00) shall be transferred to the
123 Department of Health, Child Care Licensure Program from the Child
124 Care Development Fund or other appropriate special fund. These
125 funds are to be transferred to the Board of Health no later than
126 July 31, 2004. The Department of Health shall make a complete
127 accounting to the Department of Human Services detailing the uses
128 of these funds in accordance with federal and state regulations.

129 **SECTION 9.** It is the intention of the Legislature that the
130 Department of Human Services contract with the Department of
131 Health to operate the School Nurse Teen Pregnancy Prevention Pilot
132 Program as described in House Bill No. 766 of the 1997 Legislative
133 Session, in compliance with all applicable TANF federal and state
134 regulations.

135 **SECTION 10.** Of the funds appropriated in Section 2, Four
136 Million Five Hundred Thousand Dollars (\$4,500,000.00) of TANF
137 (Temporary Assistance for Needy Families) federal funds shall be
138 transferred to the Office of the Attorney General for the purpose
139 of subgranting with entities which will develop and implement
140 programs that serve unmet needs of "at risk" youth in the state,
141 including, but not being limited to, Boys and Girls Clubs, Big
142 Brothers Big Sisters of America, Communities in Schools, and the
143 State Coalition of Young Men's Christian Association (YMCA). Of
144 the funds authorized in this Section, not more than Two Million
145 Five Hundred Thousand Dollars (\$2,500,000.00) shall be allocated
146 among Boys and Girls Clubs, Big Brothers Big Sisters of America,
147 and Communities in Schools, and not more than Two Million Dollars
148 (\$2,000,000.00) shall be allocated to the State Coalition of Young
149 Men's Christian Association (YMCA). The Attorney General shall
150 administer the transferred TANF funds.

151 **SECTION 11.** Of the funds appropriated in Section 2 and
152 allocated in Section 4, Three Hundred Thousand Dollars
153 (\$300,000.00) shall be used to defray the cost of the Amer-I-Can
154 Program as established in House Bill No. 1109, 2001 Regular
155 Session.

156 **SECTION 12.** None of the above funds shall be used to hire
157 employees under Personal Service Contracts except for Personal
158 Service Contracts for the Office for Children and Youth - Child
159 Care and Office for Children and Youth - Child Care Managers.

160 **SECTION 13.** In addition to all other sums heretofore
161 appropriated, the following sum, or so much thereof as may be
162 necessary, is hereby appropriated out of any money in the Working
163 Cash Stabilization Reserve Fund, not otherwise appropriated, to
164 the Department of Human Services for the continued operation of
165 programs for the period beginning upon passage of this act and
166 through June 30, 2005.....\$ 12,000,000.00.

167 **SECTION 14.** The money herein appropriated shall be paid by
168 the State Treasurer out of any money in the State Treasury to the
169 credit of the proper fund or funds as set forth in this act, upon

170 warrants issued by the State Fiscal Officer; and the State Fiscal
171 Officer shall issue his warrants upon requisitions signed by the
172 proper person, officer or officers, in the manner provided by law.

173 **SECTION 15.** This act shall take effect and be in force from
174 and after July 1, 2004, except for Section 13 which shall take
175 effect and be in force from and after its passage.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT MAKING AN APPROPRIATION TO THE DEPARTMENT OF HUMAN
2 SERVICES; AND FOR RELATED PURPOSES, FOR THE FISCAL YEARS 2004 AND
3 2005.

SS05\HB1747A.J

John O. Gilbert
Secretary of the Senate