

By: Representative Holland

To: Appropriations

HOUSE BILL NO. 1116

1 - AN ACT TO BRING FORWARD FOR THE PURPOSES OF AMENDMENT CHAPTER  
2 61, LAWS OF SECOND EXTRAORDINARY SESSION 2005, WHICH IS THE FISCAL  
3 YEAR 2006 APPROPRIATION TO THE DEPARTMENT OF HUMAN SERVICES; AND  
4 FOR RELATED PURPOSES.

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

6 **SECTION 1.** Chapter 61, Laws of Second Extraordinary Session  
7 2005, is brought forward as follows:

8 Section 1. The following sum, or so much thereof as may be  
9 necessary, is hereby appropriated out of any money in the State  
10 General Fund not otherwise appropriated, to the Department of  
11 Human Services for the fiscal year beginning July 1, 2005, and  
12 ending June 30, 2006..... \$ 86,276,935.00.

13 Section 2. The following sum, or so much thereof as may be  
14 necessary, is hereby appropriated out of any money in any special  
15 fund in the State Treasury to the credit of the Department of  
16 Human Services which is comprised of special source funds  
17 collected by or otherwise available to the department for the  
18 support of the various divisions of the department, for the  
19 purpose of defraying the expenses of the department for the fiscal  
20 year beginning July 1, 2005, and ending June 30, 2006.....  
21 ..... \$ 673,288,609.00.

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

28 Section 4. Of the funds appropriated under the provisions of  
 29 Sections 1 and 2, not more than the amounts set forth below shall  
 30 be expended for the respective major objects or purposes of  
 31 expenditure:

32 **DIVISION OF YOUTH SERVICES**

33 MAJOR OBJECTS OF EXPENDITURE:

34 Personal Services:

35	Salaries, Wages and Fringe Benefits.. \$	15,167,374.00
36	Travel and Subsistence.....	132,048.00
37	Contractual Services.....	2,578,121.00
38	Commodities.....	1,862,140.00
39	Capital Outlay:	
40	Other Than Equipment.....	0.00
41	Equipment.....	112,000.00
42	Subsidies, Loans and Grants.....	<u>9,750,000.00</u>
43	Total..... \$	29,601,683.00

44 FUNDING:

45	General Funds..... \$	18,752,030.00
46	Special Funds.....	<u>10,849,653.00</u>
47	Total..... \$	29,601,683.00

48 AUTHORIZED POSITIONS:

49	Permanent: Full Time.....	490
50	Part Time.....	4
51	Time-Limited: Full Time.....	27
52	Part Time.....	0

53 Any person within the Office of Youth Services classified as  
 54 Youth Services Counselor Aide I, Youth Services Counselor Aide II,  
 55 Youth Services Counselor Aide III, Security Officer I, Security  
 56 Officer II, Security Officer III, Recreation Supervisor, General  
 57 Services Employee I, General Services Employee II, Youth Services  
 58 Counselor I, Youth Services Counselor II, and Youth Services  
 59 Counselor III, who must work on a statutory holiday or any holiday  
 60 proclaimed by the Governor, may at the discretion of the

61 superintendents of the institutions and the Executive Director of  
 62 the Office of Youth Services and within available personnel funds,  
 63 be paid "call back pay" in lieu of "compensatory time credit."

64 It is the intention of the Legislature that the Office of  
 65 Youth Services shall have the authority to accept from any source  
 66 including, but not limited to, proceeds from sale of vehicles,  
 67 equipment or any other property which becomes obsolete or is no  
 68 longer needed. It is the intent that such funds will be approved  
 69 for allocation and expenditure in a manner consistent with the  
 70 rules and regulations of the Department of Finance and  
 71 Administration.

72 **DIVISION OF FAMILY AND CHILDREN'S SERVICES**

73 MAJOR OBJECTS OF EXPENDITURE:

74 Personal Services:

75	Salaries, Wages and Fringe Benefits..	\$	24,159,497.00
76	Travel and Subsistence.....		2,265,750.00
77	Contractual Services.....		16,671,627.00
78	Commodities.....		479,062.00
79	Capital Outlay:		
80	Other Than Equipment.....		0.00
81	Equipment.....		103,370.00
82	Subsidies, Loans and Grants.....		<u>27,432,375.00</u>
83	Total.....	\$	71,111,681.00

84 FUNDING:

85	General Funds.....	\$	16,697,447.00
86	Special Funds.....		<u>54,414,234.00</u>
87	Total.....	\$	71,111,681.00

88 AUTHORIZED POSITIONS:

89	Permanent:	Full Time.....	509
90		Part Time.....	0
91	Time-Limited:	Full Time.....	168
92		Part Time.....	0

93 **DIVISION OF AGING AND ADULT SERVICES**

94	MAJOR OBJECTS OF EXPENDITURE:	
95	Personal Services:	
96	Salaries, Wages and Fringe Benefits.. \$	495,343.00
97	Travel and Subsistence.....	7,344.00
98	Contractual Services.....	90,499.00
99	Commodities.....	28,200.00
100	Capital Outlay:	
101	Other Than Equipment.....	0.00
102	Equipment.....	4,340.00
103	Subsidies, Loans and Grants.....	<u>18,501,870.00</u>
104	Total..... \$	19,127,596.00

105	FUNDING:	
106	General Funds..... \$	861,920.00
107	Special Funds.....	<u>18,265,676.00</u>
108	Total..... \$	19,127,596.00

109	AUTHORIZED POSITIONS:	
110	Permanent: Full Time.....	6
111	Part Time.....	0
112	Time-Limited: Full Time.....	6
113	Part Time.....	0

**DIVISION OF ECONOMIC ASSISTANCE/TEMPORARY ASSISTANCE  
FOR NEEDY FAMILIES (TANF)**

116	MAJOR OBJECTS OF EXPENDITURE:	
117	Personal Services:	
118	Salaries, Wages and Fringe Benefits.. \$	42,510,279.00
119	Travel and Subsistence.....	447,711.00
120	Contractual Services.....	33,232,936.00
121	Commodities.....	659,374.00
122	Capital Outlay:	
123	Other Than Equipment.....	0.00
124	Equipment.....	386,516.00
125	Subsidies, Loans and Grants.....	<u>408,097,994.00</u>
126	Total..... \$	485,334,810.00

127	FUNDING:		
128	General Funds.....	\$	36,661,822.00
129	Special Funds.....		<u>448,672,988.00</u>
130	Total.....	\$	485,334,810.00

131 AUTHORIZED POSITIONS:

132	Permanent:	Full Time.....	1,171
133		Part Time.....	0
134	Time-Limited:	Full Time.....	169
135		Part Time.....	0

136 **DIVISION OF CHILD SUPPORT ENFORCEMENT**

137 MAJOR OBJECTS OF EXPENDITURE:

138 Personal Services:

139	Salaries, Wages and Fringe Benefits..	\$	16,105,803.00
140	Travel and Subsistence.....		200,000.00
141	Contractual Services.....		6,519,696.00
142	Commodities.....		219,450.00
143	Capital Outlay:		
144	Other Than Equipment.....		0.00
145	Equipment.....		88,700.00
146	Subsidies, Loans and Grants.....		<u>9,481,199.00</u>
147	Total.....	\$	32,614,848.00

148 FUNDING:

149	General Funds.....	\$	4,182,956.00
150	Special Funds.....		<u>28,431,892.00</u>
151	Total.....	\$	32,614,848.00

152 AUTHORIZED POSITIONS:

153	Permanent:	Full Time.....	263
154		Part Time.....	0
155	Time-Limited:	Full Time.....	194
156		Part Time.....	0

157 **DIVISION OF COMMUNITY SERVICES**

158 MAJOR OBJECTS OF EXPENDITURE:

159 Personal Services:

160	Salaries, Wages and Fringe Benefits..	\$	499,791.00
161	Travel and Subsistence.....		33,704.00
162	Contractual Services.....		407,792.00
163	Commodities.....		77,425.00
164	Capital Outlay:		
165	Other Than Equipment.....		0.00
166	Equipment.....		8,000.00
167	Subsidies, Loans and Grants.....		<u>27,195,000.00</u>
168	Total.....	\$	28,221,712.00
169	FUNDING:		
170	General Funds.....	\$	0.00
171	Special Funds.....		<u>28,221,712.00</u>
172	Total.....	\$	28,221,712.00
173	AUTHORIZED POSITIONS:		
174	Permanent: Full Time.....	8	
175	Part Time.....	0	
176	Time-Limited: Full Time.....	3	
177	Part Time.....	0	
178	<b>DIVISION OF SUPPORT SERVICES</b>		
179	MAJOR OBJECTS OF EXPENDITURE:		
180	Personal Services:		
181	Salaries, Wages and Fringe Benefits..	\$	8,888,971.00
182	Travel and Subsistence.....		113,200.00
183	Contractual Services.....		2,267,596.00
184	Commodities.....		97,307.00
185	Capital Outlay:		
186	Other Than Equipment.....		0.00
187	Equipment.....		91,136.00
188	Subsidies, Loans and Grants.....		<u>64,400.00</u>
189	Total.....	\$	11,522,610.00
190	FUNDING:		
191	General Funds.....	\$	3,137,660.00
192	Special Funds.....		<u>8,384,950.00</u>

193 Total..... \$ 11,522,610.00

194 AUTHORIZED POSITIONS:

195 Permanent: Full Time..... 174

196 Part Time..... 0

197 Time-Limited: Full Time..... 20

198 Part Time..... 0

199 SOCIAL SERVICES BLOCK GRANT PROGRAM

200 MAJOR OBJECTS OF EXPENDITURE:

201 Personal Services:

202 Salaries, Wages and Fringe Benefits.. \$ 144,904.00

203 Travel and Subsistence..... 4,000.00

204 Contractual Services..... 82,580.00

205 Commodities..... 2,800.00

206 Capital Outlay:

207 Other Than Equipment..... 0.00

208 Equipment..... 3,690.00

209 Subsidies, Loans and Grants..... 5,500,000.00

210 Total..... \$ 5,737,974.00

211 FUNDING:

212 General Funds..... \$ 0.00

213 Special Funds..... 5,737,974.00

214 Total..... \$ 5,737,974.00

215 AUTHORIZED POSITIONS:

216 Permanent: Full Time..... 1

217 Part Time..... 0

218 Time-Limited: Full Time..... 2

219 Part Time..... 0

220 OFFICE FOR CHILDREN AND YOUTH

221 MAJOR OBJECTS OF EXPENDITURE:

222 Personal Services:

223 Salaries, Wages and Fringe Benefits.. \$ 714,781.00

224 Travel and Subsistence..... 8,748.00

225 Contractual Services..... 381,686.00

226	Commodities.....	28,500.00
227	Capital Outlay:	
228	Other Than Equipment.....	0.00
229	Equipment.....	35,000.00
230	Subsidies, Loans and Grants.....	<u>75,123,915.00</u>
231	Total..... \$	76,292,630.00

232 FUNDING:

233	General Funds..... \$	5,983,100.00
234	Special Funds.....	<u>70,309,530.00</u>
235	Total..... \$	76,292,630.00

236 AUTHORIZED POSITIONS:

237	Permanent: Full Time.....	9
238	Part Time.....	0
239	Time-Limited: Full Time.....	6
240	Part Time.....	0

241 With the funds herein appropriated, it is the intention of  
242 the Legislature that it shall be the agency's responsibility to  
243 make certain that funds required to be appropriated for "Personal  
244 Services" for Fiscal Year 2007 do not exceed Fiscal Year 2006  
245 funds appropriated for that purpose, unless programs or positions  
246 are added to the agency's Fiscal Year 2007 budget by the  
247 Mississippi Legislature. Based on data provided by the  
248 Legislative Budget Office, the State Personnel Board shall  
249 determine and publish the projected annual cost to fully fund all  
250 appropriated positions in compliance with the provisions of this  
251 act. It shall be the responsibility of the agency head to insure  
252 that no single personnel action increases this projected annual  
253 cost and/or the Fiscal Year 2006 appropriation for "Personal  
254 Services" when annualized, with the exception of escalated funds.  
255 If, at the time the agency takes any action to change "Personal  
256 Services," the State Personnel Board determines that the agency  
257 has taken an action which would cause the agency to exceed this  
258 projected annual cost or the Fiscal Year 2006 "Personal Services"



259 appropriated level, when annualized, then only those actions which  
260 reduce the projected annual cost and/or the appropriation  
261 requirement will be processed by the State Personnel Board until  
262 such time as the requirements of this provision are met.

263 Any transfers or escalations shall be made in accordance with  
264 the terms, conditions and procedures established by law or  
265 allowable under the terms set forth within this act. The State  
266 Personnel Board shall not escalate positions without written  
267 approval from the Department of Finance and Administration. The  
268 Department of Finance and Administration shall not provide written  
269 approval to escalate any funds for salaries and/or positions  
270 without proof of availability of new or additional funds above the  
271 appropriated level.

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

276 The agency shall not take any action to promote or otherwise  
277 award salary increases through reallocation, reclassification,  
278 realignment, education benchmark, career ladder, or any other  
279 means to increase salaries of employees or positions unless  
280 specifically exempted by the following conditions: the award of  
281 teacher pay increases, the advancement of a trainee/cadet to the  
282 next level of a bona fide career ladder, the award of an  
283 educational benchmark for the attainment of Certified Public  
284 Accountant License or higher level professional certification as  
285 determined by the State Personnel Board, the immediate replacement  
286 of a departing employee with an individual from within state  
287 service or a new hire at a salary level equivalent to that of the  
288 departing employee, and the emergency appointment of nurses,  
289 pharmacists or other health care professionals at a salary to be  
290 determined by the State Personnel Board, unless otherwise  
291 authorized in this act.

292           Section 5. It is the intention of the Legislature that the  
293 Department of Human Services shall maintain complete accounting  
294 and personnel records related to the expenditure of all funds  
295 appropriated under this act and that such records shall be in the  
296 same format and level of detail as maintained for Fiscal Year  
297 2005. It is further the intention of the Legislature that the  
298 agency's budget request for Fiscal Year 2007 shall be submitted to  
299 the Joint Legislative Budget Committee in a format and level of  
300 detail comparable to the format and level of detail provided  
301 during the Fiscal Year 2006 budget request process.

302           Section 6. None of the funds appropriated under the  
303 provisions of Sections 1 and 2 shall be used to pay any contractor  
304 that is not a successful bidder for genetic paternity testing  
305 services bid by the Department of Human Services.

306           Section 7. Of the funds appropriated in Section 2, One  
307 Million Dollars (\$1,000,000.00) shall be transferred to the  
308 Department of Health, Child Care Licensure Program from the Child  
309 Care Development Fund or other appropriate special fund. These  
310 funds are to be transferred to the Board of Health no later than  
311 July 31, 2005. The Department of Health shall make a complete  
312 accounting to the Department of Human Services detailing the uses  
313 of these funds in accordance with federal and state regulations.

314           Section 8. It is the intention of the Legislature that the  
315 Department of Human Services contract with the Department of  
316 Health to operate the School Nurse Teen Pregnancy Prevention Pilot  
317 Program as described in House Bill No. 766 of the 1997 Legislative  
318 Session, in compliance with all applicable TANF federal and state  
319 regulations.

320           Section 9. Of the funds appropriated in Section 2, Four  
321 Million Five Hundred Thousand Dollars (\$4,500,000.00) of TANF  
322 (Temporary Assistance for Needy Families) federal funds shall be  
323 transferred to the Office of the Attorney General for the purpose  
324 of subgranting with entities which will develop and implement

325 programs that serve unmet needs of "at risk" youth in the state,  
326 including, but not being limited to, Boys and Girls Clubs, Big  
327 Brothers Big Sisters of America, Communities in Schools, and the  
328 State Coalition of Young Men's Christian Association (YMCA). Of  
329 the funds authorized in this section, not more than Two Million  
330 Five Hundred Thousand Dollars (\$2,500,000.00) shall be allocated  
331 among Boys and Girls Clubs, Big Brothers Big Sisters of America,  
332 and Communities in Schools, and not more than Two Million Dollars  
333 (\$2,000,000.00) shall be allocated to the State Coalition of Young  
334 Men's Christian Association (YMCA). The Attorney General shall  
335 administer the transferred TANF funds.

336 Section 10. None of the above funds shall be used to hire  
337 employees under Personal Service Contracts except for Personal  
338 Service Contracts for the Office for Children and Youth - Child  
339 Care and Office for Children and Youth - Child Care Managers.

340 Section 11. From the funds provided herein, the department  
341 shall have the authority to adjust salaries of academic teachers  
342 and speech pathologists to be commensurate to the teacher's salary  
343 scale as provided in the Mississippi Teacher Opportunity Program  
344 for the 2005-2006 school year, as outlined in Section 37-19-7,  
345 Mississippi Code of 1972.

346 Section 12. The Department shall shift expenditures from the  
347 Temporary Assistance for Needy Families (TANF) portion of the  
348 Child Care Development Block Grant Funds (CCDF) to the CCDF  
349 matching grant portion for the continued funding of the Families  
350 First Resource Centers through the current federal fiscal year  
351 (September 30, 2005).

352 The department shall utilize TANF funds from the federal  
353 Fiscal Year 2006 allotment for the continued funding of the  
354 Families First Resource Centers through June 30, 2006.

355 Section 13. The department is authorized to escalate, budget  
356 and expend special and/or federal funds received from any source  
357 to carry out the duties of the department in an amount not to

358 exceed Twenty Million Dollars (\$20,000,000.00). Such funds are to  
359 be escalated in accordance with procedures for federal fund  
360 escalations as established in Section 27-104-21, Mississippi Code  
361 of 1972, and expended for the purposes of performing such duties  
362 as set forth by law in accordance with applicable rules and  
363 regulations of the State Fiscal Officer.

364 Section 14. It is the intention of the Legislature that the  
365 Executive Director of the Department of Human Services may  
366 authorize increases in major objects of expenditure in total  
367 amounts not to exceed twenty-five percent (25%) of the  
368 appropriated amount of each major object of expenditure, provided  
369 that other major objects of expenditure are decreased by a  
370 corresponding dollar amount. However, no transfers shall be  
371 authorized which increase the major object of expenditure  
372 "Salaries, Wages and Fringe Benefits."

373 Section 15. It is the intention of the Legislature that the  
374 Executive Director of the Department of Human Services may  
375 transfer between the various offices authorized herein General  
376 Funds, Special Funds and spending authority not to exceed  
377 twenty-five percent (25%) of the receiving office in addition to  
378 any other transfers or escalations made in accordance with Section  
379 27-104-17(3), Mississippi Code of 1972. However, the budget  
380 category of "Salaries, Wages and Fringe Benefits" shall not be  
381 changed.

382 The Executive Director of the Department of Human Services  
383 shall submit written justification for the transfer to the  
384 Legislative Budget Office and the Department of Finance and  
385 Administration on or before the fifteenth of the month prior to  
386 the effective date of the transfer. It is further the intention  
387 of the Legislature that any transfers made under the provisions of  
388 this paragraph shall be of an emergency nature and that in no case  
389 shall the transfers be made which substantially alter the

390 legislative intent for the various offices as set forth in the  
391 original appropriations made under this act.

392         Section 16. Of the funds appropriated under the provisions  
393 of Section 2, Two Million Three Hundred Forty-seven Thousand Two  
394 Hundred Fifty-one Dollars (\$2,347,251.00) shall be derived from  
395 the Budget Contingency Fund, as created in Section 27-103-301,  
396 Mississippi Code of 1972.

397         Section 17. The money herein appropriated shall be paid by  
398 the State Treasurer out of any money in the State Treasury to the  
399 credit of the proper fund or funds as set forth in this act, upon  
400 warrants issued by the State Fiscal Officer; and the State Fiscal  
401 Officer shall issue his warrants upon requisitions signed by the  
402 proper person, officer or officers, in the manner provided by law.

403         **SECTION 2.** This act shall take effect and be in force from  
404 and after its passage.