

By: Representatives Read, Mims, Arnold,
Bounds, Clark, Clarke, Criswell, Currie,
Eubanks, Hines, Hood, Sanford, Watson, Young

To: Appropriations

HOUSE BILL NO. 1398
(As Sent to Governor)

1 AN ACT MAKING AN APPROPRIATION TO THE DEPARTMENT OF HUMAN
2 SERVICES; AND FOR RELATED PURPOSES, FOR THE FISCAL YEAR 2022.

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 appropriated out of any money in the State General
6 Fund not otherwise appropriated, to the Department of Human
7 Services for the fiscal year beginning July 1, 2021, and ending
8 June 30, 2022 \$ 180,156,830.00.

9 **SECTION 2.** The following sum, or so much thereof as may be
10 necessary, is appropriated out of any money in any special fund in
11 the State Treasury to the credit of the Department of Human
12 Services which is comprised of special source funds collected by
13 or otherwise available to the department for the support of the
14 various divisions of the department, for the purpose of defraying
15 the expenses of the department for the fiscal year beginning
16 July 1, 2021, and ending June 30, 2022
17 \$ 1,409,849,773.00.



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.** Of the funds appropriated under the provisions of
25 Section 1 of this act and authorized for expenditure under the
26 provisions of Section 2 of this act, not more than the amounts set
27 forth below shall be expended; however, notwithstanding any other
28 provision in this act, it is the intent of the Legislature that
29 any amount of funds and positions may be transferred between the
30 Department of Human Services and the Department of Child
31 Protection Services in order to comply with agreements made by the
32 State of Mississippi with the United States District Court in
33 reference to the Olivia Y., et al. lawsuit.

34 **DEPARTMENT OF HUMAN SERVICES**

35 FUNDING:

36	General Funds	\$	68,328,575.00.
37	Special Funds	\$	<u>1,290,850,551.00.</u>
38	Total	\$	1,359,179,126.00.

39 With the funds appropriated for this budget, the following
40 positions are authorized:

41 AUTHORIZED POSITIONS:

42 Permanent: Full Time 1,672



43	Part Time	1
44	Time-Limited: Full Time	472
45	Part Time	0

46 With the funds herein appropriated, it shall be the agency's
47 responsibility to make certain that funds required to be
48 appropriated for "Personal Services" for Fiscal Year 2023 do not
49 exceed Fiscal Year 2022 funds appropriated for that purpose unless
50 programs or positions are added to the agency's Fiscal Year 2022
51 budget by the Mississippi Legislature. Based on data provided by
52 the Legislative Budget Office, the State Personnel Board shall
53 determine and publish the projected annual cost to fully fund all
54 appropriated positions in compliance with the provisions of this
55 act. Absent a special situation or circumstance approved by the
56 State Personnel Board, or unless otherwise authorized by this act,
57 no state agency shall take any action to promote or otherwise
58 award salary increases through reallocation or realignment. If
59 the State Personnel Board determines a special situation or
60 circumstance exists and approves an action, then the agency and
61 the State Personnel Board shall provide a monthly report of each
62 action approved by the State Personnel Board to the chairmen of
63 the Accountability, Efficiency and Transparency Committees of the
64 Senate and House of Representatives and the chairmen of the
65 Appropriations Committees of the Senate and House of
66 Representatives. It shall be the responsibility of the agency
67 head to ensure that no single personnel action increases this



68 projected annual cost and/or the Fiscal Year 2022 appropriations
69 for "Personal Services" when annualized, with the exception of
70 escalated funds and the award of benchmarks. If, at the time the
71 agency takes any action to change "Personal Services," the State
72 Personnel Board determines that the agency has taken an action
73 which would cause the agency to exceed this projected annual cost
74 or the Fiscal Year 2022 "Personal Services" appropriated level,
75 when annualized, then only those actions which reduce the
76 projected annual cost and/or the appropriation requirement will be
77 processed by the State Personnel Board until such time as the
78 requirements of this provision are met.

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

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



92 None of the funds herein appropriated shall be used in
93 violation of Internal Revenue Service's Publication 15-A relating
94 to the reporting of income paid to contract employees, as
95 interpreted by the Office of the State Auditor.

96 Funds have been appropriated herein for the purpose of
97 implementation and funding Project SEC2 of the Colonel Guy Groff
98 State Variable Compensation Plan beginning January 1, 2022, and
99 ending June 30, 2022. It shall be the agency's responsibility to
100 make certain that each person, excluding executive directors,
101 agency heads, and elected judges, shall receive no more than a 3%
102 annual increase in salary which shall not exceed the market rate
103 established by the State Personnel Board pursuant to the Colonel
104 Guy Groff State Variable Compensation Plan for each
105 classification.

106 **DIVISION OF CHILD PROTECTION SERVICES**

107 FUNDING:

108	General Funds	\$	111,828,255.00
109	Special Funds	\$	<u>118,999,222.00</u>
110	Total	\$	230,827,477.00

111 With the funds appropriated for this budget, the following
112 positions are authorized:

113 AUTHORIZED POSITIONS:

114	Permanent:	Full Time	1,537
115		Part Time	0
116	Time-Limited:	Full Time	417



117 Part Time 0

118 With the funds herein appropriated, it shall be the agency's
119 responsibility to make certain that funds required to be
120 appropriated for "Personal Services" for Fiscal Year 2023 do not
121 exceed Fiscal Year 2022 funds appropriated for that purpose unless
122 programs or positions are added to the agency's Fiscal Year 2022
123 budget by the Mississippi Legislature. Based on data provided by
124 the Legislative Budget Office, the State Personnel Board shall
125 determine and publish the projected annual cost to fully fund all
126 appropriated positions in compliance with the provisions of this
127 act. Absent a special situation or circumstance approved by the
128 State Personnel Board, or unless otherwise authorized by this act,
129 no state agency shall take any action to promote or otherwise
130 award salary increases through reallocation or realignment. If
131 the State Personnel Board determines a special situation or
132 circumstance exists and approves an action, then the agency and
133 the State Personnel Board shall provide a monthly report of each
134 action approved by the State Personnel Board to the chairmen of
135 the Accountability, Efficiency and Transparency Committees of the
136 Senate and House of Representatives and the chairmen of the
137 Appropriations Committees of the Senate and House of
138 Representatives. It shall be the responsibility of the agency
139 head to ensure that no single personnel action increases this
140 projected annual cost and/or the Fiscal Year 2022 appropriations
141 for "Personal Services" when annualized, with the exception of



142 escalated funds and the award of benchmarks. If, at the time the
143 agency takes any action to change "Personal Services," the State
144 Personnel Board determines that the agency has taken an action
145 which would cause the agency to exceed this projected annual cost
146 or the Fiscal Year 2022 "Personal Services" appropriated level,
147 when annualized, then only those actions which reduce the
148 projected annual cost and/or the appropriation requirement will be
149 processed by the State Personnel Board until such time as the
150 requirements of this provision are met.

151 Any transfers or escalations shall be made in accordance with
152 the terms, conditions and procedures established by law or
153 allowable under the terms set forth within this act. The State
154 Personnel Board shall not escalate positions without written
155 approval from the Department of Finance and Administration. The
156 Department of Finance and Administration shall not provide written
157 approval to escalate any funds for salaries and/or positions
158 without proof of availability of new or additional funds above the
159 appropriated level.

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

164 None of the funds herein appropriated shall be used in
165 violation of Internal Revenue Service's Publication 15-A relating



166 to the reporting of income paid to contract employees, as
167 interpreted by the Office of the State Auditor.

168 Funds have been appropriated herein for the purpose of
169 implementation and funding Project SEC2 of the Colonel Guy Groff
170 State Variable Compensation Plan beginning January 1, 2022, and
171 ending June 30, 2022. It shall be the agency's responsibility to
172 make certain that each person, excluding executive directors,
173 agency heads, and elected judges, shall receive no more than a 3%
174 annual increase in salary which shall not exceed the market rate
175 established by the State Personnel Board pursuant to the Colonel
176 Guy Groff State Variable Compensation Plan for each
177 classification.

178 **SECTION 5.** It is the intention of the Legislature that the
179 Department of Human Services and Department of Child Protection
180 Services shall maintain complete accounting and personnel records
181 related to the expenditure of all funds appropriated under this
182 act and that such records shall be in the same format and level of
183 detail as maintained for Fiscal Year 2021. It is further the
184 intention of the Legislature that the agency's budget request for
185 Fiscal Year 2023 shall be submitted to the Joint Legislative
186 Budget Committee in a format and level of detail comparable to the
187 format and level of detail provided during the Fiscal Year 2022
188 budget request process.

189 **SECTION 6.** Of the funds appropriated in Section 2 herein to
190 the Department of Human Services, One Million Dollars



191 (\$1,000,000.00) shall be transferred to the Department of Health,
192 Child Care Licensure Program from the Child Care Development Fund
193 or other appropriate special fund. These funds are to be
194 transferred to the Board of Health no later than July 31, 2021.
195 The Department of Health shall make a complete accounting to the
196 Department of Human Services detailing the uses of these funds in
197 accordance with federal and state regulations.

198 **SECTION 7.** It is the intention of the Legislature that
199 whenever two (2) or more bids are received by this agency for the
200 purchase of commodities or equipment, and whenever all things
201 stated in such received bids are equal with respect to price,
202 quality and service, the Mississippi Industries for the Blind
203 shall be given preference. A similar preference shall be given to
204 the Mississippi Industries for the Blind whenever purchases are
205 made without competitive bids.

206 **SECTION 8.** The Department of Human Services and the
207 Department of Child Protection Services are authorized to expend
208 available funds on technology or equipment upgrades or
209 replacements when it will generate savings through efficiency or
210 when the savings generated from such upgrades or replacements
211 exceed expenditures thereof.

212 **SECTION 9.** It is the intention of the Legislature that none
213 of the funds provided herein shall be used to pay certain
214 utilities for state furnished housing for any employees. Such
215 utilities shall include electricity, natural gas, butane, propane,



216 cable and phone services. Where actual cost cannot be determined,
217 the agency shall be required to provide meters to be in compliance
218 with legislative intent. Such state furnished housing shall
219 include single-family and multi-family residences but shall not
220 include any dormitory residences. Allowances for such utilities
221 shall be prohibited.

222 **SECTION 10.** In compliance with the "Mississippi Performance
223 Budget and Strategic Planning Act of 1994," it is the intent of
224 the Legislature that the funds provided herein shall be utilized
225 in the most efficient and effective manner possible to achieve the
226 intended mission of this agency. Based on the funding authorized,
227 this agency shall make every effort to attain the targeted
228 performance measures provided below:

229		FY2022
230	<u>Performance Measures</u>	<u>Target</u>
231	Support Services	
232	Percentage of Referred/Directed	
233	Investigative Audits Conducted (%)	100.00
234	Percentage of Special Investigations	
235	Conducted (%)	95.00
236	Percentage of Referred/Obtained Fraud	
237	Investigations Conducted Timely (%)	100.00
238	Percentage of Referred Administrative	
239	Disqualification Hearings & Fair	
240	Hearings Conducted Timely (%)	99.00



241	Percentage of Monitoring Reviews	
242	Conducted within Acceptable Timeframes (%)	98.00
243	Total Amount of Funds Recovered (\$)	3,500,000.00
244	Aging & Adult Services	
245	In-Home Services - Age 60 + (Persons Served)	28,975
246	Community Services - Age 60 + (Persons	
247	Served)	203,297
248	Congregate Meals (Number of)	491,685
249	Home Delivered Meals (Number of)	2,201,105
250	Substantiated Incidences of Abuse of	
251	Vulnerable Adults per 1,000 Population	0.17
252	Home Delivered Meals, Percent Reduction	
253	of Persons on Waiting list (%)	5.00
254	Child Support Enforcement	
255	Paternities Established (Number of)	15,500
256	Percent Change in Paternities	
257	Established (%)	3.30
258	Obligations Established (Number of)	16,000
259	Percent Change in Obligations	
260	Established (%)	12.50
261	Total Collections (\$)	378,000,000.00
262	Percent Change in Total Collections (%)	-2.50
263	Absent Parents Located (Number of)	68,000
264	Child Support Cases Current on Payments (%)	-2.53
265	Community Services	



266	Elderly Served by CSBG & LIHEAP (Number of)	20,352
267	Disabled Served CSBG/LIHEAP (Number of)	26,762
268	Households Achieving Self-Sufficiency	
269	CSBG/LIHEAP (Number of)	0
270	Increase in Rate of Household Attaining	
271	Self-Sufficiency (%)	0.00
272	Households Stabilized CSBG/LIHEAP	
273	(Number of)	0
274	Percent Increase in the Number of	
275	Households Stabilized (%)	0.00
276	Households Weatherized (Number of)	516
277	Early Childhood Care & Dev	
278	Children Served (Number of)	0
279	Assistance Payments	
280	Dollar Amount of Assistance (\$)	690,000.00
281	Food Assistance	
282	Average Monthly Households	225,000
283	Supplement Nutrition Assistance Program	
284	- SNAP (\$)	716,413,100.00
285	Percentage of Mississippi Households	
286	Receiving SNAP Benefits (%)	22.51
287	Tanf Work Program	
288	Average Monthly TANF Households (Number of)	4,600
289	Average Monthly Persons Served in TANF	
290	Work Program (Number of)	1,107



291	TANF Work Program Participation Rate (%)	60.00
292	Persons Employed Through the TANF Work	
293	Program for the Year (Number of)	720
294	Households Receiving TANF Benefits	
295	During the Year (Number of)	4,600
296	Percentage of Households Receiving TANF	
297	During the Year (%)	49.00
298	Percentage of TANF Participants in Job	
299	Training Who Enter Employment (%)	30.00
300	Percentage of TANF Participants in Job	
301	Training Who Enter Employment at a	
302	Salary Sufficient to be Ineligible for	
303	TANF (%)	19.00
304	Percentage of TANF Participants in Job	
305	Training Who Remain Employed for: One	
306	Year After Leaving the Program (%)	75.00
307	Percentage of TANF Participants in Job	
308	Training Who Remain Employed for: Five	
309	Years After Leaving the Program (%)	65.00
310	Social Services Block Grant	
311	Clients Served, Division of Family &	
312	Children's Services (Number of)	75,611
313	Clients Served, Aging & Adult Services	
314	(Number of)	21,178
315	Clients Served, Youth Services (Number of)	12,880



316	Youth Services	
317	Community Services (Children Served)	15,000
318	Institutional Component (Children Served)	300
319	Volunteers - Community	
320	Services/Institution (Number of)	0
321	Children Placed in Alternative Placement	
322	(Number of)	0
323	Children Diverted from Institutional	
324	Care (%)	95.00
325	Recidivism Rate (%)	20.00

326 A reporting of the degree to which the performance targets
327 set above have been or are being achieved shall be provided in the
328 agency's budget request submitted to the Joint Legislative Budget
329 Committee for Fiscal Year 2023.

330 **SECTION 11.** It is the intent of the Legislature that the
331 Department of Human Services, Division of Child Support
332 Enforcement, make a concentrated effort to increase collections of
333 past due child support payments. On or before January 1, 2022,
334 the Executive Director of the Department of Human Services shall
335 submit a report to the Legislative Budget Office detailing
336 year-to-date performance measures in the Child Support Enforcement
337 Program compared with the prior year.

338 **SECTION 12.** It is the intention of the Legislature that the
339 Department of Human Services shall have the authority to spend
340 such additional funds as it shall receive from the federal



341 government in incentives or the federal match on those incentives
342 for the purpose of child support enforcement.

343 **SECTION 13.** Of the funds appropriated in Section 1, Two
344 Hundred Fifty Thousand Dollars (\$250,000.00) shall be transferred
345 to the Juvenile Facility Monitoring Unit at the Department of
346 Public Safety no later than July 31, 2021.

347 **SECTION 14.** Of the funds appropriated herein, to the
348 Department of Human Services One Million Dollars (\$1,000,000.00),
349 is provided for the support of the Home Delivered Meals Program
350 and any additional funds that may be appropriated to this program.

351 **SECTION 15.** Of the funds provided in Section 1, herein to
352 the Department of Human Services, an amount not to exceed One
353 Hundred Thousand Dollars (\$100,000.00) is provided to fund the
354 Senior Olympics Program.

355 **SECTION 16.** Of the funds appropriated in Section 1, herein
356 to the Department of Child Protection Services, it is the
357 intention of the Legislature that Ninety-three Thousand Six
358 Hundred One Dollars (\$93,601.00) shall be allocated to the
359 Mississippi Children's Trust Fund supported from General Fund
360 court assessments.

361 **SECTION 17.** It is the intention of the Legislature that the
362 Governor's Office, Division of Medicaid and the Department of
363 Human Services shall continue to work together to implement HB
364 1090 of the 2017 Regular Session, known as the "Medicaid and Human
365 Services Transparency and Fraud Prevention Act".



366 **SECTION 18.** Of the funds appropriated by this act, pursuant
367 to HB 571, 2019 Regular Session, Two Hundred Fifty Thousand
368 Dollars (\$250,000.00) is provided for maintaining a 24-hour
369 hotline that is to be manned at all times, and for a coordinator
370 to work with the Department of Public Safety, and to contract with
371 outside agencies or service providers to organize for the
372 provision of specialized services, including counseling services
373 and other appropriate care to children who have been victims of
374 commercial and sexual exploitation or human trafficking.

375 **SECTION 19.** As a condition of receiving and expending any
376 funds appropriated under this act, the Department of Human
377 Services:

378 (a) Shall use a competitive procurement process for
379 entering into all TANF subgrant agreements with non-state entities
380 when the federal government does not direct to whom the funds must
381 be subgranted;

382 (b) Upon awarding of a grant to any subgrantee of the
383 department, shall require the subgrantee to submit a monthly
384 report to the department that contains, but is not limited to, all
385 of the following:

386 (i) A listing of all costs incurred by the
387 subgrantee during the previous month;

388 (ii) A listing of all clients served by the
389 subgrantee, with an explanation of which services were provided to
390 the clients;



391 (iii) A listing of all lower-tier subgrantees, who
392 must be approved by the department before the execution of any
393 such agreement by the prime subgrantee; and

394 (iv) Any other data required by the department to
395 provide sufficient evidence of budgetary compliance;

396 (c) Shall not advance funds to a subgrantee for more
397 than sixty (60) days; and

398 (d) Shall reimburse a subgrantee for expenses only
399 after the required documentation is provided and is approved by
400 the department.

401 **SECTION 20.** The following sum, or so much thereof as may be
402 necessary, is reappropriated out of any money in the Capital
403 Expense Fund not otherwise appropriated for the Department of
404 Child Protection Services for the purpose of reauthorizing the
405 expenditure of Capital Expense Fund, as authorized in HB 1715,
406 2020 Regular Session, for information technology system
407 developments for the fiscal year beginning July 1, 2021, and
408 ending June 30, 2022 \$ 14,328,343.00.

409 Notwithstanding the amount reappropriated under the
410 provisions of this section, in no event shall the amount expended
411 exceed the unexpended balance as of June 30, 2021.

412 **SECTION 21.** Of the funds in Section 2, the following sum, or
413 so much thereof as may be necessary, is appropriated out of any
414 money in the State Treasury to the credit of the Capital Expense
415 Fund, for the purpose of defraying the computer expenses of the



416 Department of Human Services for the fiscal year beginning July 1,
417 2021, and ending June 30, 2022\$ 5,000,000.00.

418 **SECTION 22.** It is the intent of the Legislature, that within
419 the funds available, the Department of Human Services may provide
420 any qualifying grants of CARES Act or American Rescue Act funding
421 in an amount not to exceed One Million Five Hundred Thousand
422 Dollars (\$1,500,000.00) to the three (3) regional food banks that
423 serve Mississippi, including Feed the Gulf Coast, Mid-South Food
424 Bank, and Mississippi Food Network.

425 **SECTION 23.** The money herein appropriated shall be paid by
426 the State Treasurer out of any money in the State Treasury to the
427 credit of the proper fund or funds as set forth in this act, upon
428 warrants issued by the State Fiscal Officer; and the State Fiscal
429 Officer shall issue his warrants upon requisitions signed by the
430 proper person, officer or officers, in the manner provided by law.

431 **SECTION 24.** This act shall take effect and be in force from
432 and after July 1, 2021.

