

Senate Amendments to House Bill No. 1398

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:

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.....\$ 177,276,439.00.

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\$ 1,385,923,932.00.

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.....	\$ 65,776,996.00.
37	Special Funds.....	<u>\$ 1,267,993,125.00.</u>
38	Total.....	\$ 1,333,770,121.00.

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

41 AUTHORIZED POSITIONS:

42	Permanent:	Full Time.....	1,373
43		Part Time.....	1
44	Time-Limited:	Full Time.....	410
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 **DIVISION OF CHILD PROTECTION SERVICES**

97 FUNDING:

98	General Funds.....	\$	111,499,443.00
99	Special Funds.....	\$	<u>117,930,807.00</u>
100	Total.....	\$	229,430,250.00

101 With the funds appropriated for this budget, the following
102 positions are authorized:

103 AUTHORIZED POSITIONS:

104	Permanent:	Full Time.....	1,537
105		Part Time.....	0
106	Time-Limited:	Full Time.....	417
107		Part Time.....	0

108 With the funds herein appropriated, it shall be the agency's
109 responsibility to make certain that funds required to be
110 appropriated for "Personal Services" for Fiscal Year 2023 do not
111 exceed Fiscal Year 2022 funds appropriated for that purpose unless
112 programs or positions are added to the agency's Fiscal Year 2022
113 budget by the Mississippi Legislature. Based on data provided by
114 the Legislative Budget Office, the State Personnel Board shall
115 determine and publish the projected annual cost to fully fund all
116 appropriated positions in compliance with the provisions of this
117 act. Absent a special situation or circumstance approved by the
118 State Personnel Board, or unless otherwise authorized by this act,
119 no state agency shall take any action to promote or otherwise
120 award salary increases through reallocation or realignment. If
121 the State Personnel Board determines a special situation or
122 circumstance exists and approves an action, then the agency and
123 the State Personnel Board shall provide a monthly report of each

124 action approved by the State Personnel Board to the chairmen of
125 the Accountability, Efficiency and Transparency Committees of the
126 Senate and House of Representatives and the chairmen of the
127 Appropriations Committees of the Senate and House of
128 Representatives. It shall be the responsibility of the agency
129 head to ensure that no single personnel action increases this
130 projected annual cost and/or the Fiscal Year 2022 appropriations
131 for "Personal Services" when annualized, with the exception of
132 escalated funds and the award of benchmarks. If, at the time the
133 agency takes any action to change "Personal Services," the State
134 Personnel Board determines that the agency has taken an action
135 which would cause the agency to exceed this projected annual cost
136 or the Fiscal Year 2022 "Personal Services" appropriated level,
137 when annualized, then only those actions which reduce the
138 projected annual cost and/or the appropriation requirement will be
139 processed by the State Personnel Board until such time as the
140 requirements of this provision are met.

141 Any transfers or escalations shall be made in accordance with
142 the terms, conditions and procedures established by law or
143 allowable under the terms set forth within this act. The State
144 Personnel Board shall not escalate positions without written
145 approval from the Department of Finance and Administration. The
146 Department of Finance and Administration shall not provide written
147 approval to escalate any funds for salaries and/or positions
148 without proof of availability of new or additional funds above the
149 appropriated level.

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

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

158 **SECTION 5.** It is the intention of the Legislature that the
159 Department of Human Services and Department of Child Protection
160 Services shall maintain complete accounting and personnel records
161 related to the expenditure of all funds appropriated under this
162 act and that such records shall be in the same format and level of
163 detail as maintained for Fiscal Year 2021. It is further the
164 intention of the Legislature that the agency's budget request for
165 Fiscal Year 2023 shall be submitted to the Joint Legislative
166 Budget Committee in a format and level of detail comparable to the
167 format and level of detail provided during the Fiscal Year 2022
168 budget request process.

169 **SECTION 6.** Of the funds appropriated in Section 2 herein to
170 Department of Human Services, One Million Dollars (\$1,000,000.00)
171 shall be transferred to the Department of Health, Child Care
172 Licensure Program from the Child Care Development Fund or other
173 appropriate special fund. These funds are to be transferred to
174 the Board of Health no later than July 31, 2021. The Department
175 of Health shall make a complete accounting to the Department of

176 Human Services detailing the uses of these funds in accordance
177 with federal and state regulations.

178 **SECTION 7.** It is the intention of the Legislature that
179 whenever two (2) or more bids are received by this agency for the
180 purchase of commodities or equipment, and whenever all things
181 stated in such received bids are equal with respect to price,
182 quality and service, the Mississippi Industries for the Blind
183 shall be given preference. A similar preference shall be given to
184 the Mississippi Industries for the Blind whenever purchases are
185 made without competitive bids.

186 **SECTION 8.** The Department of Human Services and the
187 Department of Child Protection Services are authorized to expend
188 available funds on technology or equipment upgrades or
189 replacements when it will generate savings through efficiency or
190 when the savings generated from such upgrades or replacements
191 exceed expenditures thereof.

192 **SECTION 9.** It is the intention of the Legislature that none
193 of the funds provided herein shall be used to pay certain
194 utilities for state furnished housing for any employees. Such
195 utilities shall include electricity, natural gas, butane, propane,
196 cable and phone services. Where actual cost cannot be determined,
197 the agency shall be required to provide meters to be in compliance
198 with legislative intent. Such state furnished housing shall
199 include single-family and multi-family residences but shall not
200 include any dormitory residences. Allowances for such utilities
201 shall be prohibited.

202 **SECTION 10.** In compliance with the "Mississippi Performance
 203 Budget and Strategic Planning Act of 1994," it is the intent of
 204 the Legislature that the funds provided herein shall be utilized
 205 in the most efficient and effective manner possible to achieve the
 206 intended mission of this agency. Based on the funding authorized,
 207 this agency shall make every effort to attain the targeted
 208 performance measures provided below:

	FY2022
<u>Performance Measures</u>	<u>Target</u>
211 Support Services	
212 Percentage of Referred/Directed	
213 Investigative Audits Conducted (%)	100.00
214 Percentage of Special Investigations	
215 Conducted (%)	95.00
216 Percentage of Referred/Obtained Fraud	
217 Investigations Conducted Timely (%)	100.00
218 Percentage of Referred Administrative	
219 Disqualification Hearings & Fair	
220 Hearings Conducted Timely (%)	99.00
221 Percentage of Monitoring Reviews	
222 Conducted within Acceptable Timeframes	
223 (%)	98.00
224 Total Amount of Funds Recovered (\$)	3,500,000.00
225 Aging & Adult Services	
226 In-Home Services - Age 60 + (Persons Served)	28,975
227 Community Services - Age 60 + (Persons	

228	Served)	203,297
229	Congregate Meals (Number of)	491,685
230	Home Delivered Meals (Number of)	2,201,105
231	Substantiated Incidences of Abuse of	
232	Vulnerable Adults per 1,000 Population	0.17
233	Home Delivered Meals, Percent Reduction	
234	of Persons on Waiting list (%)	5.00
235	Child Support Enforcement	
236	Paternities Established (Number of)	15,500
237	Percent Change in Paternities	
238	Established (%)	3.30
239	Obligations Established (Number of)	16,000
240	Percent Change in Obligations	
241	Established (%)	12.50
242	Total Collections (\$)	378,000,000.00
243	Percent Change in Total Collections (%)	-2.50
244	Absent Parents Located (Number of)	68,000
245	Child Support Cases Current on Payments (%)	-2.53
246	Community Services	
247	Elderly Served by CSBG & LIHEAP (Number of)	20,352
248	Disabled Served CSBG/LIHEAP (Number of)	26,762
249	Households Achieving Self-Sufficiency	
250	CSBG/LIHEAP (Number of)	0
251	Increase in Rate of Household Attaining	
252	Self-Sufficiency (%)	0.00
253	Households Stabilized CSBG/LIHEAP	

254	(Number of)	0
255	Percent Increase in the Number of	
256	Households Stabilized (%)	0.00
257	Households Weatherized (Number of)	516
258	Early Childhood Care & Dev	
259	Children Served (Number of)	0
260	Assistance Payments	
261	Dollar Amount of Assistance (\$)	690,000.00
262	Food Assistance	
263	Average Monthly Households	225,000
264	Supplement Nutrition Assistance Program	
265	- SNAP (\$)	716,413,100.00
266	Percentage of Mississippi Households	
267	Receiving SNAP Benefits (%)	22.51
268	TANF Work Program	
269	Average Monthly TANF Households (Number of)	4,600
270	Average Monthly Persons Served in TANF	
271	Work Program (Number of)	1,107
272	TANF Work Program Participation Rate (%)	60.00
273	Persons Employed Through the TANF Work	
274	Program for the Year (Number of)	720
275	Households Receiving TANF Benefits	
276	During the Year (Number of)	4,600
277	Percentage of Households Receiving TANF	
278	During the Year (%)	49.00
279	Percentage of TANF Participants in Job	

280	Training Who Enter Employment (%)	30.00
281	Percentage of TANF Participants in Job	
282	Training Who Enter Employment at a	
283	Salary Sufficient to be Ineligible for	
284	TANF (%)	19.00
285	Percentage of TANF Participants in Job	
286	Training Who Remain Employed for: One	
287	Year After Leaving the Program (%)	75.00
288	Percentage of TANF Participants in Job	
289	Training Who Remain Employed for: Five	
290	Years After Leaving the Program (%)	65.00
291	Social Services Block Grant	
292	Clients Served, Division of Family &	
293	Children's Services (Number of)	75,611
294	Clients Served, Aging & Adult Services	
295	(Number of)	21,178
296	Clients Served, Youth Services (Number of)	12,880
297	Youth Services	
298	Community Services (Children Served)	15,000
299	Institutional Component (Children Served)	300
300	Volunteers - Community	
301	Services/Institution (Number of)	0
302	Children Placed in Alternative Placement	
303	(Number of)	0
304	Children Diverted from Institutional	
305	Care (%)	95.00

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

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

342 **SECTION 17.** It is the intention of the Legislature that the
343 Governor's Office, Division of Medicaid and the Department of
344 Human Services shall continue to work together to implement HB
345 1090 of the 2017 Regular Session, known as the "Medicaid and Human
346 Services Transparency and Fraud Prevention Act".

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

356 **SECTION 19.** As a condition of receiving and expending any
357 funds appropriated under this act, the Department of Human
358 Services:

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

363 (b) Upon awarding of a grant to any subgrantee of the
364 department, shall require the subgrantee to submit a monthly
365 report to the department that contains, but is not limited to, all
366 of the following:

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

369 (ii) A listing of all clients served by the subgrantee,
370 with an explanation of which services were provided to the
371 clients;

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

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

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

379 (d) Shall reimburse a subgrantee for expenses only after the
380 required documentation is provided and is approved by the
381 department.

382 **SECTION 20.** The following sum, or so much thereof as may be
383 necessary, is reappropriated out of any money in the Capital
384 Expense Fund not otherwise appropriated for the Department of
385 Child Protection Services for the purpose of reauthorizing the
386 expenditure of Capital Expense Fund, as authorized in HB 1715,
387 2020 Regular Session, for information technology system
388 developments for the fiscal year beginning July 1, 2021, and
389 ending June 30, 2022.....\$ 14,328,343.00.

390 Notwithstanding the amount reappropriated under the
391 provisions of this section, in no event shall the amount expended
392 exceed the unexpended balance as of June 30, 2021.

393 **SECTION 21.** The money herein appropriated shall be paid by
394 the State Treasurer out of any money in the State Treasury to the
395 credit of the proper fund or funds as set forth in this act, upon
396 warrants issued by the State Fiscal Officer; and the State Fiscal
397 Officer shall issue his warrants upon requisitions signed by the
398 proper person, officer or officers, in the manner provided by law.

399 **SECTION 22.** This act shall take effect and be in force from
400 and after July 1, 2021, and shall stand repealed June 29, 2021.

**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 YEAR 2022.

SS15\HB1398A.J

Eugene S. Clarke
Secretary of the Senate