

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

To: Appropriations

HOUSE BILL NO. 1611  
(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 2023.

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, 2022, and ending  
8 June 30, 2023.....\$ 190,565,867.00.

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, 2022, and ending June 30, 2023.....  
17 .....\$ 1,920,474,778.00.



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.....	\$	74,189,899.00.
37	Special Funds.....	\$	<u>1,739,554,699.00.</u>
38	Total.....	\$	1,813,744,598.00.

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

41 AUTHORIZED HEADCOUNT:

42           Permanent:           Full Time.....           1,471



43 Time-Limited: Full Time..... 516

44 With the funds herein appropriated, it shall be the agency's  
45 responsibility to make certain that funds required for Personal  
46 Services for Fiscal Year 2024 do not exceed Fiscal Year 2023 funds  
47 appropriated for that purpose unless programs or positions are  
48 added to the agency's Fiscal Year 2023 budget by the Mississippi  
49 Legislature. The Legislature shall determine the agency's  
50 personal services appropriation, which shall be published by the  
51 State Personnel Board. Additionally, the State Personnel Board  
52 shall determine and publish the projected annualized payroll costs  
53 based on current employees. It shall be the responsibility of the  
54 agency head to ensure that actual personnel expenditures for  
55 Fiscal Year 2023 do not exceed the data provided by the  
56 Legislative Budget Office. If the agency's Fiscal Year 2023  
57 projected cost exceeds the annualized costs, no salary actions  
58 shall be processed by the State Personnel Board with the exception  
59 of new hires that are determined to be essential for the agency.

60 Any transfers or escalations shall be made in accordance with  
61 the terms, conditions and procedures established by law or  
62 allowable under the terms set forth within this act. The State  
63 Personnel Board shall not escalate positions without written  
64 approval from the Department of Finance and Administration. The  
65 Department of Finance and Administration shall not provide written  
66 approval to escalate any funds for salaries and/or positions



67 without proof of availability of new or additional funds above the  
68 appropriated level.

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

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

77 Funds have been appropriated herein for the purpose of  
78 funding Project SEC2 minimum salaries for all employees covered  
79 under the Colonel Guy Groff/Neville Kenning Variable Compensation  
80 Plan. It shall be the agency's responsibility to ensure that the  
81 funds are used to increase all employees' salaries up to the  
82 minimum level as determined by the State Personnel Board.

83 **DIVISION OF CHILD PROTECTION SERVICES**

84 FUNDING:

85	General Funds.....	\$	116,375,968.00
86	Special Funds.....	\$	<u>180,920,079.00</u>
87	Total.....	\$	297,296,047.00

88 With the funds appropriated for this budget, the following  
89 positions are authorized:

90 AUTHORIZED HEADCOUNT:

91 Permanent: 1,517



92 Time-Limited: 417

93 With the funds herein appropriated, it shall be the agency's  
94 responsibility to make certain that funds required for Personal  
95 Services for Fiscal Year 2024 do not exceed Fiscal Year 2023 funds  
96 appropriated for that purpose unless programs or positions are  
97 added to the agency's Fiscal Year 2023 budget by the Mississippi  
98 Legislature. The Legislature shall determine the agency's  
99 personal services appropriation, which shall be published by the  
100 State Personnel Board. Additionally, the State Personnel Board  
101 shall determine and publish the projected annualized payroll costs  
102 based on current employees. It shall be the responsibility of the  
103 agency head to ensure that actual personnel expenditures for  
104 Fiscal Year 2023 do not exceed the data provided by the  
105 Legislative Budget Office. If the agency's Fiscal Year 2023  
106 projected cost exceeds the annualized costs, no salary actions  
107 shall be processed by the State Personnel Board with the exception  
108 of new hires that are determined to be essential for the agency.

109 Any transfers or escalations shall be made in accordance with  
110 the terms, conditions and procedures established by law or  
111 allowable under the terms set forth within this act. The State  
112 Personnel Board shall not escalate positions without written  
113 approval from the Department of Finance and Administration. The  
114 Department of Finance and Administration shall not provide written  
115 approval to escalate any funds for salaries and/or positions



116 without proof of availability of new or additional funds above the  
117 appropriated level.

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

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

126 Funds have been appropriated herein for the purpose of  
127 funding Project SEC2 minimum salaries for all employees covered  
128 under the Colonel Guy Groff/Neville Kenning Variable Compensation  
129 Plan. It shall be the agency's responsibility to ensure that the  
130 funds are used to increase all employees' salaries up to the  
131 minimum level as determined by the State Personnel Board.

132 **SECTION 5.** It is the intention of the Legislature that the  
133 Department of Human Services and Department of Child Protection  
134 Services shall maintain complete accounting and personnel records  
135 related to the expenditure of all funds appropriated under this  
136 act and that such records shall be in the same format and level of  
137 detail as maintained for Fiscal Year 2022. It is further the  
138 intention of the Legislature that the agency's budget request for  
139 Fiscal Year 2024 shall be submitted to the Joint Legislative  
140 Budget Committee in a format and level of detail comparable to the



141 format and level of detail provided during the Fiscal Year 2023  
142 budget request process.

143         **SECTION 6.** Of the funds appropriated in Section 2 herein to  
144 the Department of Human Services, One Million Dollars  
145 (\$1,000,000.00) shall be transferred to the Department of Health,  
146 Child Care Licensure Program from the Child Care Development Fund  
147 or other appropriate special fund. These funds are to be  
148 transferred to the Board of Health no later than July 31, 2022.  
149 The Department of Health shall make a complete accounting to the  
150 Department of Human Services detailing the uses of these funds in  
151 accordance with federal and state regulations.

152         **SECTION 7.** It is the intention of the Legislature that  
153 whenever two (2) or more bids are received by this agency for the  
154 purchase of commodities or equipment, and whenever all things  
155 stated in such received bids are equal with respect to price,  
156 quality and service, the Mississippi Industries for the Blind  
157 shall be given preference. A similar preference shall be given to  
158 the Mississippi Industries for the Blind whenever purchases are  
159 made without competitive bids.

160         **SECTION 8.** The Department of Human Services and the  
161 Department of Child Protection Services are authorized to expend  
162 available funds on technology or equipment upgrades or  
163 replacements when it will generate savings through efficiency or  
164 when the savings generated from such upgrades or replacements  
165 exceed expenditures thereof.



166           **SECTION 9.** It is the intention of the Legislature that none  
 167 of the funds provided herein shall be used to pay certain  
 168 utilities for state furnished housing for any employees. Such  
 169 utilities shall include electricity, natural gas, butane, propane,  
 170 cable and phone services. Where actual cost cannot be determined,  
 171 the agency shall be required to provide meters to be in compliance  
 172 with legislative intent. Such state furnished housing shall  
 173 include single-family and multi-family residences but shall not  
 174 include any dormitory residences. Allowances for such utilities  
 175 shall be prohibited.

176           **SECTION 10.** In compliance with the "Mississippi Performance  
 177 Budget and Strategic Planning Act of 1994," it is the intent of  
 178 the Legislature that the funds provided herein shall be utilized  
 179 in the most efficient and effective manner possible to achieve the  
 180 intended mission of this agency. Based on the funding authorized,  
 181 this agency shall make every effort to attain the targeted  
 182 performance measures provided below:

183		FY2023
184	<u>Performance Measures</u>	<u>Target</u>
185	Support Services	
186	Percent of Referred/Directed	
187	Investigative Audits Conducted	100.00
188	Percent of Special Investigations Conducted	95.00
189	Percent of Referred/Obtained Fraud	
190	Investigations Conducted Timely	100.00





191	Percent of Referred Administrative	
192	Disqualification Hearings & Fair	
193	Hearings Conducted Timely	99.00
194	Percent of Monitoring Reviews Conducted	
195	within Acceptable Timeframes	98.00
196	Total Amount of Funds Recovered	3,500,000.00
197	Aging & Adult Services	
198	In-Home Services - Age 60 + (Persons Served)	28,975
199	Community Services - Age 60 + (Persons	
200	Served)	203,297
201	Number of Congregate Meals	491,685
202	Number of Home Delivered Meals	2,201,105
203	Substantiated Incidences of Abuse of	
204	Vulnerable Adults per 1,000 Population	0.17
205	Home Delivered Meals, Percent Reduction	
206	of Persons on Waiting List	5.00
207	Child Support Enforcement	
208	Number of Paternities Established	15,500
209	Percent Change in Paternities Established	3.30
210	Number of Obligations Established	16,000
211	Percent Change in Obligations Established	12.50
212	Total Collections (\$)	378,000,000.00
213	Percent Change in Total Collections	-2.50
214	Number of Absent Parents Located	68,000
215	Percent of Child Support Cases Current	



216	on Payments	-2.53
217	Community Services	
218	Number of Elderly Served by CSBG & LIHEAP	20,352
219	Number of Disabled Served CSBG/LIHEAP	26,762
220	Number of Households Achieving	
221	Self-Sufficiency CSBG/LIHEAP	0
222	Percent Increase in Rate of Household	
223	Attaining Self-Sufficiency	0.00
224	Number of Households Stabilized CSBG/LIHEAP	0
225	Percent Increase in the Number of	
226	Households Stabilized	0.00
227	Number of Households Weatherized	516
228	Early Childhood Care & Dev	
229	Number of Children Served	30,138
230	Assistance Payments	
231	Dollar Amount of Assistance	690,000.00
232	Food Assistance	
233	Number of Average Monthly Households	225,000
234	Supplement Nutrition Assistance Program	
235	- SNAP (\$)	716,413,100.00
236	Percent of Mississippi Households	
237	Receiving SNAP Benefits	22.51
238	Tanf Work Program	
239	Number of Average Monthly TANF Households	4,600
240	Number of Average Monthly Persons Served	



241	in TANF Work Program	1, 107
242	TANF Work Program Participation Rate (%)	60.00
243	Number of Persons Employed Through the	
244	TANF Work Program for the Year	720
245	Number of Households Receiving TANF	
246	Benefits During the Year	4,600
247	Percent of Households Receiving TANF	
248	During the Year	49.00
249	Percent of TANF Participants in Job	
250	Training who Enter Employment	30.00
251	Percent of TANF Participants in Job	
252	Training who Enter Employment at a	
253	Salary Sufficient to be Ineligible for	
254	TANF	19.00
255	Percent of TANF Participants in Job	
256	Training who Remain Employed for: One	
257	Year After Leaving the Program	75.00
258	Percent of TANF Participants in Job	
259	Training who Remain Employed for: Five	
260	Years After Leaving the Program	65.00
261	Social Services Block Grant	
262	Number of Clients Served, Division of	
263	Family & Children's Services	75,611
264	Number of Clients Served, Aging & Adult	
265	Services	21,178



266	Number of Clients Served, Youth Services	12,880
267	Youth Services	
268	Community Services (Children Served)	15,000
269	Institutional Component (Children Served)	300
270	Number of Volunteers - Community	
271	Services/Institution	0
272	Number of Children Placed in Alternative	
273	Placement	0
274	Percent of Children Diverted from	
275	Institutional Care	95.00
276	Recidivism Rate (%)	20.00

277 A reporting of the degree to which the performance targets  
278 set above have been or are being achieved shall be provided in the  
279 agency's budget request submitted to the Joint Legislative Budget  
280 Committee for Fiscal Year 2024.

281 **SECTION 11.** It is the intent of the Legislature that the  
282 Department of Human Services, Division of Child Support  
283 Enforcement, make a concentrated effort to increase collections of  
284 past due child support payments. On or before January 1, 2023,  
285 the Executive Director of the Department of Human Services shall  
286 submit a report to the Legislative Budget Office detailing  
287 year-to-date performance measures in the Child Support Enforcement  
288 Program compared with the prior year.

289 **SECTION 12.** It is the intention of the Legislature that the  
290 Department of Human Services shall have the authority to spend



291 such additional funds as it shall receive from the federal  
292 government in incentives or the federal match on those incentives  
293 for the purpose of child support enforcement.

294 **SECTION 13.** Of the funds appropriated in Section 1, Two  
295 Hundred Fifty Thousand Dollars (\$250,000.00) shall be transferred  
296 to the Juvenile Facility Monitoring Unit at the Department of  
297 Public Safety no later than July 31, 2022.

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

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

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

312 **SECTION 17.** It is the intention of the Legislature that the  
313 Governor's Office, Division of Medicaid and the Department of  
314 Human Services shall continue to work together to implement HB



315 1090 of the 2017 Regular Session, known as the "Medicaid and Human  
316 Services Transparency and Fraud Prevention Act".

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

326 **SECTION 19.** Of the funds appropriated in Section 1 and  
327 Section 2, an amount not to exceed Four Million Five Hundred  
328 Thousand Dollars (\$4,500,000.00) may be expended for the  
329 Department of Child Protection Services for Kinship Care Payments  
330 as authorized by Section 43-15-17, Mississippi Code of 1972.

331 **SECTION 20.** As a condition of receiving and expending any  
332 funds appropriated under this act, the Department of Human  
333 Services:

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

338 (b) Upon awarding of a grant to any subgrantee of the  
339 department, shall require the subgrantee to submit a monthly



340 report to the department that contains, but is not limited to, all  
341 of the following:

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

344 (ii) A listing of all clients served by the  
345 subgrantee, with an explanation of which services were provided to  
346 the clients;

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

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

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

354 (d) Shall reimburse a subgrantee for expenses only  
355 after the required documentation is provided and is approved by  
356 the department.

357 **SECTION 21.** Of the funds appropriated under the provisions of  
358 Section 2, Fifty-four Million Dollars (\$54,000,000.00), or so much  
359 thereof, shall be derived out of any money in the State Treasury  
360 to the credit of the Capital Expense Fund, as created in Section  
361 27-103-303, Mississippi Code of 1972, and allocated in a manner as  
362 determined by the State Treasurer. These funds are provided for  
363 the Department of Human Services for the initial funds needed to  
364 secure federal funding for a new computer system.



365           **SECTION 22.** The following sum, or so much thereof as may be  
366 necessary, is reappropriated out of any money in the Capital  
367 Expense Fund not otherwise appropriated for the Department of  
368 Child Protection Services for the purpose of reauthorizing the  
369 expenditure of Capital Expense Fund, as reappropriated in HB 1398,  
370 2021 Regular Session, for information technology system  
371 developments for the fiscal year beginning July 1, 2022, and  
372 ending June 30, 2023.....\$     14,204,943.00.

373           Notwithstanding the amount reappropriated under the  
374 provisions of this section, in no event shall the amount expended  
375 exceed the unexpended balance as of June 30, 2022.

376           **SECTION 23.** The following sum, or so much thereof as may be  
377 necessary, is reappropriated out of any money in the Capital  
378 Expense Fund not otherwise appropriated for the Department of  
379 Human Services for the purpose of reauthorizing the expenditure of  
380 Capital Expense Funds, as authorized in HB 1398, 2021 Regular  
381 Session to provide for computer expenses for the fiscal year  
382 beginning July 1, 2022, and ending June 30, 2023.....  
383 .....\$     5,000,000.00.

384           **SECTION 24.** It is the intent of the Legislature, that within  
385 the funds available, the Department of Human Services may provide  
386 any qualifying grants of CARES Act or American Rescue Act funding  
387 in an amount not to exceed One Million Five Hundred Thousand  
388 Dollars (\$1,500,000.00) to the three (3) regional food banks that





389 serve Mississippi, including Feed the Gulf Coast, Mid-South Food  
390 Bank, and Mississippi Food Network.

391 **SECTION 25.** The money herein appropriated shall be paid by  
392 the State Treasurer out of any money in the State Treasury to the  
393 credit of the proper fund or funds as set forth in this act, upon  
394 warrants issued by the State Fiscal Officer; and the State Fiscal  
395 Officer shall issue his warrants upon requisitions signed by the  
396 proper person, officer or officers, in the manner provided by law.

397 **SECTION 26.** (1) Of the funds appropriated under the  
398 provisions of Section 2, the following sum, or so much thereof as  
399 may be necessary, is hereby appropriated out of any money in the  
400 State Treasury to the credit of the Coronavirus State Fiscal  
401 Recovery Fund not otherwise appropriated to the credit of the  
402 Department of Child Protection Services.....\$57,600,000.00.

403 These funds are provided for the purpose of defraying  
404 eligible operational expenses as allowable under Section 9901 of  
405 the American Rescue Plan Act of 2021 (ARPA) or any guidance or  
406 regulation issued by the United States Department of the Treasury  
407 in conformity therewith.

408 (2) None of the funds provided under this section shall be  
409 used to pay employee premium payments.

410 (3) The agency shall not disburse any funds provided under  
411 this section to any recipient without first: (a) making an  
412 individualized determination that the reimbursement sought is, in  
413 the agency's independent judgment, for necessary expenditures



414 eligible under Section 602 of the federal Social Security Act as  
415 added by Section 9901 of the federal American Rescue Plan Act of  
416 2021 (ARPA) and its implementing guidelines, guidance, rules,  
417 regulations and/or other criteria, as may be amended or  
418 supplemented from time to time, by the United States Department of  
419 the Treasury; and (b) determining that the recipient has not  
420 received and will not receive reimbursement for the expense in  
421 question from any source of funds, including insurance proceeds,  
422 other than those funds provided under Section 602 of the federal  
423 Social Security Act as added by Section 9901 of ARPA. In  
424 addition, the agency shall ensure that all funds provided under  
425 this section are disbursed in compliance with the Single Audit Act  
426 (31 USC Sections 7501-7507) and the related provisions of the  
427 Uniform Guidance, 2 CFR Section 200.303 regarding internal  
428 controls, Sections 200.330 through 200.332 regarding sub-recipient  
429 monitoring and management, and subpart F regarding audit  
430 requirements.

431 (4) As a condition of receiving and expending the funds  
432 provided to the agency under this section, the agency shall  
433 certify to the Department of Finance and Administration that each  
434 expenditure of the funds provided to the agency under this section  
435 complies with the guidelines, guidance, rules, regulations and/or  
436 other criteria, as may be amended from time to time, of the United  
437 States Department of the Treasury regarding the use of monies from  
438 the Coronavirus State Fiscal Recovery Fund established by ARPA.



439 (5) If the Office of Inspector General of the United States  
440 Department of the Treasury, or the Office of Inspector General of  
441 any other federal agency having oversight over the use of monies  
442 from the Coronavirus State Fiscal Recovery Fund established by  
443 ARPA (a) determines that the agency or recipient has expended or  
444 otherwise used any of the funds provided to the agency under this  
445 section for any purpose that is not in compliance with the  
446 guidelines, guidance, rules, regulations and/or other criteria, as  
447 may be amended from time to time, of the United States Department  
448 of the Treasury regarding the use of monies from the Coronavirus  
449 State Fiscal Recovery Fund established by the ARPA, and (b) the  
450 State of Mississippi is required to repay the federal government  
451 for any of those funds that the Office of the Inspector General  
452 determined were expended or otherwise used improperly by the  
453 agency or recipient, then the agency or recipient that expended or  
454 otherwise used those funds improperly shall be required to pay the  
455 amount of those funds to the State of Mississippi for repayment to  
456 the federal government.

457 **SECTION 27.** Notwithstanding any other provision, the  
458 Department of Child Protection Services shall have the authority  
459 to escalate its headcount for any additional operational needs  
460 related to Coronavirus State Fiscal Recovery Funds, upon approval  
461 of the Department of Finance and Administration and the State  
462 Personnel Board.



463           **SECTION 28.** This act shall take effect and be in force from  
464 and after July 1, 2022.

