

Senate Amendments to House Bill No. 1611

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, 2022, and ending
8 June 30, 2023.....\$ 183,151,817.00.

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\$ 1,795,772,760.00.

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.....	\$ 71,003,239.00.
37	Special Funds.....	<u>\$ 1,675,732,557.00.</u>
38	Total.....	\$ 1,746,735,796.00.

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

41 AUTHORIZED POSITIONS:

42	Permanent:	Full Time.....	1,470
43		Part Time.....	1
44	Time-Limited:	Full Time.....	516
45		Part Time.....	0

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

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

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74 act and which are withdrawn and no longer available.

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

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

85 **DIVISION OF CHILD PROTECTION SERVICES**

86 FUNDING:

87	General Funds.....	\$	112,148,578.00
88	Special Funds.....	\$	<u>120,040,203.00</u>
89	Total.....	\$	232,188,781.00

90 With the funds appropriated for this budget, the following
91 positions are authorized:

92 AUTHORIZED POSITIONS:

93	Permanent:	Full Time.....	1,517
94		Part Time.....	0
95	Time-Limited:	Full Time.....	417
96		Part Time.....	0

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

113 Any transfers or escalations shall be made in accordance with
114 the terms, conditions and procedures established by law or
115 allowable under the terms set forth within this act. The State
116 Personnel Board shall not escalate positions without written
117 approval from the Department of Finance and Administration. The
118 Department of Finance and Administration shall not provide written
119 approval to escalate any funds for salaries and/or positions
120 without proof of availability of new or additional funds above the
121 appropriated level.

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

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

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

136 **SECTION 5.** It is the intention of the Legislature that the
137 Department of Human Services and Department of Child Protection
138 Services shall maintain complete accounting and personnel records
139 related to the expenditure of all funds appropriated under this
140 act and that such records shall be in the same format and level of
141 detail as maintained for Fiscal Year 2022. It is further the
142 intention of the Legislature that the agency's budget request for
143 Fiscal Year 2024 shall be submitted to the Joint Legislative
144 Budget Committee in a format and level of detail comparable to the
145 format and level of detail provided during the Fiscal Year 2023
146 budget request process.

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

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

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

170 **SECTION 9.** It is the intention of the Legislature that none
171 of the funds provided herein shall be used to pay certain
172 utilities for state furnished housing for any employees. Such

173 utilities shall include electricity, natural gas, butane, propane,
 174 cable and phone services. Where actual cost cannot be determined,
 175 the agency shall be required to provide meters to be in compliance
 176 with legislative intent. Such state furnished housing shall
 177 include single-family and multi-family residences but shall not
 178 include any dormitory residences. Allowances for such utilities
 179 shall be prohibited.

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

187		FY2023
188	<u>Performance Measures</u>	<u>Target</u>
189	Support Services	
190	Percent of Referred/Directed	
191	Investigative Audits Conducted	100.00
192	Percent of Special Investigations Conducted	95.00
193	Percent of Referred/Obtained Fraud	
194	Investigations Conducted Timely	100.00
195	Percent of Referred Administrative	
196	Disqualification Hearings & Fair	
197	Hearings Conducted Timely	99.00
198	Percent of Monitoring Reviews Conducted	

199	within Acceptable Timeframes	98.00
200	Total Amount of Funds Recovered	3,500,000.00
201	Aging & Adult Services	
202	In-Home Services - Age 60 + (Persons Served)	28,975
203	Community Services - Age 60 + (Persons	
204	Served)	203,297
205	Number of Congregate Meals	491,685
206	Number of Home Delivered Meals	2,201,105
207	Substantiated Incidences of Abuse of	
208	Vulnerable Adults per 1,000 Population	0.17
209	Home Delivered Meals, Percent Reduction	
210	of Persons on Waiting List	5.00
211	Child Support Enforcement	
212	Number of Paternities Established	15,500
213	Percent Change in Paternities Established	3.30
214	Number of Obligations Established	16,000
215	Percent Change in Obligations Established	12.50
216	Total Collections (\$)	378,000,000.00
217	Percent Change in Total Collections	-2.50
218	Number of Absent Parents Located	68,000
219	Percent of Child Support Cases Current	
220	on Payments	-2.53
221	Community Services	
222	Number of Elderly Served by CSBG & LIHEAP	20,352
223	Number of Disabled Served CSBG/LIHEAP	26,762
224	Number of Households Achieving	

225	Self-Sufficiency CSBG/LIHEAP	0
226	Percent Increase in Rate of Household	
227	Attaining Self-Sufficiency	0.00
228	Number of Households Stabilized CSBG/LIHEAP	0
229	Percent Increase in the Number of	
230	Households Stabilized	0.00
231	Number of Households Weatherized	516
232	Early Childhood Care & Dev	
233	Number of Children Served	30,138
234	Assistance Payments	
235	Dollar Amount of Assistance	690,000.00
236	Food Assistance	
237	Number of Average Monthly Households	225,000
238	Supplement Nutrition Assistance Program	
239	- SNAP (\$)	716,413,100.00
240	Percent of Mississippi Households	
241	Receiving SNAP Benefits	22.51
242	Tanf Work Program	
243	Number of Average Monthly TANF Households	4,600
244	Number of Average Monthly Persons Served	
245	in TANF Work Program	1,107
246	TANF Work Program Participation Rate (%)	60.00
247	Number of Persons Employed Through the	
248	TANF Work Program for the Year	720
249	Number of Households Receiving TANF	
250	Benefits During the Year	4,600

251	Percent of Households Receiving TANF	
252	During the Year	49.00
253	Percent of TANF Participants in Job	
254	Training who Enter Employment	30.00
255	Percent of TANF Participants in Job	
256	Training who Enter Employment at a	
257	Salary Sufficient to be Ineligible for	
258	TANF	19.00
259	Percent of TANF Participants in Job	
260	Training who Remain Employed for: One	
261	Year After Leaving the Program	75.00
262	Percent of TANF Participants in Job	
263	Training who Remain Employed for: Five	
264	Years After Leaving the Program	65.00
265	Social Services Block Grant	
266	Number of Clients Served, Division of	
267	Family & Children's Services	75,611
268	Number of Clients Served, Aging & Adult	
269	Services	21,178
270	Number of Clients Served, Youth Services	12,880
271	Youth Services	
272	Community Services (Children Served)	15,000
273	Institutional Component (Children Served)	300
274	Number of Volunteers - Community	
275	Services/Institution	0
276	Number of Children Placed in Alternative	

277	Placement	0
278	Percent of Children Diverted from	
279	Institutional Care	95.00
280	Recidivism Rate (%)	20.00

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

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

293 **SECTION 12.** It is the intention of the Legislature that the
294 Department of Human Services shall have the authority to spend
295 such additional funds as it shall receive from the federal
296 government in incentives or the federal match on those incentives
297 for the purpose of child support enforcement.

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

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

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

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

316 **SECTION 17.** It is the intention of the Legislature that the
317 Governor's Office, Division of Medicaid and the Department of
318 Human Services shall continue to work together to implement HB
319 1090 of the 2017 Regular Session, known as the "Medicaid and Human
320 Services Transparency and Fraud Prevention Act".

321 **SECTION 18.** Of the funds appropriated by this act, pursuant
322 to HB 571, 2019 Regular Session, Two Hundred Fifty Thousand
323 Dollars (\$250,000.00) is provided for maintaining a 24-hour
324 hotline that is to be manned at all times, and for a coordinator
325 to work with the Department of Public Safety, and to contract with
326 outside agencies or service providers to organize for the
327 provision of specialized services, including counseling services

328 and other appropriate care to children who have been victims of
329 commercial and sexual exploitation or human trafficking.

330 **SECTION 19.** As a condition of receiving and expending any
331 funds appropriated under this act, the Department of Human
332 Services:

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

337 (b) Upon awarding of a grant to any subgrantee of the
338 department, shall require the subgrantee to submit a monthly
339 report to the department that contains, but is not limited to, all
340 of the following:

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

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

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

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

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

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

356 **SECTION 20.** The following sum, or so much thereof as may be
357 necessary, is reappropriated out of any money in the Capital
358 Expense Fund not otherwise appropriated for the Department of
359 Child Protection Services for the purpose of reauthorizing the
360 expenditure of Capital Expense Fund, as reappropriated in HB 1398,
361 2021 Regular Session, for information technology system
362 developments for the fiscal year beginning July 1, 2022, and
363 ending June 30, 2023.....\$ 14,204,943.00.

364 Notwithstanding the amount reappropriated under the
365 provisions of this section, in no event shall the amount expended
366 exceed the unexpended balance as of June 30, 2022.

367 **SECTION 21.** The following sum, or so much thereof as may be
368 necessary, is reappropriated out of any money in the Capital
369 Expense Fund not otherwise appropriated for the Department of
370 Human Services for the purpose of reauthorizing the expenditure of
371 Capital Expense Funds, as authorized in HB 1398, 2021 Regular
372 Session to provide for computer expenses for the fiscal year
373 beginning July 1, 2022, and ending June 30, 2023.....
374\$ 5,000,000.00.

375 **SECTION 22.** It is the intent of the Legislature, that within
376 the funds available, the Department of Human Services may provide
377 any qualifying grants of CARES Act or American Rescue Act funding
378 in an amount not to exceed One Million Five Hundred Thousand

379 Dollars (\$1,500,000.00) to the three (3) regional food banks that
380 serve Mississippi, including Feed the Gulf Coast, Mid-South Food
381 Bank, and Mississippi Food Network.

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

388 **SECTION 24.** This act shall take effect and be in force from
389 and after July 1, 2022, and shall stand repealed June 29, 2022.

**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 2023.

SS15\HB1611A.J

Eugene S. Clarke
Secretary of the Senate