

By: Representatives Brown, Warren, Eaton,
Flaggs, Gadd, Gibbs, Hamilton (109th),
Holland, Middleton, Read, Stevens, Scott

To: Appropriations

HOUSE BILL NO. 1747
(As Sent to Governor)

1 AN ACT MAKING AN APPROPRIATION TO THE DEPARTMENT OF HUMAN
2 SERVICES; AND FOR RELATED PURPOSES, FOR THE FISCAL YEARS 2004 AND
3 2005.

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

5 **SECTION 1.** The following sum, or so much thereof as may be
6 necessary, is hereby appropriated out of any money in the State
7 General Fund not otherwise appropriated, to the Department of
8 Human Services for the fiscal year beginning July 1, 2004, and
9 ending June 30, 2005..... \$ 74,510,786.00.

10 **SECTION 2.** The following sum, or so much thereof as may be
11 necessary, is hereby appropriated out of any money in any special
12 fund in the State Treasury to the credit of the Department of
13 Human Services which is comprised of special source funds
14 collected by or otherwise available to the department for the
15 support of the various divisions of the department, for the
16 purpose of defraying the expenses of the department for the fiscal
17 year beginning July 1, 2004, and ending June 30, 2005.....
18 \$ 376,826,506.00.

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

25 **SECTION 4.** With the funds appropriated under the provisions
26 of Sections 1 and 2, the following positions are authorized:

27 AUTHORIZED POSITIONS:

28	Permanent:	Full Time.....	2,816
29		Part Time.....	8
30	Time-Limited:	Full Time.....	655
31		Part Time.....	3

32 Any person within the Office of Youth Services classified as
33 Youth Services Counselor Aide I, Youth Services Counselor Aide II,
34 Youth Services Counselor Aide III, Security Officer I, Security
35 Officer II, Security Officer III, Recreation Supervisor, General
36 Services Employee I, General Services Employee II, Youth Services
37 Counselor I, Youth Services Counselor II, and Youth Services
38 Counselor III, who must work on a statutory holiday or any holiday
39 proclaimed by the Governor, may at the discretion of the
40 superintendents of the institutions and the Executive Director of
41 the Office of Youth Services and within available personnel funds,
42 be paid "call back pay" in lieu of "compensatory time credit."

43 It is the intention of the Legislature that the Office of
44 Youth Services shall have the authority to accept from any source
45 including, but not limited to, proceeds from sale of vehicles,
46 equipment or any other property which becomes obsolete or is no
47 longer needed. It is the intent that such funds will be approved
48 for allocation and expenditure in a manner consistent with the
49 rules and regulations of the Department of Finance and
50 Administration.

51 With the funds herein appropriated, it is the intention of
52 the Legislature that it shall be the agency's responsibility to
53 make certain that funds required to be appropriated for "Personal
54 Services" for Fiscal Year 2006 do not exceed Fiscal Year 2005
55 funds appropriated for that purpose, unless programs or positions
56 are added to the agency's Fiscal Year 2006 budget by the
57 Mississippi Legislature. Based on data provided by the
58 Legislative Budget Office, the State Personnel Board shall
59 determine and publish the projected annual cost to fully fund all
60 appropriated positions in compliance with the provisions of this

61 act. It shall be the responsibility of the agency head to insure
62 that no single personnel action increases this projected annual
63 cost and/or the Fiscal Year 2005 appropriation for "Personal
64 Services" when annualized, with the exception of escalated funds.
65 If, at the time the agency takes any action to change "Personal
66 Services," the State Personnel Board determines that the agency
67 has taken an action which would cause the agency to exceed this
68 projected annual cost or the Fiscal Year 2005 "Personal Services"
69 appropriated level, when annualized, then only those actions which
70 reduce the projected annual cost and/or the appropriation
71 requirement will be processed by the State Personnel Board until
72 such time as the requirements of this provision are met.

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

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

86 The agency shall not take any action to award salary
87 increases through reallocation, reclassification, realignment,
88 education benchmark or career ladder, except for the award of
89 teacher pay increases.

90 **SECTION 5.** It is the intention of the Legislature that the
91 Department of Human Services shall maintain complete accounting
92 and personnel records related to the expenditure of all funds
93 appropriated under this act and that such records shall be in the

94 same format and level of detail as maintained for Fiscal Year
95 2004. It is further the intention of the Legislature that the
96 agency's budget request for Fiscal Year 2006 shall be submitted to
97 the Joint Legislative Budget Committee in a format and level of
98 detail comparable to the format and level of detail provided
99 during the Fiscal Year 2005 budget request process.

100 **SECTION 6.** Of the funds appropriated in Section 2, Two
101 Million Eighty-six Thousand Six Hundred Eighty-three Dollars
102 (\$2,086,683.00) is provided for the support of a contract with the
103 State Board of Community and Junior Colleges Industrial Training
104 Program for the training of TANF clients.

105 These funds shall be transferred to the State Board of
106 Community and Junior Colleges Industrial Training budget and shall
107 be expended in accordance with Sections 37-31-103 through
108 37-31-111, Mississippi Code of 1972. Training will be conducted
109 in the areas outlined in Section 37-31-103(2) for TANF recipients.
110 The terms and provisions for program operation will be established
111 through a nonfinancial agreement between the State Board of
112 Community and Junior Colleges and the Mississippi Department of
113 Human Services. This nonfinancial agreement will be initiated by
114 the State Board of Community and Junior Colleges in accordance
115 with current laws, rules and regulations as approved by the State
116 Board of Community and Junior Colleges.

117 Identification, eligibility, certification, enrollment,
118 follow-up, performance standards and sanction liabilities of the
119 TANF clients will be the sole responsibility of the Department of
120 Human Services.

121 **SECTION 7.** None of the funds appropriated under the
122 provisions of Sections 1 and 2 shall be used to pay any contractor
123 that is not a successful bidder for genetic paternity testing
124 services bid by the Department of Human Services.

125 **SECTION 8.** Of the funds appropriated in Section 2, One
126 Million Dollars (\$1,000,000.00) shall be transferred to the

127 Department of Health, Child Care Licensure Program from the Child
128 Care Development Fund or other appropriate special fund. These
129 funds are to be transferred to the Board of Health no later than
130 July 31, 2004. The Department of Health shall make a complete
131 accounting to the Department of Human Services detailing the uses
132 of these funds in accordance with federal and state regulations.

133 **SECTION 9.** It is the intention of the Legislature that the
134 Department of Human Services contract with the Department of
135 Health to operate the School Nurse Teen Pregnancy Prevention Pilot
136 Program as described in House Bill No. 766 of the 1997 Legislative
137 Session, in compliance with all applicable TANF federal and state
138 regulations.

139 **SECTION 10.** Of the funds appropriated in Section 2, Four
140 Million Five Hundred Thousand Dollars (\$4,500,000.00) of TANF
141 (Temporary Assistance for Needy Families) federal funds shall be
142 transferred to the Office of the Attorney General for the purpose
143 of subgranting with entities which will develop and implement
144 programs that serve unmet needs of "at risk" youth in the state,
145 including, but not being limited to, Boys and Girls Clubs, Big
146 Brothers Big Sisters of America, Communities in Schools, and the
147 State Coalition of Young Men's Christian Association (YMCA). Of
148 the funds authorized in this section, not more than Two Million
149 Five Hundred Thousand Dollars (\$2,500,000.00) shall be allocated
150 among Boys and Girls Clubs, Big Brothers Big Sisters of America,
151 and Communities in Schools, and not more than Two Million Dollars
152 (\$2,000,000.00) shall be allocated to the State Coalition of Young
153 Men's Christian Association (YMCA). The Attorney General shall
154 administer the transferred TANF funds.

155 **SECTION 11.** None of the above funds shall be used to hire
156 employees under Personal Service Contracts except for Personal
157 Service Contracts for the Office for Children and Youth - Child
158 Care and Office for Children and Youth - Child Care Managers.

159 **SECTION 12.** From the funds provided herein, the department
160 shall have the authority to adjust salaries of academic teachers
161 and speech pathologists to be commensurate to the teacher's salary
162 scale as provided in the Mississippi Teacher Opportunity Program
163 for the 2004-2005 school year, as outlined in Section 37-19-7,
164 Mississippi Code of 1972.

165 **SECTION 13.** Of the funds appropriated in Section 2, Three
166 Million Five Hundred Thousand Dollars (\$3,500,000.00) shall be
167 derived from the Budget Contingency Fund, created in Section
168 27-103-301, Mississippi Code of 1972, for the purpose of matching
169 federal Child Care Development Funds. Two Million Six Hundred
170 Thousand Dollars (\$2,600,000.00) shall be available to the
171 Department from and after passage of this act and through June 30,
172 2005. The remaining Nine Hundred Thousand Dollars (\$900,000.00)
173 shall be available to the department on or after October 1, 2004,
174 and shall be available through June 30, 2005.

175 **SECTION 14.** Of the funds appropriated under the provisions
176 of Section 2, Eight Million Three Hundred Thousand Dollars
177 (\$8,300,000.00) shall be derived from the Budget Contingency Fund
178 created in Section 27-103-301, Mississippi Code of 1972, for the
179 purpose of defraying the cost of operations of the Department of
180 Human Services.

181 **SECTION 15.** The Department shall shift expenditures from the
182 Temporary Assistance for Needy Families (TANF) portion of the
183 Child Care Development Block Grant Funds (CCDF) to the CCDF
184 matching grant portion for the continued funding of the Families
185 First Resource Centers through the current federal fiscal year
186 (September 30, 2004).

187 The department shall utilize TANF funds from the federal
188 Fiscal Year 2005 allotment for the continued funding of the
189 Families First Resource Centers through June 30, 2005.

190 **SECTION 16.** The department is authorized to escalate, budget
191 and expend special and/or federal funds received from any source

192 to carry out the duties of the department in an amount not to
193 exceed Twenty Million Dollars (\$20,000,000.00). Such funds are to
194 be escalated in accordance with procedures for federal fund
195 escalations as established in Section 27-104-21, Mississippi Code
196 of 1972, and expended for the purposes of performing such duties
197 as set forth by law in accordance with applicable rules and
198 regulations of the State Fiscal Officer.

199 **SECTION 17.** The money herein appropriated shall be paid by
200 the State Treasurer out of any money in the State Treasury to the
201 credit of the proper fund or funds as set forth in this act, upon
202 warrants issued by the State Fiscal Officer; and the State Fiscal
203 Officer shall issue his warrants upon requisitions signed by the
204 proper person, officer or officers, in the manner provided by law.

205 **SECTION 18.** This act shall take effect and be in force from
206 and after July 1, 2004, except for Section 13 which shall take
207 effect and be in force from and after its passage.