

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

To: Appropriations

HOUSE BILL NO. 81

1 AN ACT MAKING AN APPROPRIATION TO THE DEPARTMENT OF HUMAN
2 SERVICES; AND FOR RELATED PURPOSES, FOR THE FISCAL YEAR 2006.

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 hereby appropriated out of any money in the State
6 General Fund not otherwise appropriated, to the Department of
7 Human Services for the fiscal year beginning July 1, 2005, and
8 ending June 30, 2006..... \$ 86,276,935.00.

9 **SECTION 2.** The following sum, or so much thereof as may be
10 necessary, is hereby appropriated out of any money in any special
11 fund in the State Treasury to the credit of the Department of
12 Human Services which is comprised of special source funds
13 collected by or otherwise available to the department for the
14 support of the various divisions of the department, for the
15 purpose of defraying the expenses of the department for the fiscal
16 year beginning July 1, 2005, and ending June 30, 2006.....
17 \$ 673,288,609.00.

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 Sections 1 and 2, not more than the amounts set forth below shall
26 be expended for the respective major objects or purposes of
27 expenditure:

28 **DIVISION OF YOUTH SERVICES**

29 MAJOR OBJECTS OF EXPENDITURE:

30 Personal Services:

31	Salaries, Wages and Fringe Benefits.. \$	15,167,374.00
32	Travel and Subsistence.....	132,048.00
33	Contractual Services.....	2,578,121.00
34	Commodities.....	1,862,140.00

35 Capital Outlay:

36	Other Than Equipment.....	0.00
37	Equipment.....	112,000.00
38	Subsidies, Loans and Grants.....	<u>9,750,000.00</u>
39	Total..... \$	29,601,683.00

40 FUNDING:

41	General Funds..... \$	18,752,030.00
42	Special Funds.....	<u>10,849,653.00</u>
43	Total..... \$	29,601,683.00

44 AUTHORIZED POSITIONS:

45	Permanent: Full Time.....	490
46	Part Time.....	4
47	Time-Limited: Full Time.....	27
48	Part Time.....	0

49 Any person within the Office of Youth Services classified as

50 Youth Services Counselor Aide I, Youth Services Counselor Aide II,

51 Youth Services Counselor Aide III, Security Officer I, Security

52 Officer II, Security Officer III, Recreation Supervisor, General

53 Services Employee I, General Services Employee II, Youth Services

54 Counselor I, Youth Services Counselor II, and Youth Services

55 Counselor III, who must work on a statutory holiday or any holiday

56 proclaimed by the Governor, may at the discretion of the

57 superintendents of the institutions and the Executive Director of

58 the Office of Youth Services and within available personnel funds,

59 be paid "call back pay" in lieu of "compensatory time credit."

60 It is the intention of the Legislature that the Office of
 61 Youth Services shall have the authority to accept from any source
 62 including, but not limited to, proceeds from sale of vehicles,
 63 equipment or any other property which becomes obsolete or is no
 64 longer needed. It is the intent that such funds will be approved
 65 for allocation and expenditure in a manner consistent with the
 66 rules and regulations of the Department of Finance and
 67 Administration.

68 **DIVISION OF FAMILY AND CHILDREN'S SERVICES**

69 MAJOR OBJECTS OF EXPENDITURE:

70 Personal Services:

71	Salaries, Wages and Fringe Benefits.. \$	24,159,497.00
72	Travel and Subsistence.....	2,265,750.00
73	Contractual Services.....	16,671,627.00
74	Commodities.....	479,062.00
75	Capital Outlay:	
76	Other Than Equipment.....	0.00
77	Equipment.....	103,370.00
78	Subsidies, Loans and Grants.....	<u>27,432,375.00</u>
79	Total..... \$	71,111,681.00

80 FUNDING:

81	General Funds..... \$	16,697,447.00
82	Special Funds.....	<u>54,414,234.00</u>
83	Total..... \$	71,111,681.00

84 AUTHORIZED POSITIONS:

85	Permanent: Full Time.....	509
86	Part Time.....	0
87	Time-Limited: Full Time.....	168
88	Part Time.....	0

89 **DIVISION OF AGING AND ADULT SERVICES**

90 MAJOR OBJECTS OF EXPENDITURE:

91 Personal Services:

92	Salaries, Wages and Fringe Benefits.. \$	495,343.00
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93	Travel and Subsistence.....		7,344.00
94	Contractual Services.....		90,499.00
95	Commodities.....		28,200.00
96	Capital Outlay:		
97	Other Than Equipment.....		0.00
98	Equipment.....		4,340.00
99	Subsidies, Loans and Grants.....		<u>18,501,870.00</u>
100	Total.....	\$	19,127,596.00

101 FUNDING:

102	General Funds.....	\$	861,920.00
103	Special Funds.....		<u>18,265,676.00</u>
104	Total.....	\$	19,127,596.00

105 AUTHORIZED POSITIONS:

106	Permanent:	Full Time.....	6
107		Part Time.....	0
108	Time-Limited:	Full Time.....	6
109		Part Time.....	0

110 **DIVISION OF ECONOMIC ASSISTANCE/TEMPORARY ASSISTANCE**
111 **FOR NEEDY FAMILIES (TANF)**

112 MAJOR OBJECTS OF EXPENDITURE:

113 Personal Services:

114	Salaries, Wages and Fringe Benefits..	\$	42,510,279.00
115	Travel and Subsistence.....		447,711.00
116	Contractual Services.....		33,232,936.00
117	Commodities.....		659,374.00
118	Capital Outlay:		
119	Other Than Equipment.....		0.00
120	Equipment.....		386,516.00
121	Subsidies, Loans and Grants.....		<u>408,097,994.00</u>
122	Total.....	\$	485,334,810.00

123 FUNDING:

124	General Funds.....	\$	36,661,822.00
125	Special Funds.....		<u>448,672,988.00</u>

126 Total..... \$ 485,334,810.00

127 AUTHORIZED POSITIONS:

128 Permanent: Full Time..... 1,171

129 Part Time..... 0

130 Time-Limited: Full Time..... 169

131 Part Time..... 0

132 **DIVISION OF CHILD SUPPORT ENFORCEMENT**

133 MAJOR OBJECTS OF EXPENDITURE:

134 Personal Services:

135 Salaries, Wages and Fringe Benefits.. \$ 16,105,803.00

136 Travel and Subsistence..... 200,000.00

137 Contractual Services..... 6,519,696.00

138 Commodities..... 219,450.00

139 Capital Outlay:

140 Other Than Equipment..... 0.00

141 Equipment..... 88,700.00

142 Subsidies, Loans and Grants..... 9,481,199.00

143 Total..... \$ 32,614,848.00

144 FUNDING:

145 General Funds..... \$ 4,182,956.00

146 Special Funds..... 28,431,892.00

147 Total..... \$ 32,614,848.00

148 AUTHORIZED POSITIONS:

149 Permanent: Full Time..... 263

150 Part Time..... 0

151 Time-Limited: Full Time..... 194

152 Part Time..... 0

153 **DIVISION OF COMMUNITY SERVICES**

154 MAJOR OBJECTS OF EXPENDITURE:

155 Personal Services:

156 Salaries, Wages and Fringe Benefits.. \$ 499,791.00

157 Travel and Subsistence..... 33,704.00

158 Contractual Services..... 407,792.00

159	Commodities.....	77,425.00
160	Capital Outlay:	
161	Other Than Equipment.....	0.00
162	Equipment.....	8,000.00
163	Subsidies, Loans and Grants.....	<u>27,195,000.00</u>
164	Total..... \$	28,221,712.00

165 FUNDING:

166	General Funds..... \$	0.00
167	Special Funds.....	<u>28,221,712.00</u>
168	Total..... \$	28,221,712.00

169 AUTHORIZED POSITIONS:

170	Permanent: Full Time.....	8
171	Part Time.....	0
172	Time-Limited: Full Time.....	3
173	Part Time.....	0

174 **DIVISION OF SUPPORT SERVICES**

175 MAJOR OBJECTS OF EXPENDITURE:

176 Personal Services:

177	Salaries, Wages and Fringe Benefits.. \$	8,888,971.00
178	Travel and Subsistence.....	113,200.00
179	Contractual Services.....	2,267,596.00
180	Commodities.....	97,307.00
181	Capital Outlay:	
182	Other Than Equipment.....	0.00
183	Equipment.....	91,136.00
184	Subsidies, Loans and Grants.....	<u>64,400.00</u>
185	Total..... \$	11,522,610.00

186 FUNDING:

187	General Funds..... \$	3,137,660.00
188	Special Funds.....	<u>8,384,950.00</u>
189	Total..... \$	11,522,610.00

190 AUTHORIZED POSITIONS:

191	Permanent: Full Time.....	174
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192	Part Time.....	0
193	Time-Limited: Full Time.....	20
194	Part Time.....	0

SOCIAL SERVICES BLOCK GRANT PROGRAM

MAJOR OBJECTS OF EXPENDITURE:

Personal Services:

198	Salaries, Wages and Fringe Benefits.. \$	144,904.00
199	Travel and Subsistence.....	4,000.00
200	Contractual Services.....	82,580.00
201	Commodities.....	2,800.00
202	Capital Outlay:	
203	Other Than Equipment.....	0.00
204	Equipment.....	3,690.00
205	Subsidies, Loans and Grants.....	<u>5,500,000.00</u>
206	Total..... \$	5,737,974.00

FUNDING:

208	General Funds..... \$	0.00
209	Special Funds.....	<u>5,737,974.00</u>
210	Total..... \$	5,737,974.00

AUTHORIZED POSITIONS:

212	Permanent: Full Time.....	1
213	Part Time.....	0
214	Time-Limited: Full Time.....	2
215	Part Time.....	0

OFFICE FOR CHILDREN AND YOUTH

MAJOR OBJECTS OF EXPENDITURE:

Personal Services:

219	Salaries, Wages and Fringe Benefits.. \$	714,781.00
220	Travel and Subsistence.....	8,748.00
221	Contractual Services.....	381,686.00
222	Commodities.....	28,500.00
223	Capital Outlay:	
224	Other Than Equipment.....	0.00

225	Equipment.....	35,000.00
226	Subsidies, Loans and Grants.....	<u>75,123,915.00</u>
227	Total.....	\$ 76,292,630.00
228	FUNDING:	
229	General Funds.....	\$ 5,983,100.00
230	Special Funds.....	<u>70,309,530.00</u>
231	Total.....	\$ 76,292,630.00

232 AUTHORIZED POSITIONS:

233	Permanent: Full Time.....	9
234	Part Time.....	0
235	Time-Limited: Full Time.....	6
236	Part Time.....	0

237 With the funds herein appropriated, it is the intention of
238 the Legislature that it shall be the agency's responsibility to
239 make certain that funds required to be appropriated for "Personal
240 Services" for Fiscal Year 2007 do not exceed Fiscal Year 2006
241 funds appropriated for that purpose, unless programs or positions
242 are added to the agency's Fiscal Year 2007 budget by the
243 Mississippi Legislature. Based on data provided by the
244 Legislative Budget Office, the State Personnel Board shall
245 determine and publish the projected annual cost to fully fund all
246 appropriated positions in compliance with the provisions of this
247 act. It shall be the responsibility of the agency head to insure
248 that no single personnel action increases this projected annual
249 cost and/or the Fiscal Year 2006 appropriation for "Personal
250 Services" when annualized, with the exception of escalated funds.
251 If, at the time the agency takes any action to change "Personal
252 Services," the State Personnel Board determines that the agency
253 has taken an action which would cause the agency to exceed this
254 projected annual cost or the Fiscal Year 2006 "Personal Services"
255 appropriated level, when annualized, then only those actions which
256 reduce the projected annual cost and/or the appropriation

257 requirement will be processed by the State Personnel Board until
258 such time as the requirements of this provision are met.

259 Any transfers or escalations shall be made in accordance with
260 the terms, conditions and procedures established by law or
261 allowable under the terms set forth within this act. The State
262 Personnel Board shall not escalate positions without written
263 approval from the Department of Finance and Administration. The
264 Department of Finance and Administration shall not provide written
265 approval to escalate any funds for salaries and/or positions
266 without proof of availability of new or additional funds above the
267 appropriated level.

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

272 The agency shall not take any action to promote or otherwise
273 award salary increases through reallocation, reclassification,
274 realignment, education benchmark, career ladder, or any other
275 means to increase salaries of employees or positions unless
276 specifically exempted by the following conditions: the award of
277 teacher pay increases, the advancement of a trainee/cadet to the
278 next level of a bona fide career ladder, the award of an
279 educational benchmark for the attainment of Certified Public
280 Accountant License or higher level professional certification as
281 determined by the State Personnel Board, the immediate replacement
282 of a departing employee with an individual from within state
283 service or a new hire at a salary level equivalent to that of the
284 departing employee, and the emergency appointment of nurses,
285 pharmacists or other health care professionals at a salary to be
286 determined by the State Personnel Board, unless otherwise
287 authorized in this act.

288 **SECTION 5.** It is the intention of the Legislature that the
289 Department of Human Services shall maintain complete accounting

290 and personnel records related to the expenditure of all funds
291 appropriated under this act and that such records shall be in the
292 same format and level of detail as maintained for Fiscal Year
293 2005. It is further the intention of the Legislature that the
294 agency's budget request for Fiscal Year 2007 shall be submitted to
295 the Joint Legislative Budget Committee in a format and level of
296 detail comparable to the format and level of detail provided
297 during the Fiscal Year 2006 budget request process.

298 **SECTION 6.** None of the funds appropriated under the
299 provisions of Sections 1 and 2 shall be used to pay any contractor
300 that is not a successful bidder for genetic paternity testing
301 services bid by the Department of Human Services.

302 **SECTION 7.** Of the funds appropriated in Section 2, One
303 Million Dollars (\$1,000,000.00) shall be transferred to the
304 Department of Health, Child Care Licensure Program from the Child
305 Care Development Fund or other appropriate special fund. These
306 funds are to be transferred to the Board of Health no later than
307 July 31, 2005. The Department of Health shall make a complete
308 accounting to the Department of Human Services detailing the uses
309 of these funds in accordance with federal and state regulations.

310 **SECTION 8.** It is the intention of the Legislature that the
311 Department of Human Services contract with the Department of
312 Health to operate the School Nurse Teen Pregnancy Prevention Pilot
313 Program as described in House Bill No. 766 of the 1997 Legislative
314 Session, in compliance with all applicable TANF federal and state
315 regulations.

316 **SECTION 9.** Of the funds appropriated in Section 2, Four
317 Million Five Hundred Thousand Dollars (\$4,500,000.00) of TANF
318 (Temporary Assistance for Needy Families) federal funds shall be
319 transferred to the Office of the Attorney General for the purpose
320 of subgranting with entities which will develop and implement
321 programs that serve unmet needs of "at risk" youth in the state,
322 including, but not being limited to, Boys and Girls Clubs, Big

323 Brothers Big Sisters of America, Communities in Schools, and the
324 State Coalition of Young Men's Christian Association (YMCA). Of
325 the funds authorized in this section, not more than Two Million
326 Five Hundred Thousand Dollars (\$2,500,000.00) shall be allocated
327 among Boys and Girls Clubs, Big Brothers Big Sisters of America,
328 and Communities in Schools, and not more than Two Million Dollars
329 (\$2,000,000.00) shall be allocated to the State Coalition of Young
330 Men's Christian Association (YMCA). The Attorney General shall
331 administer the transferred TANF funds.

332 **SECTION 10.** None of the above funds shall be used to hire
333 employees under Personal Service Contracts except for Personal
334 Service Contracts for the Office for Children and Youth - Child
335 Care and Office for Children and Youth - Child Care Managers.

336 **SECTION 11.** From the funds provided herein, the department
337 shall have the authority to adjust salaries of academic teachers
338 and speech pathologists to be commensurate to the teacher's salary
339 scale as provided in the Mississippi Teacher Opportunity Program
340 for the 2005-2006 school year, as outlined in Section 37-19-7,
341 Mississippi Code of 1972.

342 **SECTION 12.** The Department shall shift expenditures from the
343 Temporary Assistance for Needy Families (TANF) portion of the
344 Child Care Development Block Grant Funds (CCDF) to the CCDF
345 matching grant portion for the continued funding of the Families
346 First Resource Centers through the current federal fiscal year
347 (September 30, 2005).

348 The department shall utilize TANF funds from the federal
349 Fiscal Year 2006 allotment for the continued funding of the
350 Families First Resource Centers through June 30, 2006.

351 **SECTION 13.** The department is authorized to escalate, budget
352 and expend special and/or federal funds received from any source
353 to carry out the duties of the department in an amount not to
354 exceed Twenty Million Dollars (\$20,000,000.00). Such funds are to
355 be escalated in accordance with procedures for federal fund

356 escalations as established in Section 27-104-21, Mississippi Code
357 of 1972, and expended for the purposes of performing such duties
358 as set forth by law in accordance with applicable rules and
359 regulations of the State Fiscal Officer.

360 **SECTION 14.** It is the intention of the Legislature that the
361 Executive Director of the Department of Human Services may
362 authorize increases in major objects of expenditure in total
363 amounts not to exceed twenty-five percent (25%) of the
364 appropriated amount of each major object of expenditure, provided
365 that other major objects of expenditure are decreased by a
366 corresponding dollar amount. However, no transfers shall be
367 authorized which increase the major object of expenditure
368 "Salaries, Wages and Fringe Benefits."

369 **SECTION 15.** It is the intention of the Legislature that the
370 Executive Director of the Department of Human Services may
371 transfer between the various offices authorized herein General
372 Funds, Special Funds and spending authority not to exceed
373 twenty-five percent (25%) of the receiving office in addition to
374 any other transfers or escalations made in accordance with Section
375 27-104-17(3), Mississippi Code of 1972. However, the budget
376 category of "Salaries, Wages and Fringe Benefits" shall not be
377 changed.

378 The Executive Director of the Department of Human Services
379 shall submit written justification for the transfer to the
380 Legislative Budget Office and the Department of Finance and
381 Administration on or before the fifteenth of the month prior to
382 the effective date of the transfer. It is further the intention
383 of the Legislature that any transfers made under the provisions of
384 this paragraph shall be of an emergency nature and that in no case
385 shall the transfers be made which substantially alter the
386 legislative intent for the various offices as set forth in the
387 original appropriations made under this act.

388 **SECTION 16.** Of the funds appropriated under the provisions
389 of Section 2, Two Million Three Hundred Forty-seven Thousand Two
390 Hundred Fifty-one Dollars (\$2,347,251.00) shall be derived from
391 the Budget Contingency Fund, as created in Section 27-103-301,
392 Mississippi Code of 1972.

393 **SECTION 17.** 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 18.** This act shall take effect and be in force from
400 and after July 1, 2005.