

By: Senator(s) Gordon, Little, Burton,
Huggins, Moffatt, Thames

To: Appropriations

SENATE BILL NO. 3142

1 AN ACT MAKING AN APPROPRIATION TO DEFRAY THE EXPENSES OF THE
2 DEPARTMENT OF MENTAL HEALTH AND CERTAIN PROGRAMS OF THE DIVISION
3 OF ALCOHOL AND DRUG ABUSE, FOR FISCAL YEAR 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, for the support and
8 maintenance of the Department of Mental Health for the fiscal year
9 beginning July 1, 2004, and ending June 30, 2005.....
10 \$ 185,208,474.00.

11 **SECTION 2.** The following sum, or so much thereof as may be
12 necessary, is hereby authorized for expenditure out of any special
13 source funds which are collected by or otherwise become available
14 for the support and maintenance of the Department of Mental Health
15 for the fiscal year beginning July 1, 2004, and ending
16 June 30, 2005..... \$ 242,333,167.00.

17 **SECTION 3.** Of the funds appropriated under the provisions of
18 Section 1 and authorized for expenditure under the provisions of
19 Section 2, not more than the amounts set forth below shall be
20 expended for the respective major objects or purposes of
21 expenditure:

22 **CENTRAL OFFICE**

23 MAJOR OBJECTS OF EXPENDITURE:

24 Personal Services:

25	Salaries, Wages and Fringe Benefits..	\$	4,145,589.00
26	Travel and Subsistence.....		186,691.00
27	Contractual Services.....		881,893.00

28	Commodities.....	144,750.00
29	Capital Outlay:	
30	Other Than Equipment.....	0.00
31	Equipment.....	25,000.00
32	Subsidies, Loans and Grants.....	<u>9,942,522.00</u>
33	Total.....	\$ 15,326,445.00

34 FUNDING:

35	General Funds.....	\$ 2,228,987.00
36	Special Funds.....	<u>13,097,458.00</u>
37	Total.....	\$ 15,326,445.00

38 AUTHORIZED POSITIONS:

39	Permanent: Full Time.....	64
40	Part Time.....	0
41	Time-Limited: Full Time.....	21
42	Part Time.....	0

43 **ELLISVILLE STATE SCHOOL AND FARM**

44 MAJOR OBJECTS OF EXPENDITURE:

45	Personal Services:	
46	Salaries, Wages and Fringe Benefits..	\$ 46,069,739.00
47	Travel and Subsistence.....	126,208.00
48	Contractual Services.....	4,474,143.00
49	Commodities.....	5,050,928.00
50	Capital Outlay:	
51	Other Than Equipment.....	470,000.00
52	Equipment.....	199,744.00
53	Subsidies, Loans and Grants.....	<u>14,876,262.00</u>
54	Total.....	\$ 71,267,024.00

55 FUNDING:

56	General Funds.....	\$ 15,189,154.00
57	Special Funds.....	<u>56,077,870.00</u>
58	Total.....	\$ 71,267,024.00

59 AUTHORIZED POSITIONS:

60	Permanent: Full Time.....	1,585
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61	Part Time.....	32
62	Time-Limited: Full Time.....	56
63	Part Time.....	0

64 **EAST MISSISSIPPI STATE HOSPITAL**

65 MAJOR OBJECTS OF EXPENDITURE:

66	Personal Services:	
67	Salaries, Wages and Fringe Benefits.. \$	30,065,310.00
68	Travel and Subsistence.....	30,911.00
69	Contractual Services.....	2,203,997.00
70	Commodities.....	4,011,350.00
71	Capital Outlay:	
72	Other Than Equipment.....	98,354.00
73	Equipment.....	89,657.00
74	Subsidies, Loans and Grants.....	<u>2,359,340.00</u>
75	Total..... \$	38,858,919.00

76 FUNDING:

77	General Funds..... \$	29,913,551.00
78	Special Funds.....	<u>8,945,368.00</u>
79	Total..... \$	38,858,919.00

80 AUTHORIZED POSITIONS:

81	Permanent: Full Time.....	1,343
82	Part Time.....	6
83	Time-Limited: Full Time.....	121
84	Part Time.....	40

85 **HUDSPETH REGIONAL CENTER**

86 MAJOR OBJECTS OF EXPENDITURE:

87	Personal Services:	
88	Salaries, Wages and Fringe Benefits.. \$	27,276,489.00
89	Travel and Subsistence.....	124,630.00
90	Contractual Services.....	1,861,752.00
91	Commodities.....	2,343,709.00
92	Capital Outlay:	
93	Other Than Equipment.....	150,000.00

94	Equipment.....	389,000.00
95	Subsidies, Loans and Grants.....	<u>6,424,470.00</u>
96	Total.....	\$ 38,570,050.00

97 FUNDING:

98	General Funds.....	\$ 7,316,341.00
99	Special Funds.....	<u>31,253,709.00</u>
100	Total.....	\$ 38,570,050.00

101 AUTHORIZED POSITIONS:

102	Permanent: Full Time.....	948
103	Part Time.....	28
104	Time-Limited: Full Time.....	48
105	Part Time.....	0

106 **MISSISSIPPI STATE HOSPITAL**

107 MAJOR OBJECTS OF EXPENDITURE:

108 Personal Services:

109	Salaries, Wages and Fringe Benefits..	\$ 79,743,188.00
110	Travel and Subsistence.....	50,505.00
111	Contractual Services.....	7,922,335.00
112	Commodities.....	5,782,394.00
113	Capital Outlay:	
114	Other Than Equipment.....	0.00
115	Equipment.....	278,467.00
116	Subsidies, Loans and Grants.....	<u>3,368,152.00</u>
117	Total.....	\$ 97,145,041.00

118 FUNDING:

119	General Funds.....	\$ 71,991,401.00
120	Special Funds.....	<u>25,153,640.00</u>
121	Total.....	\$ 97,145,041.00

122 AUTHORIZED POSITIONS:

123	Permanent: Full Time.....	2,831
124	Part Time.....	11
125	Time-Limited: Full Time.....	221
126	Part Time.....	0

127	NORTH MISSISSIPPI REGIONAL CENTER		
128	MAJOR OBJECTS OF EXPENDITURE:		
129	Personal Services:		
130	Salaries, Wages and Fringe Benefits..	\$	30,447,198.00
131	Travel and Subsistence.....		112,000.00
132	Contractual Services.....		4,162,620.00
133	Commodities.....		4,825,906.00
134	Capital Outlay:		
135	Other Than Equipment.....		71,500.00
136	Equipment.....		743,353.00
137	Subsidies, Loans and Grants.....		<u>6,398,175.00</u>
138	Total.....	\$	46,760,752.00
139	FUNDING:		
140	General Funds.....	\$	9,280,817.00
141	Special Funds.....		<u>37,479,935.00</u>
142	Total.....	\$	46,760,752.00
143	AUTHORIZED POSITIONS:		
144	Permanent: Full Time.....		926
145	Part Time.....		12
146	Time-Limited: Full Time.....		160
147	Part Time.....		13
148	SOUTH MISSISSIPPI REGIONAL CENTER		
149	MAJOR OBJECTS OF EXPENDITURE:		
150	Personal Services:		
151	Salaries, Wages and Fringe Benefits..	\$	21,009,523.00
152	Travel and Subsistence.....		79,000.00
153	Contractual Services.....		2,771,921.00
154	Commodities.....		1,822,005.00
155	Capital Outlay:		
156	Other Than Equipment.....		100,000.00
157	Equipment.....		314,253.00
158	Subsidies, Loans and Grants.....		<u>4,945,644.00</u>
159	Total.....	\$	31,042,346.00

160	FUNDING:	
161	General Funds.....	\$ 7,280,626.00
162	Special Funds.....	<u>23,761,720.00</u>
163	Total.....	\$ 31,042,346.00

164 AUTHORIZED POSITIONS:

165	Permanent: Full Time.....	602
166	Part Time.....	8
167	Time-Limited: Full Time.....	101
168	Part Time.....	4

169 **BOSWELL REGIONAL CENTER**

170 MAJOR OBJECTS OF EXPENDITURE:

171	Personal Services:	
172	Salaries, Wages and Fringe Benefits..	\$ 17,681,263.00
173	Travel and Subsistence.....	45,104.00
174	Contractual Services.....	2,521,807.00
175	Commodities.....	1,948,170.00
176	Capital Outlay:	
177	Other Than Equipment.....	257,350.00
178	Equipment.....	320,176.00
179	Subsidies, Loans and Grants.....	<u>4,234,024.00</u>
180	Total.....	\$ 27,007,894.00

181 FUNDING:

182	General Funds.....	\$ 8,579,791.00
183	Special Funds.....	<u>18,428,103.00</u>
184	Total.....	\$ 27,007,894.00

185 AUTHORIZED POSITIONS:

186	Permanent: Full Time.....	505
187	Part Time.....	3
188	Time-Limited: Full Time.....	107
189	Part Time.....	2

190 **NORTH MISSISSIPPI STATE HOSPITAL**

191 MAJOR OBJECTS OF EXPENDITURE:

192 Personal Services:

193	Salaries, Wages and Fringe Benefits..	\$	6,337,957.00
194	Travel and Subsistence.....		20,000.00
195	Contractual Services.....		805,908.00
196	Commodities.....		889,285.00
197	Capital Outlay:		
198	Other Than Equipment.....		25,000.00
199	Equipment.....		78,805.00
200	Subsidies, Loans and Grants.....		<u>0.00</u>
201	Total.....	\$	8,156,955.00
202	FUNDING:		
203	General Funds.....	\$	6,977,008.00
204	Special Funds.....		<u>1,179,947.00</u>
205	Total.....	\$	8,156,955.00
206	AUTHORIZED POSITIONS:		
207	Permanent: Full Time.....	185	
208	Part Time.....	0	
209	Time-Limited: Full Time.....	4	
210	Part Time.....	0	
211	SOUTH MISSISSIPPI STATE HOSPITAL		
212	MAJOR OBJECTS OF EXPENDITURE:		
213	Personal Services:		
214	Salaries, Wages and Fringe Benefits..	\$	4,422,485.00
215	Travel and Subsistence.....		8,000.00
216	Contractual Services.....		787,615.00
217	Commodities.....		280,839.00
218	Capital Outlay:		
219	Other Than Equipment.....		20,000.00
220	Equipment.....		75,865.00
221	Subsidies, Loans and Grants.....		<u>10,000.00</u>
222	Total.....	\$	5,604,804.00
223	FUNDING:		
224	General Funds.....	\$	5,144,240.00
225	Special Funds.....		<u>460,564.00</u>

226 Total..... \$ 5,604,804.00

227 AUTHORIZED POSITIONS:

228 Permanent: Full Time..... 156

229 Part Time..... 0

230 Time-Limited: Full Time..... 1

231 Part Time..... 0

232 **CENTRAL MISSISSIPPI RESIDENTIAL CENTER**

233 MAJOR OBJECTS OF EXPENDITURE:

234 Personal Services:

235 Salaries, Wages and Fringe Benefits.. \$ 2,168,863.00

236 Travel and Subsistence..... 11,725.00

237 Contractual Services..... 517,884.00

238 Commodities..... 687,469.00

239 Capital Outlay:

240 Other Than Equipment..... 535,572.00

241 Equipment..... 200,000.00

242 Subsidies, Loans and Grants..... 251,548.00

243 Total..... \$ 4,373,061.00

244 FUNDING:

245 General Funds..... \$ 3,028,028.00

246 Special Funds..... 1,345,033.00

247 Total..... \$ 4,373,061.00

248 AUTHORIZED POSITIONS:

249 Permanent: Full Time..... 132

250 Part Time..... 0

251 Time-Limited: Full Time..... 14

252 Part Time..... 0

253 **BROOKHAVEN JUVENILE REHABILITATION FACILITY**

254 MAJOR OBJECTS OF EXPENDITURE:

255 Personal Services:

256 Salaries, Wages and Fringe Benefits.. \$ 3,680,002.00

257 Travel and Subsistence..... 7,340.00

258 Contractual Services..... 471,998.00

259	Commodities.....		305,981.00
260	Capital Outlay:		
261	Other Than Equipment.....		10,000.00
262	Equipment.....		58,639.00
263	Subsidies, Loans and Grants.....		<u>6,000.00</u>
264	Total.....	\$	4,539,960.00

265 FUNDING:

266	General Funds.....	\$	4,539,960.00
267	Special Funds.....		<u>0.00</u>
268	Total.....	\$	4,539,960.00

269 AUTHORIZED POSITIONS:

270	Permanent:	Full Time.....	102
271		Part Time.....	0
272	Time-Limited:	Full Time.....	10
273		Part Time.....	0

274 **SPECIALIZED TREATMENT FACILITY**

275 MAJOR OBJECTS OF EXPENDITURE:

276 Personal Services:

277	Salaries, Wages and Fringe Benefits..	\$	392,433.00
278	Travel and Subsistence.....		10,238.00
279	Contractual Services.....		175,000.00
280	Commodities.....		58,633.00
281	Capital Outlay:		
282	Other Than Equipment.....		20,000.00
283	Equipment.....		25,000.00
284	Subsidies, Loans and Grants.....		<u>500.00</u>
285	Total.....	\$	681,804.00

286 FUNDING:

287	General Funds.....	\$	681,804.00
288	Special Funds.....		<u>0.00</u>
289	Total.....	\$	681,804.00

290 AUTHORIZED POSITIONS:

291	Permanent:	Full Time.....	85
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292	Part Time.....	0
293	Time-Limited: Full Time.....	0
294	Part Time.....	0

SERVICE BUDGET

MAJOR OBJECTS OF EXPENDITURE:

Personal Services:

298	Salaries, Wages and Fringe Benefits.. \$	0.00
299	Travel and Subsistence.....	0.00
300	Contractual Services.....	703,343.00
301	Commodities.....	0.00
302	Capital Outlay:	
303	Other Than Equipment.....	0.00
304	Equipment.....	0.00
305	Subsidies, Loans and Grants.....	<u>33,381,057.00</u>
306	Total..... \$	34,084,400.00

FUNDING:

308	General Funds..... \$	13,056,766.00
309	Special Funds.....	<u>21,027,634.00</u>
310	Total..... \$	34,084,400.00

AUTHORIZED POSITIONS:

312	Permanent: Full Time.....	0
313	Part Time.....	0
314	Time-Limited: Full Time.....	0
315	Part Time.....	0

DIVISION OF ALCOHOL AND DRUG ABUSE

MAJOR OBJECTS OF EXPENDITURE:

Personal Services:

319	Salaries, Wages and Fringe Benefits.. \$	251,259.00
320	Travel and Subsistence.....	23,100.00
321	Contractual Services.....	45,600.00
322	Commodities.....	8,700.00
323	Capital Outlay:	
324	Other Than Equipment.....	0.00

325	Equipment.....	12,200.00
326	Subsidies, Loans and Grants.....	<u>3,781,327.00</u>
327	Total.....	\$ 4,122,186.00
328	FUNDING:	
329	General Funds.....	\$ 0.00
330	Special Funds.....	<u>4,122,186.00</u>
331	Total.....	\$ 4,122,186.00

332 AUTHORIZED POSITIONS:

333	Permanent: Full Time.....	6
334	Part Time.....	0
335	Time-Limited: Full Time.....	0
336	Part Time.....	0

337 With the funds herein appropriated, it is the intention of
338 the Legislature that it shall be the agency's responsibility to
339 make certain that funds required to be appropriated for "Personal
340 Services" for Fiscal Year 2006 do not exceed Fiscal Year 2005
341 funds appropriated for that purpose, unless programs or positions
342 are added to the agency's Fiscal Year 2006 budget by the
343 Mississippi Legislature. Based on data provided by the
344 Legislative Budget Office, the State Personnel Board shall
345 determine and publish the projected annual cost to fully fund all
346 appropriated positions in compliance with the provisions of this
347 act. It shall be the responsibility of the agency head to insure
348 that no single personnel action increases this projected annual
349 cost and/or the Fiscal Year 2005 appropriation for "Personal
350 Services" when annualized, with the exception of escalated funds.
351 If, at the time the agency takes any action to change "Personal
352 Services," the State Personnel Board determines that the agency
353 has taken an action which would cause the agency to exceed this
354 projected annual cost or the Fiscal Year 2005 "Personal Services"
355 appropriated level, when annualized, then only those actions which
356 reduce the projected annual cost and/or the appropriation

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

359 Any transfers or escalations shall be made in accordance with
360 the terms, conditions and procedures established by law or
361 allowable under the terms set forth within this act. The State
362 Personnel Board shall not escalate positions without written
363 approval from the Department of Finance and Administration. The
364 Department of Finance and Administration shall not provide written
365 approval to escalate any funds for salaries and/or positions
366 without proof of availability of new or additional funds above the
367 appropriated level.

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

372 **SECTION 4.** In compliance with the "Mississippi Performance
373 Budget and Strategic Planning Act of 1994," it is the intent of
374 the Legislature that the funds provided herein shall be utilized
375 in the most efficient and effective manner possible to achieve the
376 intended mission of this agency. Based on the funding authorized,
377 this agency shall make every effort to attain the targeted
378 performance measures provided below:

	FY2005
<u>Performance Measures</u>	<u>Target</u>
381 Services Management	
382 State Institutions Operated (Number of)	12
383 Units Monitored, etc (Number of)	1,112
384 Grants Administered (Number of)	486
385 Mental Health Services	
386 Group Homes - Alternative Living (Beds)	35
387 Halfway Houses (Beds)	258
388 Psychotropic Drugs Purchased (Prescriptions)	20,000
389 Mental Retardation Services	

390	Community Living Clients	2,400
391	Work Activity & Employment Related (Clients)	1,050
392	Children & Youth Services	
393	Group Homes (Beds)	72
394	Chemical Dependency (Beds)	20
395	3% Alcohol Tax-alcohol/drug Prg	
396	Residential Treatment Beds	684
397	Out-Patient Admissions	8,100
398	Performance Measures are included in the	
399	Mi - Institutional Care	
400	Patient & Resident Days (Number of)	703,662
401	Operating Cost per Patient & Resident Day	311
402	Mi - Pre/post Inst Care	
403	Clients Served (Number of)	1,817
404	Mi - Support Services	
405	Percent of Support Staff to Direct Staff (%)	10
406	Support as a Percent of Total Budget	11
407	Mr - Institutional Care	
408	Patient & Resident Days (Number of)	409,754
409	Cost per Patient & Resident Day	303
410	Patient & Resident Days (Client Days)	50,328
411	Independent Living Skills (Client Days)	6,038
412	ICF/MR Licensed Client Bed Days	58,350
413	Mr - Group Homes	
414	Community Based Services (Client Days)	56,000
415	ICF & MR Residential Services (Client Days)	156,612
416	ICF & MR Group Home (Client Days)	35,770
417	Mr - Community Programs	
418	Clients Served - HCBW (Individuals)	678
419	Therapy for Children & Families (Sessions)	7,000
420	Employment Support (Contacts & Visits)	23,109
421	Case Management (Contacts)	5,612
422	Residential ICF & MR Program (Clients)	1,540

423	Mr - Support Services	
424	Percent of Support Staff to Direct Staff (%)	3.03
425	Support as a Percent of Total Budget	22
426	Mi - Crisis Intervention Ctr	
427	Patient & Resident Days (Number of)	0
428	Mi - Residential Apartments	
429	Patient & Resident Days (Number of)	0
430	Mi - Residential Homes	
431	Patient & Resident Days (Number of)	0
432	Mi - Footprints Adult Day Svcs	
433	Clients Served (Number of)	20
434	A reporting of the degree to which the performance targets	
435	set above have been or are being achieved shall be provided in the	
436	agency's budget request submitted to the Joint Legislative Budget	
437	Committee for Fiscal Year 2006.	

438 **SECTION 5.** Of the funds appropriated under the provisions of
439 Section 1, authorized for expenditure in Section 2, and allocated
440 in Section 3 to the "Central Office," funds are included for an
441 Alzheimer's education and training program.

442 **SECTION 6.** Of the funds appropriated under the provisions of
443 Section 1, authorized for expenditure in Section 2, and allocated
444 in Section 3 to the "Central Office," funds are included to
445 compensate part-time members of the Sexual Predator Review Board
446 at an hourly rate not to exceed the hourly rate for similarly
447 qualified and titled full-time state employees, plus fringe
448 benefits allowable for such part-time employees.

449 **SECTION 7.** Of the funds appropriated under the provisions of
450 Section 1, authorized for expenditure under the provisions of
451 Section 2, and allocated under the provisions of Section 3, funds
452 in the amount of Two Hundred Thousand Dollars (\$200,000.00) may be
453 expended for the support of a pilot project to provide authority
454 for East Mississippi State Hospital and Mississippi State Hospital
455 to contract with local hospitals located in counties with a

456 population of less than fifty thousand (50,000) to provide
457 emergency inpatient care to individuals committed by the Chancery
458 Court to East Mississippi State Hospital or Mississippi State
459 Hospital for treatment of mental illness if, at the time that such
460 commitment is made, a bed is not available for admission to East
461 Mississippi State Hospital or Mississippi State Hospital. East
462 Mississippi State Hospital and Mississippi State Hospital shall
463 have the authority to contract with local hospitals located in
464 counties with a population of less than fifty thousand (50,000)
465 for inpatient emergency care for a period not to exceed seven (7)
466 days at a rate not to exceed One Hundred and Fifty Dollars
467 (\$150.00) per day with East Mississippi State Hospital or
468 Mississippi State Hospital providing One Hundred Dollars (\$100.00)
469 and the local government providing Fifty Dollars (\$50.00) per day
470 for such care. Payment for such physician fees shall be made at
471 the Medicaid rate of reimbursement and paid by East Mississippi
472 State Hospital or Mississippi State Hospital. Funds provided for
473 the initiation of this pilot project shall not be expended for
474 inpatient hospital care unless there is participation in the
475 reimbursement for such care by the local government as required by
476 the provisions of this section.

477 **SECTION 8.** It is the intention of the Legislature that the
478 Executive Director of the Department of Mental Health shall have
479 authority to transfer cash from one special fund treasury fund to
480 another special fund treasury fund under the control of the
481 Department of Mental Health. The purpose of this authority is to
482 more efficiently use available cash reserves. It is further the
483 intention of the Legislature that the Executive Director of the
484 Department of Mental Health shall submit written justification for
485 the transfer to the Legislative Budget Office and the Department
486 of Finance and Administration on or before the fifteenth (15th) of
487 the month prior to the effective date of the transfer.

488 **SECTION 9.** The Executive Director of the Department of
489 Mental Health and the directors of each separate facility operated
490 by the Department of Mental Health are hereby authorized to
491 transfer spending authority from any major objects to any other
492 major objects in any amounts deemed necessary for the efficient
493 management and operation of their budgets, provided that the total
494 spending authority remains unchanged after such transfers and the
495 total of such transfers into any major object do not exceed
496 twenty-five percent (25%) of the original appropriated amount for
497 that major object plus any escalations of spending authority that
498 have occurred during any given fiscal year.

499 **SECTION 10.** It is the intention of the Legislature that the
500 Department of Mental Health shall have the authority to receive,
501 budget, and expend funds from any source, including beginning cash
502 in excess of beginning cash when spending authority was initially
503 appropriated, that may become available to the department in
504 accordance with the rules and regulations of the Department of
505 Finance and Administration in a manner consistent with the
506 escalation of federal funds.

507 **SECTION 11.** The Department of Mental Health and its
508 facilities shall have the authority, within funding and spending
509 authority appropriated under the provisions of Section 1,
510 authorized for expenditure in Section 2, and allocated under the
511 provisions of Section 3 of this act, to transfer funds to the
512 Division of Medicaid in payment of Medicaid match and designate
513 that the funds thus transferred shall be applied to Medicaid match
514 obligations arising in the subsequent fiscal year.

515 **SECTION 12.** Any person within the Department of Mental
516 Health who must work on a statutory holiday or any holiday
517 proclaimed by the Governor, may at the discretion of the Director
518 of the Institution and the Executive Director of the Department of
519 Mental Health and within available personnel funds, be paid "call
520 back pay" in lieu of "compensatory time credit."

521 **SECTION 13.** Of the funds appropriated to the "Service
522 Budget" in the category "Subsidies, Loans and Grants," funds are
523 included for the support of community mental health services for
524 Fiscal Year 2005.

525 Provided, however, that none of the funds appropriated for
526 the support of community mental health services shall be made
527 available to any Regional Mental Health/Retardation Center which
528 does not receive from each of its participating counties a dollar
529 amount equivalent to what the proceeds of a three-fourths (3/4)
530 mill tax on all taxable property in the county in Fiscal Year 1982
531 would have been or the amount of funds contributed to the center
532 by the county in Fiscal Year 1984, whichever shall be greater. By
533 means of performance contracts, the Department of Mental Health
534 shall disburse the funds appropriated in this section for services
535 for the mentally ill, mentally retarded and alcohol/drug abusers.
536 The State Board of Mental Health and the Department of Mental
537 Health shall be responsible for selecting the types of services
538 which shall be provided with the funds appropriated in this
539 section, for developing and monitoring performance contracts and
540 for holding contractors accountable for utilization of funds.

541 **SECTION 14.** Funds presently included or any funds received
542 in the future for timber funds at Ellisville State School and East
543 Mississippi State Hospital are hereby authorized for transfer to
544 the regular operating budgets of the respective facilities. Each
545 facility shall receive such funds as "Special" funds, and such
546 funds shall be available for use in payment of any and all
547 expenses of each facility, paid by the State Treasurer upon
548 warrants issued by the State Fiscal Officer; and the State Fiscal
549 Officer shall issue his warrants upon requisitions signed by the
550 proper person, officer or officers in the manner provided by law.

551 **SECTION 15.** The Department of Mental Health and its
552 facilities shall have the express legal authority, within funding
553 and spending authority appropriated under the provisions of

554 Section 1, authorized for expenditure under the provisions of
555 Section 2, and allocated under the provisions of Section 3 of this
556 act, to purchase land for use by residential facilities operated
557 by the Department, either directly or by means of transferring
558 funds to the Bureau of Building, Grounds and Real Property
559 Management, and to transfer such funds to Bureau of Building,
560 Grounds, and Real Property Management for the purposes of
561 constructing and equipping group homes for persons with mental
562 illness, mental retardation, and/or substance abuse; constructing
563 and equipping such other buildings as may be required for
564 treatment of persons with mental illness, mental retardation,
565 and/or substance abuse; repair and renovate existing buildings;
566 and to construct, repair and/or renovate employee housing. Any
567 intermediate care facilities for the mentally retarded (ICF/MR)
568 constructed with funds authorized in this section shall be
569 authorized to participate in Medicaid funding available for such
570 services.

571 **SECTION 16.** Of the General Funds appropriated to the
572 "Service Budget" in the category of "Subsidies, Loans and Grants,"
573 the sum required may be expended to fund the Home and Community
574 Based Waiver Option for community mental retardation services as
575 authorized under Section 43-13-117 (29) of the Mississippi Code of
576 1972 (Annotated).

577 **SECTION 17.** With the funds herein appropriated, the
578 Department of Mental Health is authorized to provide home and
579 community based treatment and institutional treatment to not more
580 than ten (10) persons at any given time who, on or after reaching
581 their twenty-first birthday (age 21), suffered a severe brain
582 injury and whose condition as a result of that brain injury would
583 have resulted in their classification as developmentally disabled
584 if such injury had occurred prior to their twenty-first birthday.

585 **SECTION 18.** The following sum, or so much thereof as may be
586 necessary, is hereby reappropriated out of any money in the

587 special fund in the State Treasury to the credit of the Department
588 of Mental Health Funds 3372, 3373, 3374, 3375, 3376, 3377, 3382,
589 3384, 3385, 3386, 3387, 3388 and 3391 for the fiscal year
590 beginning July 1, 2004, and ending June 30, 2005.....
591 \$ 10,000,000.00

592 Notwithstanding the amount reappropriated under the
593 provisions of this section, in no event shall the amount expended
594 exceed the unexpended balance as of June 30, 2004, or change the
595 purpose for which the funds were originally authorized.

596 **SECTION 19.** None of the funds appropriated herein may be
597 used to pay for alternative residential placement or
598 hospitalization for mental health, mental retardation, or
599 substance treatment of a person committed to the Department of
600 Mental Health under Sections 41-21-61, et seq., 41-21-107,
601 41-31-1, et seq., 43-21-315, and 43-21-611, Mississippi Code of
602 1972.

603 **SECTION 20.** Of the funds appropriated under the provisions
604 of Section 1, authorized for expenditure in Section 2, and
605 allocated in Section 3 to Mississippi State Hospital, funds not to
606 exceed Two Hundred Fifty Thousand Dollars (\$250,000.00) may be
607 expended for preplanning costs associated with a project or
608 projects to renovate buildings on the campus of Mississippi State
609 Hospital to meet standards of the Joint Commission on
610 Accreditation of Healthcare Organizations.

611 **SECTION 21.** None of the funds appropriated for the support
612 of community mental health, mental retardation, or substance abuse
613 services shall be made available to any service provider which,
614 upon determination of the Executive Director of the Department of
615 Mental Health, has an outstanding monetary obligation owed to the
616 Department of Mental Health or to the Division of Medicaid,
617 pursuant to an audit or programmatic review performed by the
618 Department of Mental Health, that has not been resolved, including
619 those audits or programmatic reviews that occurred prior to

620 July 1, 2004.

621 **SECTION 22.** From the funds provided herein, the Department
622 shall have the authority to adjust salaries of academic teachers
623 to be commensurate to the teacher's salary scale as provided in
624 the Mississippi Teacher Opportunity Program for the 2004-2005
625 school year, as outlined in Section 37-19-7, Mississippi Code of
626 1972, effective July 1, 2003.

627 **SECTION 23.** No program or entity certified by the Department
628 of Mental Health which also receives state source, federal source,
629 or Medicaid funding directly from the Department of Mental Health
630 or by virtue of state source funds appropriated to the Department
631 of Mental Health for Medicaid match for provision of mental
632 health, mental retardation, or substance abuse services shall pay
633 to any person employed by that program or entity a salary or
634 compensation, directly or indirectly, in excess of the salary
635 provided for a similar position under the classification system of
636 the State Personnel Board for a person with similar credentials,
637 educational level, and directly related years of experience in the
638 position. Any person whose current salary already exceeds the
639 allowable amount as determined under this section shall be allowed
640 to retain his or her current salary, but no increases shall be
641 granted until such time as the allowable maximum salary under the
642 classification system of the State Personnel Board exceeds the
643 current salary paid to that person. Those programs and entities
644 may adopt a system of compensation that includes additional
645 compensation for Educational Benchmarks as allowed under the State
646 Personnel Board system. Further, the Department of Mental Health
647 and the State Personnel Board shall collaborate in determining
648 similarity of positions in those programs or entities affected by
649 this Section to positions within the classification system of the
650 State Personnel Board in any manner they deem appropriate to
651 efficiently implement the provisions of this Section. Staff

652 of the State Personnel Board and the Department of Mental Health
653 shall be the final authority in the determination of corresponding
654 job titles and pay grades. Failure to comply with the provisions
655 of this Section shall be cause to reduce or terminate funding
656 received from the Department of Mental Health.

657 **SECTION 24.** The money herein appropriated shall be paid by
658 the State Treasurer out of any money in the State Treasury to the
659 credit of the proper fund or funds as set forth in this act, upon
660 warrants issued by the State Fiscal Officer; and the State Fiscal
661 Officer shall issue his warrants upon requisitions signed by the
662 proper person, officer or officers in the manner provided by law.

663 **SECTION 25.** This act shall take effect and be in force from
664 and after July 1, 2004.