

REPORT OF CONFERENCE COMMITTEE

MADAM PRESIDENT AND MR. SPEAKER:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

S. B. No. 3142: Appropriation; Dept. of Mental Health.

We, therefore, respectfully submit the following report and recommendation:

- 1. That the House recede from its Amendment No. 1.
- 2. That the Senate and House adopt the following amendment:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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 \$ 188,182,061.00.

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..... \$ 356,674,060.00.

17 **SECTION 3.** Of the funds appropriated under the provisions of
18 Section 2, Twenty-four Million Four Hundred Eighty-five Thousand
19 Nineteen Dollars (\$24,485,019.00) shall be derived from the Health
20 Care Expendable Fund created in Section 43-13-407, Mississippi
21 Code of 1972, for the support and maintenance of the Department of
22 Mental Health. The funds provided for in this section shall be
23 allocated as follows:

24 \$ 6,658,626.00 Expenses of the Department of Mental
25 Health.

26	\$ 665,863.00	Alzheimer's disease services development
27		and implementation of Senate Bill No.
28		2100, 1997 Regular Session.
29	\$ 6,838,454.00	Medicaid matching funds.
30	\$ 443,908.00	Psychotropic drugs or Medicaid match.
31	\$ 887,817.00	Alzheimer's Disease Program, prepayment
32		to Medicaid, etc.
33	\$ 5,903,981.00	Crisis centers, holding centers, group
34		homes, substance abuse programs,
35		Children's Programs, Prepayment of
36		Medicaid. etc.
37	\$ 1,997,588.00	Physician services at community mental
38		health centers.
39	\$ 88,782.00	Grant for Epilepsy Foundation of
40		Mississippi or Medicaid match.
41	<u>\$ 1,000,000.00</u>	Crisis Centers and Specialized Treatment
42		Facility.
43	\$24,485,019.00	TOTAL

44 **SECTION 4.** Of the funds appropriated under the provisions of
45 Section 1 and authorized for expenditure under the provisions of
46 Section 2, not more than the amounts set forth below shall be
47 expended for the respective major objects or purposes of
48 expenditure:

49 **CENTRAL OFFICE**

50 MAJOR OBJECTS OF EXPENDITURE:

51	Personal Services:	
52	Salaries, Wages and Fringe Benefits .. \$	5,809,935.00
53	Travel and Subsistence.....	220,000.00
54	Contractual Services	881,893.00
55	Commodities.....	144,750.00
56	Capital Outlay:	
57	Other Than Equipment	0.00

58	Equipment	25,000.00
59	Subsidies, Loans and Grants.....	<u>9,942,522.00</u>
60	Total.....	\$ 17,024,100.00

61 FUNDING:

62	General Funds	\$ 2,754,889.00
63	Special Funds	<u>14,269,211.00</u>
64	Total.....	\$ 17,024,100.00

65 AUTHORIZED POSITIONS:

66	Permanent: Full Time	87
67	Part Time	0
68	Time-Limited: Full Time	21
69	Part Time	0

70 **ELLISVILLE STATE SCHOOL AND FARM**

71 MAJOR OBJECTS OF EXPENDITURE:

72 Personal Services:

73	Salaries, Wages and Fringe Benefits ..	\$ 50,432,891.00
74	Travel and Subsistence.....	126,208.00
75	Contractual Services	4,474,143.00
76	Commodities.....	5,050,928.00
77	Capital Outlay:	
78	Other Than Equipment	470,000.00
79	Equipment	250,000.00
80	Subsidies, Loans and Grants.....	<u>14,876,262.00</u>

81	Total.....	\$ 75,680,432.00
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82 FUNDING:

83	General Funds	\$ 15,765,800.00
84	Special Funds	<u>59,914,632.00</u>
85	Total.....	\$ 75,680,432.00

86 AUTHORIZED POSITIONS:

87	Permanent: Full Time	1,634
88	Part Time	32
89	Time-Limited: Full Time	56

90 Part Time 0

91 EAST MISSISSIPPI STATE HOSPITAL

92 MAJOR OBJECTS OF EXPENDITURE:

93 Personal Services:

94 Salaries, Wages and Fringe Benefits .. \$ 43,089,112.00

95 Travel and Subsistence..... 41,489.00

96 Contractual Services 3,129,311.00

97 Commodities..... 5,695,452.00

98 Capital Outlay:

99 Other Than Equipment 119,000.00

100 Equipment 178,380.00

101 Subsidies, Loans and Grants..... 3,245,266.00

102 Total..... \$ 55,498,010.00

103 FUNDING:

104 General Funds \$ 29,731,693.00

105 Special Funds 25,766,317.00

106 Total..... \$ 55,498,010.00

107 AUTHORIZED POSITIONS:

108 Permanent: Full Time 1,343

109 Part Time 6

110 Time-Limited: Full Time 121

111 Part Time 40

112 HUDSPETH REGIONAL CENTER

113 MAJOR OBJECTS OF EXPENDITURE:

114 Personal Services:

115 Salaries, Wages and Fringe Benefits .. \$ 31,049,911.00

116 Travel and Subsistence..... 124,630.00

117 Contractual Services 2,709,252.00

118 Commodities..... 3,191,209.00

119 Capital Outlay:

120 Other Than Equipment 150,000.00

121 Equipment 389,000.00

122	Subsidies, Loans and Grants.....		<u>8,607,769.00</u>
123	Total.....	\$	46,221,771.00
124	FUNDING:		
125	General Funds.....	\$	7,734,701.00
126	Special Funds.....		<u>38,487,070.00</u>
127	Total.....	\$	46,221,771.00
128	AUTHORIZED POSITIONS:		
129	Permanent: Full Time		948
130	Part Time		28
131	Time-Limited: Full Time		48
132	Part Time		0
133	MISSISSIPPI STATE HOSPITAL		
134	MAJOR OBJECTS OF EXPENDITURE:		
135	Personal Services:		
136	Salaries, Wages and Fringe Benefits ..	\$	92,059,966.00
137	Travel and Subsistence.....		107,495.00
138	Contractual Services		15,512,831.00
139	Commodities.....		12,019,906.00
140	Capital Outlay:		
141	Other Than Equipment		253,906.00
142	Equipment		4,137,409.00
143	Subsidies, Loans and Grants.....		<u>6,209,166.00</u>
144	Total.....	\$	130,300,679.00
145	FUNDING:		
146	General Funds.....	\$	70,593,967.00
147	Special Funds.....		<u>59,706,712.00</u>
148	Total.....	\$	130,300,679.00
149	AUTHORIZED POSITIONS:		
150	Permanent: Full Time		2,975
151	Part Time		11
152	Time-Limited: Full Time		221
153	Part Time		0

154	NORTH MISSISSIPPI REGIONAL CENTER	
155	MAJOR OBJECTS OF EXPENDITURE:	
156	Personal Services:	
157	Salaries, Wages and Fringe Benefits .. \$	33,671,125.00
158	Travel and Subsistence.....	112,000.00
159	Contractual Services	4,162,620.00
160	Commodities.....	4,825,906.00
161	Capital Outlay:	
162	Other Than Equipment	71,500.00
163	Equipment	743,353.00
164	Subsidies, Loans and Grants.....	<u>20,248,289.00</u>
165	Total..... \$	63,834,793.00
166	FUNDING:	
167	General Funds	\$ 9,798,074.00
168	Special Funds	<u>54,036,719.00</u>
169	Total..... \$	63,834,793.00
170	AUTHORIZED POSITIONS:	
171	Permanent: Full Time	994
172	Part Time	12
173	Time-Limited: Full Time	160
174	Part Time	13
175	SOUTH MISSISSIPPI REGIONAL CENTER	
176	MAJOR OBJECTS OF EXPENDITURE:	
177	Personal Services:	
178	Salaries, Wages and Fringe Benefits .. \$	22,244,177.00
179	Travel and Subsistence.....	79,000.00
180	Contractual Services	3,311,421.00
181	Commodities.....	2,361,505.00
182	Capital Outlay:	
183	Other Than Equipment	100,000.00
184	Equipment	400,809.00
185	Subsidies, Loans and Grants.....	<u>6,705,288.00</u>

186	Total	\$	35,202,200.00
187	FUNDING:		
188	General Funds	\$	7,466,108.00
189	Special Funds		<u>27,736,092.00</u>
190	Total	\$	35,202,200.00

191	AUTHORIZED POSITIONS:		
192	Permanent: Full Time	602	
193	Part Time	8	
194	Time-Limited: Full Time	101	
195	Part Time	4	

BOSWELL REGIONAL CENTER

197	MAJOR OBJECTS OF EXPENDITURE:		
198	Personal Services:		
199	Salaries, Wages and Fringe Benefits ..	\$	19,058,929.00
200	Travel and Subsistence		45,104.00
201	Contractual Services		2,521,807.00
202	Commodities		1,948,170.00
203	Capital Outlay:		
204	Other Than Equipment		257,350.00
205	Equipment		320,176.00
206	Subsidies, Loans and Grants		<u>4,234,024.00</u>
207	Total	\$	28,385,560.00

208	FUNDING:		
209	General Funds	\$	8,845,312.00
210	Special Funds		<u>19,540,248.00</u>
211	Total	\$	28,385,560.00

212	AUTHORIZED POSITIONS:		
213	Permanent: Full Time	507	
214	Part Time	3	
215	Time-Limited: Full Time	113	
216	Part Time	2	

NORTH MISSISSIPPI STATE HOSPITAL

218	MAJOR OBJECTS OF EXPENDITURE:	
219	Personal Services:	
220	Salaries, Wages and Fringe Benefits .. \$	8,449,440.00
221	Travel and Subsistence.....	26,000.00
222	Contractual Services	1,381,063.00
223	Commodities.....	1,212,882.00
224	Capital Outlay:	
225	Other Than Equipment	45,000.00
226	Equipment	174,000.00
227	Subsidies, Loans and Grants.....	<u>0.00</u>
228	Total..... \$	11,288,385.00

229	FUNDING:	
230	General Funds	\$ 7,143,490.00
231	Special Funds	<u>4,144,895.00</u>
232	Total..... \$	11,288,385.00

233	AUTHORIZED POSITIONS:	
234	Permanent: Full Time	233
235	Part Time	0
236	Time-Limited: Full Time	4
237	Part Time	0

SOUTH MISSISSIPPI STATE HOSPITAL

239	MAJOR OBJECTS OF EXPENDITURE:	
240	Personal Services:	
241	Salaries, Wages and Fringe Benefits .. \$	6,405,969.00
242	Travel and Subsistence.....	16,000.00
243	Contractual Services	985,115.00
244	Commodities.....	770,066.00
245	Capital Outlay:	
246	Other Than Equipment	40,000.00
247	Equipment	149,865.00
248	Subsidies, Loans and Grants.....	<u>10,000.00</u>
249	Total..... \$	8,377,015.00

250 FUNDING:

251 General Funds \$ 5,288,260.00

252 Special Funds 3,088,755.00

253 Total \$ 8,377,015.00

254 AUTHORIZED POSITIONS:

255 Permanent: Full Time 204

256 Part Time 0

257 Time-Limited: Full Time 1

258 Part Time 0

CENTRAL MISSISSIPPI RESIDENTIAL CENTER

260 MAJOR OBJECTS OF EXPENDITURE:

261 Personal Services:

262 Salaries, Wages and Fringe Benefits .. \$ 5,562,696.00

263 Travel and Subsistence..... 21,000.00

264 Contractual Services 715,384.00

265 Commodities..... 821,569.00

266 Capital Outlay:

267 Other Than Equipment 555,572.00

268 Equipment 274,000.00

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

270 Total \$ 8,201,769.00

271 FUNDING:

272 General Funds \$ 4,649,672.00

273 Special Funds 3,552,097.00

274 Total \$ 8,201,769.00

275 AUTHORIZED POSITIONS:

276 Permanent: Full Time 180

277 Part Time 0

278 Time-Limited: Full Time 14

279 Part Time 0

BROOKHAVEN JUVENILE REHABILITATION FACILITY

281 MAJOR OBJECTS OF EXPENDITURE:

282	Personal Services:		
283	Salaries, Wages and Fringe Benefits .. \$		4,138,979.00
284	Travel and Subsistence.....		7,340.00
285	Contractual Services		471,998.00
286	Commodities.....		305,981.00
287	Capital Outlay:		
288	Other Than Equipment		10,000.00
289	Equipment		65,519.00
290	Subsidies, Loans and Grants.....		<u>6,000.00</u>
291	Total..... \$		5,005,817.00

292	FUNDING:		
293	General Funds	\$	4,665,817.00
294	Special Funds		<u>340,000.00</u>
295	Total..... \$		5,005,817.00

296	AUTHORIZED POSITIONS:		
297	Permanent: Full Time	118	
298	Part Time	0	
299	Time-Limited: Full Time	10	
300	Part Time	0	

SPECIALIZED TREATMENT FACILITY

302	MAJOR OBJECTS OF EXPENDITURE:		
303	Personal Services:		
304	Salaries, Wages and Fringe Benefits .. \$		3,158,757.00
305	Travel and Subsistence.....		12,238.00
306	Contractual Services		320,000.00
307	Commodities.....		193,633.00
308	Capital Outlay:		
309	Other Than Equipment		20,000.00
310	Equipment		175,000.00
311	Subsidies, Loans and Grants.....		<u>5,500.00</u>
312	Total..... \$		3,885,128.00

313 FUNDING:

314	General Funds	\$	687,512.00
315	Special Funds		<u>3,197,616.00</u>
316	Total	\$	3,885,128.00

317 AUTHORIZED POSITIONS:

318	Permanent:	Full Time	100
319		Part Time	0
320	Time-Limited:	Full Time	0
321		Part Time	0

322 **SERVICE BUDGET**

323 MAJOR OBJECTS OF EXPENDITURE:

324 Personal Services:

325	Salaries, Wages and Fringe Benefits ..	\$	0.00
326	Travel and Subsistence.....		0.00
327	Contractual Services		1,147,251.00
328	Commodities.....		0.00
329	Capital Outlay:		
330	Other Than Equipment		0.00
331	Equipment		0.00
332	Subsidies, Loans and Grants.....		<u>50,609,862.00</u>
333	Total	\$	51,757,113.00

334 FUNDING:

335	General Funds	\$	13,056,766.00
336	Special Funds		<u>38,700,347.00</u>
337	Total	\$	51,757,113.00

338 AUTHORIZED POSITIONS:

339	Permanent:	Full Time	0
340		Part Time	0
341	Time-Limited:	Full Time	0
342		Part Time	0

343 **DIVISION OF ALCOHOL AND DRUG ABUSE**

344 MAJOR OBJECTS OF EXPENDITURE:

345 Personal Services:

346	Salaries, Wages and Fringe Benefits .. \$	316,322.00
347	Travel and Subsistence.....	23,100.00
348	Contractual Services	45,600.00
349	Commodities.....	8,700.00
350	Capital Outlay:	
351	Other Than Equipment	0.00
352	Equipment	18,300.00
353	Subsidies, Loans and Grants.....	<u>3,781,327.00</u>
354	Total..... \$	4,193,349.00

355 FUNDING:

356	General Funds	\$ 0.00
357	Special Funds	<u>4,193,349.00</u>
358	Total..... \$	4,193,349.00

359 AUTHORIZED POSITIONS:

360	Permanent: Full Time	6
361	Part Time	0
362	Time-Limited: Full Time	0
363	Part Time	0

364 With the funds herein appropriated, it is the intention of
365 the Legislature that it shall be the agency's responsibility to
366 make certain that funds required to be appropriated for "Personal
367 Services" for Fiscal Year 2006 do not exceed Fiscal Year 2005
368 funds appropriated for that purpose, unless programs or positions
369 are added to the agency's Fiscal Year 2006 budget by the
370 Mississippi Legislature. Based on data provided by the
371 Legislative Budget Office, the State Personnel Board shall
372 determine and publish the projected annual cost to fully fund all
373 appropriated positions in compliance with the provisions of this
374 act. It shall be the responsibility of the agency head to insure
375 that no single personnel action increases this projected annual
376 cost and/or the Fiscal Year 2005 appropriation for "Personal
377 Services" when annualized, with the exception of escalated funds.

378 If, at the time the agency takes any action to change "Personal
379 Services," the State Personnel Board determines that the agency
380 has taken an action which would cause the agency to exceed this
381 projected annual cost or the Fiscal Year 2005 "Personal Services"
382 appropriated level, when annualized, then only those actions which
383 reduce the projected annual cost and/or the appropriation
384 requirement will be processed by the State Personnel Board until
385 such time as the requirements of this provision are met.

386 Any transfers or escalations shall be made in accordance with
387 the terms, conditions and procedures established by law or
388 allowable under the terms set forth within this act. The State
389 Personnel Board shall not escalate positions without written
390 approval from the Department of Finance and Administration. The
391 Department of Finance and Administration shall not provide written
392 approval to escalate any funds for salaries and/or positions
393 without proof of availability of new or additional funds above the
394 appropriated level.

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

399 **SECTION 5.** In compliance with the "Mississippi Performance
400 Budget and Strategic Planning Act of 1994," it is the intent of
401 the Legislature that the funds provided herein shall be utilized
402 in the most efficient and effective manner possible to achieve the
403 intended mission of this agency. Based on the funding authorized,
404 this agency shall make every effort to attain the targeted
405 performance measures provided below:

406	FY2005
407 <u>Performance Measures</u>	<u>Target</u>
408 Services Management	
409 State Institutions Operated (Number of)	12

410	Units Monitored, etc (Number of)	1,112
411	Grants Administered (Number of)	486
412	Mental Health Services	
413	Group Homes - Alternative Living (Beds)	35
414	Halfway Houses (Beds)	258
415	Psychotropic Drugs Purchased (Prescriptions)	20,000
416	Mental Retardation Services	
417	Community Living Clients	2,400
418	Work Activity & Employment Related (Clients)	1,050
419	Children & Youth Services	
420	Group Homes (Beds)	72
421	Chemical Dependency (Beds)	20
422	3% Alcohol Tax-alcohol/drug Prg	
423	Residential Treatment Beds	684
424	Out-Patient Admissions	8,100
425	Performance Measures are included in the	
426	Mi - Institutional Care	
427	Patient & Resident Days (Number of)	703,662
428	Operating Cost per Patient & Resident Day	311
429	Mi - Pre/post Inst Care	
430	Clients Served (Number of)	1,817
431	Mi - Support Services	
432	Percent of Support Staff to Direct Staff (%)	10
433	Support as a Percent of Total Budget	11
434	Mr - Institutional Care	
435	Patient & Resident Days (Number of)	409,754
436	Cost per Patient & Resident Day	303
437	Patient & Resident Days (Client Days)	50,328
438	Independent Living Skills (Client Days)	6,038
439	ICF/MR Licensed Client Bed Days	58,350
440	Mr - Group Homes	
441	Community Based Services (Client Days)	56,000

442	ICF & MR Residential Services (Client Days)	156,612
443	ICF & MR Group Home (Client Days)	35,770
444	Mr - Community Programs	
445	Clients Served - HCBW (Individuals)	678
446	Therapy for Children & Families (Sessions)	7,000
447	Employment Support (Contacts & Visits)	23,109
448	Case Management (Contacts)	5,612
449	Residential ICF & MR Program (Clients)	1,540
450	Mr - Support Services	
451	Percent of Support Staff to Direct Staff (%)	3.03
452	Support as a Percent of Total Budget	22
453	Mi - Crisis Intervention Ctr	
454	Patient & Resident Days (Number of)	0
455	Mi - Residential Apartments	
456	Patient & Resident Days (Number of)	0
457	Mi - Residential Homes	
458	Patient & Resident Days (Number of)	0
459	Mi - Footprints Adult Day Svcs	
460	Clients Served (Number of)	20

461 A reporting of the degree to which the performance targets
462 set above have been or are being achieved shall be provided in the
463 agency's budget request submitted to the Joint Legislative Budget
464 Committee for Fiscal Year 2006.

465 **SECTION 6.** Of the funds appropriated under the provisions of
466 Section 1, authorized for expenditure in Section 2 and 3, and
467 allocated in Section 4 to the "Central Office," funds are included
468 for an Alzheimer's education and training program.

469 **SECTION 7.** Of the funds appropriated under the provisions of
470 Section 1, authorized for expenditure in Section 2 and 3, and
471 allocated in Section 4 to the "Central Office," funds are included
472 to compensate part-time members of the Sexual Predator Review
473 Board at an hourly rate not to exceed the hourly rate for

474 similarly qualified and titled full-time state employees, plus
475 fringe benefits allowable for such part-time employees.

476 **SECTION 8.** Of the funds appropriated under the provisions of
477 Section 1, authorized for expenditure under the provisions of
478 Section 2 and 3, and allocated under the provisions of Section 4,
479 funds in the amount of Two Hundred Thousand Dollars (\$200,000.00)
480 may be expended for the support of a pilot project to provide
481 authority for East Mississippi State Hospital and Mississippi
482 State Hospital to contract with local hospitals located in
483 counties with a population of less than fifty thousand (50,000) to
484 provide emergency inpatient care to individuals committed by the
485 Chancery Court to East Mississippi State Hospital or Mississippi
486 State Hospital for treatment of mental illness if, at the time
487 that such commitment is made, a bed is not available for admission
488 to East Mississippi State Hospital or Mississippi State Hospital.
489 East Mississippi State Hospital and Mississippi State Hospital
490 shall have the authority to contract with local hospitals located
491 in counties with a population of less than fifty thousand (50,000)
492 for inpatient emergency care for a period not to exceed seven (7)
493 days at a rate not to exceed One Hundred and Fifty Dollars
494 (\$150.00) per day with East Mississippi State Hospital or
495 Mississippi State Hospital providing One Hundred Dollars (\$100.00)
496 and the local government providing Fifty Dollars (\$50.00) per day
497 for such care. Payment for such physician fees shall be made at
498 the Medicaid rate of reimbursement and paid by East Mississippi
499 State Hospital or Mississippi State Hospital. Funds provided for
500 the initiation of this pilot project shall not be expended for
501 inpatient hospital care unless there is participation in the
502 reimbursement for such care by the local government as required by
503 the provisions of this section.

504 **SECTION 9.** It is the intention of the Legislature that the
505 Executive Director of the Department of Mental Health shall have

506 authority to transfer cash from one special fund treasury fund to
507 another special fund treasury fund under the control of the
508 Department of Mental Health. The purpose of this authority is to
509 more efficiently use available cash reserves. It is further the
510 intention of the Legislature that the Executive Director of the
511 Department of Mental Health shall submit written justification for
512 the transfer to the Legislative Budget Office and the Department
513 of Finance and Administration on or before the fifteenth (15th) of
514 the month prior to the effective date of the transfer.

515 **SECTION 10.** The Executive Director of the Department of
516 Mental Health and the directors of each separate facility operated
517 by the Department of Mental Health are hereby authorized to
518 transfer spending authority from any major objects to any other
519 major objects in any amounts deemed necessary for the efficient
520 management and operation of their budgets, provided that the total
521 spending authority remains unchanged after such transfers and the
522 total of such transfers into any major object do not exceed
523 twenty-five percent (25%) of the original appropriated amount for
524 that major object plus any escalations of spending authority that
525 have occurred during any given fiscal year.

526 **SECTION 11.** It is the intention of the Legislature that the
527 Department of Mental Health shall have the authority to receive,
528 budget, and expend funds from any source, including beginning cash
529 in excess of beginning cash when spending authority was initially
530 appropriated, that may become available to the department in
531 accordance with the rules and regulations of the Department of
532 Finance and Administration in a manner consistent with the
533 escalation of federal funds.

534 **SECTION 12.** The Department of Mental Health and its
535 facilities shall have the authority, within funding and spending
536 authority appropriated under the provisions of Section 1,
537 authorized for expenditure in Section 2 and 3, and allocated under

538 the provisions of Section 4 of this act, to transfer funds to the
539 Division of Medicaid in payment of Medicaid match and designate
540 that the funds thus transferred shall be applied to Medicaid match
541 obligations arising in the subsequent fiscal year.

542 **SECTION 13.** Any person within the Department of Mental
543 Health who must work on a statutory holiday or any holiday
544 proclaimed by the Governor, may at the discretion of the Director
545 of the Institution and the Executive Director of the Department of
546 Mental Health and within available personnel funds, be paid "call
547 back pay" in lieu of "compensatory time credit."

548 **SECTION 14.** Of the funds appropriated to the "Service
549 Budget" in the category "Subsidies, Loans and Grants," funds are
550 included for the support of community mental health services for
551 Fiscal Year 2005.

552 Provided, however, that none of the funds appropriated for
553 the support of community mental health services shall be made
554 available to any Regional Mental Health/Retardation Center which
555 does not receive from each of its participating counties a dollar
556 amount equivalent to what the proceeds of a three-fourths (3/4)
557 mill tax on all taxable property in the county in Fiscal Year 1982
558 would have been or the amount of funds contributed to the center
559 by the county in Fiscal Year 1984, whichever shall be greater. By
560 means of performance contracts, the Department of Mental Health
561 shall disburse the funds appropriated in this section for services
562 for the mentally ill, mentally retarded and alcohol/drug abusers.
563 The State Board of Mental Health and the Department of Mental
564 Health shall be responsible for selecting the types of services
565 which shall be provided with the funds appropriated in this
566 section, for developing and monitoring performance contracts and
567 for holding contractors accountable for utilization of funds.

568 **SECTION 15.** Funds presently included or any funds received
569 in the future for timber funds at Ellisville State School and East

570 Mississippi State Hospital are hereby authorized for transfer to
571 the regular operating budgets of the respective facilities. Each
572 facility shall receive such funds as "Special" funds, and such
573 funds shall be available for use in payment of any and all
574 expenses of each facility, paid by the State Treasurer upon
575 warrants issued by the State Fiscal Officer; and the State Fiscal
576 Officer shall issue his warrants upon requisitions signed by the
577 proper person, officer or officers in the manner provided by law.

578 **SECTION 16.** The Department of Mental Health and its
579 facilities shall have the express legal authority, within funding
580 and spending authority appropriated under the provisions of
581 Section 1, authorized for expenditure under the provisions of
582 Section 2 and 3, and allocated under the provisions of Section 4
583 of this act, to purchase land for use by residential facilities
584 operated by the Department, either directly or by means of
585 transferring funds to the Bureau of Building, Grounds and Real
586 Property Management, and to transfer such funds to Bureau of
587 Building, Grounds, and Real Property Management for the purposes
588 of constructing and equipping group homes for persons with mental
589 illness, mental retardation, and/or substance abuse; constructing
590 and equipping such other buildings as may be required for
591 treatment of persons with mental illness, mental retardation,
592 and/or substance abuse; repair and renovate existing buildings;
593 and to construct, repair and/or renovate employee housing. Any
594 intermediate care facilities for the mentally retarded (ICF/MR)
595 constructed with funds authorized in this section shall be
596 authorized to participate in Medicaid funding available for such
597 services.

598 **SECTION 17.** Of the General Funds appropriated to the
599 "Service Budget" in the category of "Subsidies, Loans and Grants,"
600 the sum required may be expended to fund the Home and Community
601 Based Waiver Option for community mental retardation services as

602 authorized under Section 43-13-117 (29) of the Mississippi Code of
603 1972 (Annotated).

604 **SECTION 18.** With the funds herein appropriated, the
605 Department of Mental Health is authorized to provide home and
606 community based treatment and institutional treatment to not more
607 than ten (10) persons at any given time who, on or after reaching
608 their twenty-first birthday (age 21), suffered a severe brain
609 injury and whose condition as a result of that brain injury would
610 have resulted in their classification as developmentally disabled
611 if such injury had occurred prior to their twenty-first birthday.

612 **SECTION 19.** The following sum, or so much thereof as may be
613 necessary, is hereby reappropriated out of any money in the
614 special fund in the State Treasury to the credit of the Department
615 of Mental Health Funds 3372, 3373, 3374, 3375, 3376, 3377, 3382,
616 3384, 3385, 3386, 3387, 3388 and 3391 for the fiscal year
617 beginning July 1, 2004, and ending June 30, 2005
618\$ 10,000,000.00

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

623 **SECTION 20.** None of the funds appropriated herein may be
624 used to pay for alternative residential placement or
625 hospitalization for mental health, mental retardation, or
626 substance treatment of a person committed to the Department of
627 Mental Health under Sections 41-21-61, et seq., 41-21-107,
628 41-31-1, et seq., 43-21-315, and 43-21-611, Mississippi Code of
629 1972.

630 **SECTION 21.** Of the funds appropriated under the provisions
631 of Section 1, authorized for expenditure in Section 2 and 3, and
632 allocated in Section 4 to Mississippi State Hospital, funds not to
633 exceed Two Hundred Fifty Thousand Dollars (\$250,000.00) may be

634 expended for preplanning costs associated with a project or
635 projects to renovate buildings on the campus of Mississippi State
636 Hospital to meet standards of the Joint Commission on
637 Accreditation of Healthcare Organizations.

638 **SECTION 22.** None of the funds appropriated for the support
639 of community mental health, mental retardation, or substance abuse
640 services shall be made available to any service provider which,
641 upon determination of the Executive Director of the Department of
642 Mental Health, has an outstanding monetary obligation owed to the
643 Department of Mental Health or to the Division of Medicaid,
644 pursuant to an audit or programmatic review performed by the
645 Department of Mental Health, that has not been resolved, including
646 those audits or programmatic reviews that occurred prior to
647 July 1, 2004.

648 **SECTION 23.** From the funds provided herein, the Department
649 shall have the authority to adjust salaries of academic teachers
650 and speech pathologists to be commensurate to the teacher's salary
651 scale as provided in the Mississippi Teacher Opportunity Program
652 for the 2004-2005 school year, as outlined in Section 37-19-7,
653 Mississippi Code of 1972, effective July 1, 2003.

654 **SECTION 24.** No program or entity certified by the Department
655 of Mental Health which also receives state source, federal source,
656 or Medicaid funding directly from the Department of Mental Health
657 or by virtue of state source funds appropriated to the Department
658 of Mental Health for Medicaid match for provision of mental
659 health, mental retardation, or substance abuse services shall pay
660 to any person employed by that program or entity a salary or
661 compensation, directly or indirectly, in excess of the salary
662 provided for a similar position under the classification system of
663 the State Personnel Board for a person with similar credentials,
664 educational level, and directly related years of experience in the
665 position. Any person whose current salary already exceeds the

666 allowable amount as determined under this section shall be allowed
667 to retain his or her current salary, but no increases shall be
668 granted until such time as the allowable maximum salary under the
669 classification system of the State Personnel Board exceeds the
670 current salary paid to that person. Those programs and entities
671 may adopt a system of compensation that includes additional
672 compensation for Educational Benchmarks as allowed under the State
673 Personnel Board system. Further, the Department of Mental Health
674 and the State Personnel Board shall collaborate in determining
675 similarity of positions in those programs or entities affected by
676 this Section to positions within the classification system of the
677 State Personnel Board in any manner they deem appropriate to
678 efficiently implement the provisions of this Section. Staff
679 of the State Personnel Board and the Department of Mental Health
680 shall be the final authority in the determination of corresponding
681 job titles and pay grades. Failure to comply with the provisions
682 of this Section shall be cause to reduce or terminate funding
683 received from the Department of Mental Health.

684 **SECTION 25.** Special funds appropriated in the Service Budget
685 of the Department of Mental Health shall include an allocation of
686 \$3,577,613.00 from Title XX Social Services Block Grant funding
687 received by the State of Mississippi, unless the total Title XX
688 Social Services Block Grant award received by the State of
689 Mississippi is reduced or increased by the federal government from
690 what was received in federal fiscal year ending September 30,
691 2004. In cases where the total grant received by the State of
692 Mississippi is reduced or increased, the percentage of the grant
693 allocated to the Department of Mental Health shall be the same as
694 was allocated for the federal year ending September 30, 2004.

695 **SECTION 26.** The Executive Director of the Department of
696 Mental Health is hereby authorized to transfer and receive into
697 the Central Office accounts of the Department of Mental Health

698 certain funds which originated from the various Department of
699 Mental Health facilities as transfers to the Department of Finance
700 and Administration - Bureau of Building and Real Property
701 Management for building/renovation/repair for certain projects
702 that have not been obligated by the Bureau of Building and Real
703 Property Management for the purpose for which the funds were
704 transferred. Said funds are currently held in a Department of
705 Finance and Administration account and may be held in Fund 3391.
706 The Executive Director is further provided authority to transfer
707 those funds from the Central Office to any other Department of
708 Mental Health facility in any amount at his discretion.

709 **SECTION 27.** Of the funds appropriated under the provisions
710 of Section 2, Eight Hundred Million Two Hundred Thousand Dollars
711 (\$8,200,000.00) shall be derived from the Budget Contingency Fund
712 created in Section 27-103-301, Mississippi Code of 1972, for the
713 purpose of defraying the following expenses of the operation of
714 the Department of Mental Heath:

715	Crisis Centers	\$6,800,000.00
716	Epilepsy Association	\$ 100,000.00
717	Central Mississippi Residential Center	\$ 300,000.00
718	East Mississippi State Hospital.....	\$1,000,000.00

719 **SECTION 28.** The money herein appropriated shall be paid by
720 the State Treasurer out of any money in the State Treasury to the
721 credit of the proper fund or funds as set forth in this act, upon
722 warrants issued by the State Fiscal Officer; and the State Fiscal
723 Officer shall issue his warrants upon requisitions signed by the

724 proper person, officer or officers in the manner provided by law.

725 **SECTION 29.** This act shall take effect and be in force from

726 and after July 1, 2004.

CONFEREES FOR THE SENATE

X (SIGNED)
Jack Gordon

X (SIGNED)
Terry C. Burton

X (SIGNED)
Billy Thames

CONFEREES FOR THE HOUSE

X (SIGNED)
Johnny W. Stringer

X (SIGNED)
Joseph L. Warren

X (SIGNED)
Cecil Brown