

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

To: Appropriations

SENATE BILL NO. 3080

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 2006.

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, 2005, and ending June 30, 2006.....  
10 ..... \$ 180,097,800.00.

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, 2005, and ending  
16 June 30, 2006..... \$ 291,616,461.00.

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.



59	Subsidies, Loans and Grants.....		<u>9,942,522.00</u>
60	Total.....	\$	16,146,767.00

61 FUNDING:

62	General Funds.....	\$	2,672,242.00
63	Special Funds.....		<u>13,474,525.00</u>
64	Total.....	\$	16,146,767.00

65 AUTHORIZED POSITIONS:

66	Permanent: Full Time.....	66
67	Part Time.....	0
68	Time-Limited: Full Time.....	20
69	Part Time.....	0

70 **ELLISVILLE STATE SCHOOL AND FARM**

71 MAJOR OBJECTS OF EXPENDITURE:

72	Personal Services:		
73	Salaries, Wages and Fringe Benefits..	\$	46,444,637.00
74	Travel and Subsistence.....		112,000.00
75	Contractual Services.....		4,104,760.00
76	Commodities.....		4,844,080.00
77	Capital Outlay:		
78	Other Than Equipment.....		400,000.00
79	Equipment.....		239,344.00
80	Subsidies, Loans and Grants.....		<u>14,677,521.00</u>
81	Total.....	\$	70,822,342.00

82 FUNDING:

83	General Funds.....	\$	15,448,730.00
84	Special Funds.....		<u>55,373,612.00</u>
85	Total.....	\$	70,822,342.00

86 AUTHORIZED POSITIONS:

87	Permanent: Full Time.....	1,570
88	Part Time.....	30
89	Time-Limited: Full Time.....	48
90	Part Time.....	0

91 **EAST MISSISSIPPI STATE HOSPITAL**

92	MAJOR OBJECTS OF EXPENDITURE:		
93	Personal Services:		
94	Salaries, Wages and Fringe Benefits..	\$	34,627,266.00
95	Travel and Subsistence.....		38,000.00
96	Contractual Services.....		2,764,285.00
97	Commodities.....		5,652,970.00
98	Capital Outlay:		
99	Other Than Equipment.....		0.00
100	Equipment.....		150,626.00
101	Subsidies, Loans and Grants.....		<u>2,600,000.00</u>
102	Total.....	\$	45,833,147.00

103	FUNDING:		
104	General Funds.....	\$	28,839,059.00
105	Special Funds.....		<u>16,994,088.00</u>
106	Total.....	\$	45,833,147.00

107	AUTHORIZED POSITIONS:		
108	Permanent:	Full Time.....	1,035
109		Part Time.....	1
110	Time-Limited:	Full Time.....	83
111		Part Time.....	5

**HUDSPETH REGIONAL CENTER**

113	MAJOR OBJECTS OF EXPENDITURE:		
114	Personal Services:		
115	Salaries, Wages and Fringe Benefits..	\$	28,589,729.00
116	Travel and Subsistence.....		97,500.00
117	Contractual Services.....		1,994,425.00
118	Commodities.....		2,448,800.00
119	Capital Outlay:		
120	Other Than Equipment.....		10,000.00
121	Equipment.....		139,900.00
122	Subsidies, Loans and Grants.....		<u>7,681,975.00</u>
123	Total.....	\$	40,962,329.00

124 FUNDING:

125	General Funds.....	\$	7,078,050.00
126	Special Funds.....		<u>33,884,279.00</u>
127	Total.....	\$	40,962,329.00

128 AUTHORIZED POSITIONS:

129	Permanent: Full Time.....	900
130	Part Time.....	27
131	Time-Limited: Full Time.....	36
132	Part Time.....	0

133 **MISSISSIPPI STATE HOSPITAL**

134 MAJOR OBJECTS OF EXPENDITURE:

135 Personal Services:

136	Salaries, Wages and Fringe Benefits..	\$	82,302,714.00
137	Travel and Subsistence.....		50,000.00
138	Contractual Services.....		11,371,360.00
139	Commodities.....		8,535,250.00
140	Capital Outlay:		
141	Other Than Equipment.....		0.00
142	Equipment.....		348,176.00
143	Subsidies, Loans and Grants.....		<u>5,942,855.00</u>
144	Total.....	\$	108,550,355.00

145 FUNDING:

146	General Funds.....	\$	68,476,148.00
147	Special Funds.....		<u>40,074,207.00</u>
148	Total.....	\$	108,550,355.00

149 AUTHORIZED POSITIONS:

150	Permanent: Full Time.....	2,370
151	Part Time.....	9
152	Time-Limited: Full Time.....	184
153	Part Time.....	0

154 **NORTH MISSISSIPPI REGIONAL CENTER**

155 MAJOR OBJECTS OF EXPENDITURE:

156 Personal Services:

157	Salaries, Wages and Fringe Benefits..	\$	32,295,454.00
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158	Travel and Subsistence.....		105,000.00
159	Contractual Services.....		3,818,119.00
160	Commodities.....		4,154,000.00
161	Capital Outlay:		
162	Other Than Equipment.....		45,000.00
163	Equipment.....		309,744.00
164	Subsidies, Loans and Grants.....		<u>9,728,247.00</u>
165	Total.....	\$	50,455,564.00
166	FUNDING:		
167	General Funds.....	\$	9,075,044.00
168	Special Funds.....		<u>41,380,520.00</u>
169	Total.....	\$	50,455,564.00
170	AUTHORIZED POSITIONS:		
171	Permanent: Full Time.....	894	
172	Part Time.....	10	
173	Time-Limited: Full Time.....	156	
174	Part Time.....	11	
175	<b>SOUTH MISSISSIPPI REGIONAL CENTER</b>		
176	MAJOR OBJECTS OF EXPENDITURE:		
177	Personal Services:		
178	Salaries, Wages and Fringe Benefits..	\$	20,364,538.00
179	Travel and Subsistence.....		64,000.00
180	Contractual Services.....		3,163,921.00
181	Commodities.....		2,305,685.00
182	Capital Outlay:		
183	Other Than Equipment.....		10,000.00
184	Equipment.....		58,670.00
185	Subsidies, Loans and Grants.....		<u>5,712,573.00</u>
186	Total.....	\$	31,679,387.00
187	FUNDING:		
188	General Funds.....	\$	6,711,692.00
189	Special Funds.....		<u>24,967,695.00</u>
190	Total.....	\$	31,679,387.00

191	AUTHORIZED POSITIONS:		
192	Permanent:	Full Time.....	561
193		Part Time.....	8
194	Time-Limited:	Full Time.....	92
195		Part Time.....	2

**BOSWELL REGIONAL CENTER**

MAJOR OBJECTS OF EXPENDITURE:

198	Personal Services:		
199	Salaries, Wages and Fringe Benefits..	\$	17,784,015.00
200	Travel and Subsistence.....		41,000.00
201	Contractual Services.....		2,417,885.00
202	Commodities.....		1,902,705.00
203	Capital Outlay:		
204	Other Than Equipment.....		250,000.00
205	Equipment.....		158,111.00
206	Subsidies, Loans and Grants.....		<u>3,828,237.00</u>
207	Total.....	\$	26,381,953.00

FUNDING:

209	General Funds.....	\$	8,318,951.00
210	Special Funds.....		<u>18,063,002.00</u>
211	Total.....	\$	26,381,953.00

AUTHORIZED POSITIONS:

213	Permanent:	Full Time.....	483
214		Part Time.....	3
215	Time-Limited:	Full Time.....	106
216		Part Time.....	1

**NORTH MISSISSIPPI STATE HOSPITAL**

MAJOR OBJECTS OF EXPENDITURE:

219	Personal Services:		
220	Salaries, Wages and Fringe Benefits..	\$	7,525,216.00
221	Travel and Subsistence.....		17,000.00
222	Contractual Services.....		776,840.00
223	Commodities.....		818,780.00

224	Capital Outlay:		
225	Other Than Equipment.....		0.00
226	Equipment.....		51,000.00
227	Subsidies, Loans and Grants.....		<u>0.00</u>
228	Total.....	\$	9,188,836.00

229 FUNDING:

230	General Funds.....	\$	6,628,733.00
231	Special Funds.....		<u>2,560,103.00</u>
232	Total.....	\$	9,188,836.00

233 AUTHORIZED POSITIONS:

234	Permanent:	Full Time.....	186
235		Part Time.....	0
236	Time-Limited:	Full Time.....	2
237		Part Time.....	0

238 **SOUTH MISSISSIPPI STATE HOSPITAL**

239 MAJOR OBJECTS OF EXPENDITURE:

240 Personal Services:

241	Salaries, Wages and Fringe Benefits..	\$	4,644,512.00
242	Travel and Subsistence.....		7,500.00
243	Contractual Services.....		903,569.00
244	Commodities.....		654,650.00

245 Capital Outlay:

246	Other Than Equipment.....		25,000.00
247	Equipment.....		61,263.00
248	Subsidies, Loans and Grants.....		<u>10,000.00</u>
249	Total.....	\$	6,306,494.00

250 FUNDING:

251	General Funds.....	\$	4,473,520.00
252	Special Funds.....		<u>1,832,974.00</u>
253	Total.....	\$	6,306,494.00

254 AUTHORIZED POSITIONS:

255	Permanent:	Full Time.....	128
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.. \$ 4,044,993.00  
 263 Travel and Subsistence..... 14,000.00  
 264 Contractual Services..... 712,100.00  
 265 Commodities..... 641,690.00  
 266 Capital Outlay:  
 267 Other Than Equipment..... 475,000.00  
 268 Equipment..... 123,510.00  
 269 Subsidies, Loans and Grants..... 2,000.00  
 270 Total..... \$ 6,013,293.00

271 FUNDING:

272 General Funds..... \$ 4,242,337.00  
 273 Special Funds..... 1,770,956.00  
 274 Total..... \$ 6,013,293.00

275 AUTHORIZED POSITIONS:

276 Permanent: Full Time..... 112  
 277 Part Time..... 0  
 278 Time-Limited: Full Time..... 11  
 279 Part Time..... 0

**BROOKHAVEN JUVENILE REHABILITATION FACILITY**

281 MAJOR OBJECTS OF EXPENDITURE:

282 Personal Services:

283 Salaries, Wages and Fringe Benefits.. \$ 3,582,607.00  
 284 Travel and Subsistence..... 7,300.00  
 285 Contractual Services..... 462,139.00  
 286 Commodities..... 302,955.00  
 287 Capital Outlay:  
 288 Other Than Equipment..... 7,000.00  
 289 Equipment..... 41,640.00

290 Subsidies, Loans and Grants..... 6,000.00

291 Total..... \$ 4,409,641.00

292 FUNDING:

293 General Funds..... \$ 4,409,641.00

294 Special Funds..... 0.00

295 Total..... \$ 4,409,641.00

296 AUTHORIZED POSITIONS:

297 Permanent: Full Time..... 103

298 Part Time..... 0

299 Time-Limited: Full Time..... 8

300 Part Time..... 0

301 **SPECIALIZED TREATMENT FACILITY**

302 MAJOR OBJECTS OF EXPENDITURE:

303 Personal Services:

304 Salaries, Wages and Fringe Benefits.. \$ 1,435,832.00

305 Travel and Subsistence..... 9,700.00

306 Contractual Services..... 168,380.00

307 Commodities..... 122,500.00

308 Capital Outlay:

309 Other Than Equipment..... 0.00

310 Equipment..... 27,190.00

311 Subsidies, Loans and Grants..... 0.00

312 Total..... \$ 1,763,602.00

313 FUNDING:

314 General Funds..... \$ 666,887.00

315 Special Funds..... 1,096,715.00

316 Total..... \$ 1,763,602.00

317 AUTHORIZED POSITIONS:

318 Permanent: Full Time..... 43

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>47,659,324.00</u>
333	Total.....	\$	48,806,575.00

334	FUNDING:		
335	General Funds.....	\$	13,056,766.00
336	Special Funds.....		<u>35,749,809.00</u>
337	Total.....	\$	48,806,575.00

338	AUTHORIZED POSITIONS:		
339	Permanent: Full Time.....		0
340	Part Time.....		0
341	Time-Limited: Full Time.....		0
342	Part Time.....		0

**DIVISION OF ALCOHOL AND DRUG ABUSE**

344	MAJOR OBJECTS OF EXPENDITURE:		
345	Personal Services:		
346	Salaries, Wages and Fringe Benefits..	\$	268,699.00
347	Travel and Subsistence.....		19,000.00
348	Contractual Services.....		40,235.00
349	Commodities.....		6,000.00
350	Capital Outlay:		
351	Other Than Equipment.....		0.00
352	Equipment.....		0.00
353	Subsidies, Loans and Grants.....		<u>4,060,042.00</u>
354	Total.....	\$	4,393,976.00

355 FUNDING:

356	General Funds.....	\$	0.00
357	Special Funds.....		<u>4,393,976.00</u>
358	Total.....	\$	4,393,976.00

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 2007 do not exceed Fiscal Year 2006  
368 funds appropriated for that purpose, unless programs or positions  
369 are added to the agency's Fiscal Year 2007 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 2006 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 2006 "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	FY06
407 <u>Performance Measures</u>	<u>Target</u>
408 Services Management	
409 State Institutions Operated (Number of)	12
410 Units Monitored, etc (Number of)	1,125
411 Grants Administered (Number of)	479
412 Mental Health Services	
413 Group Homes - Alternative Living (Beds)	258
414 Halfway Houses (Beds)	35
415 Psychotropic Drugs Purchased (Prescriptions)	20,000
416 Mental Retardation Services	
417 Community Living Clients (Clients)	2,200
418 Work Activity & Employment Related (Clients)	1,000
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 (Beds)	684
424	Out-Patient Admissions (Number of)	8,100
425	Mi - Institutional Care	
426	Patient & Resident Days (Number of)	672,500
427	Operating Cost per Patient & Resident Day (\$)	241
428	Mi - Pre/post Inst Care	
429	Clients Served (Number of)	12,037
430	Mi - Support Services	
431	Support as a Percent of Total Budget (%)	6
432	Mr - Institutional Care	
433	Patient & Resident Days (Number of)	518,573
434	Operating Cost per Patient & Resident Day (\$)	235
435	Independent Living Skills (Client Days)	5,016
436	Mr - Group Homes	
437	ICF/MR Patient & Resident Days (Number of)	227,422
438	Non ICF/MR Patient & Resident Days (Number of)	192,566
439	Mr - Community Programs	
440	Home&Com Based Waiver Clients (Number of)	2,000
441	Non Home&Com Based Waiver Clients (Number of)	500
442	Units of Service Delivered (Number of)	950,000
443	Mr - Support Services	
444	Support as a Percent of Total Budget (%)	5.50
445	Mi - Crisis Intervention Ctr	
446	Patient & Resident Days (Number of)	8,400
447	Mi - Residential Apartments	
448	Patient & Resident Days (Number of)	2,000
449	Mi - Residential Homes	
450	Patient & Resident Days (Number of)	2,000
451	Mi - Footprints Adult Day Svcs	
452	Clients Served (Number of)	20
453	A reporting of the degree to which the performance targets	
454	set above have been or are being achieved shall be provided in the	

455 agency's budget request submitted to the Joint Legislative Budget  
456 Committee for Fiscal Year 2007.

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

461       **SECTION 7.** Of the funds appropriated under the provisions of  
462 Section 1, authorized for expenditure under the provisions of  
463 Sections 2 and 3, and allocated under the provisions of Section 4,  
464 funds in the amount of Two Hundred Thousand Dollars (\$200,000.00)  
465 may be expended for the support of a pilot project to provide  
466 authority for East Mississippi State Hospital and Mississippi  
467 State Hospital to contract with local hospitals located in  
468 counties with a population of less than fifty thousand (50,000) to  
469 provide emergency inpatient care to individuals committed by the  
470 Chancery Court to East Mississippi State Hospital or Mississippi  
471 State Hospital for treatment of mental illness if, at the time  
472 that such commitment is made, a bed is not available for admission  
473 to East Mississippi State Hospital or Mississippi State Hospital.  
474 East Mississippi State Hospital and Mississippi State Hospital  
475 shall have the authority to contract with local hospitals located  
476 in counties with a population of less than fifty thousand (50,000)  
477 for inpatient emergency care for a period not to exceed seven (7)  
478 days at a rate not to exceed One Hundred and Fifty Dollars  
479 (\$150.00) per day with East Mississippi State Hospital or  
480 Mississippi State Hospital providing One Hundred Dollars (\$100.00)  
481 and the local government providing Fifty Dollars (\$50.00) per day  
482 for such care. Payment for such physician fees shall be made at  
483 the Medicaid rate of reimbursement and paid by East Mississippi  
484 State Hospital or Mississippi State Hospital. Funds provided for  
485 the initiation of this pilot project shall not be expended for  
486 inpatient hospital care unless there is participation in the

487 reimbursement for such care by the local government as required by  
488 the provisions of this section.

489         **SECTION 8.** It is the intention of the Legislature that the  
490 Executive Director of the Department of Mental Health shall have  
491 authority to transfer cash from one special fund treasury fund to  
492 another special fund treasury fund under the control of the  
493 Department of Mental Health. The purpose of this authority is to  
494 more efficiently use available cash reserves. It is further the  
495 intention of the Legislature that the Executive Director of the  
496 Department of Mental Health shall submit written justification for  
497 the transfer to the Legislative Budget Office and the Department  
498 of Finance and Administration on or before the fifteenth (15th) of  
499 the month prior to the effective date of the transfer.

500         **SECTION 9.** The Executive Director of the Department of  
501 Mental Health and the directors of each separate facility operated  
502 by the Department of Mental Health are hereby authorized to  
503 transfer spending authority from any major objects to any other  
504 major objects in any amounts deemed necessary for the efficient  
505 management and operation of their budgets, provided that the total  
506 spending authority remains unchanged after such transfers and the  
507 total of such transfers into any major object do not exceed  
508 twenty-five percent (25%) of the original appropriated amount for  
509 that major object plus any escalations of spending authority that  
510 have occurred during any given fiscal year.

511         **SECTION 10.** It is the intention of the Legislature that the  
512 Department of Mental Health shall have the authority to receive,  
513 budget, and expend funds from any source, including beginning cash  
514 in excess of beginning cash when spending authority was initially  
515 appropriated, that may become available to the department in  
516 accordance with the rules and regulations of the Department of  
517 Finance and Administration in a manner consistent with the  
518 escalation of federal funds.

519           **SECTION 11.** The Department of Mental Health and its  
520 facilities shall have the authority, within funding and spending  
521 authority appropriated under the provisions of Section 1,  
522 authorized for expenditure in Sections 2 and 3, and allocated  
523 under the provisions of Section 4 of this act, to transfer funds  
524 to the Division of Medicaid in payment of Medicaid match and  
525 designate that the funds thus transferred shall be applied to  
526 Medicaid match obligations arising in the subsequent fiscal year.

527           **SECTION 12.** Any person within the Department of Mental  
528 Health who must work on a statutory holiday or any holiday  
529 proclaimed by the Governor, may at the discretion of the Director  
530 of the Institution and the Executive Director of the Department of  
531 Mental Health and within available personnel funds, be paid "call  
532 back pay" in lieu of "compensatory time credit."

533           **SECTION 13.** Of the funds appropriated to the "Service  
534 Budget" in the category "Subsidies, Loans and Grants," funds are  
535 included for the support of community mental health services for  
536 Fiscal Year 2006.

537           Provided, however, that none of the funds appropriated for  
538 the support of community mental health services shall be made  
539 available to any Regional Mental Health/Retardation Center which  
540 does not receive from each of its participating counties a dollar  
541 amount equivalent to what the proceeds of a three-fourths (3/4)  
542 mill tax on all taxable property in the county in Fiscal Year 1982  
543 would have been or the amount of funds contributed to the center  
544 by the county in Fiscal Year 1984, whichever shall be greater. By  
545 means of performance contracts, the Department of Mental Health  
546 shall disburse the funds appropriated in this section for services  
547 for the mentally ill, mentally retarded and alcohol/drug abusers.  
548 The State Board of Mental Health and the Department of Mental  
549 Health shall be responsible for selecting the types of services  
550 which shall be provided with the funds appropriated in this

551 section, for developing and monitoring performance contracts and  
552 for holding contractors accountable for utilization of funds.

553         **SECTION 14.** Funds presently included or any funds received  
554 in the future for timber funds at Ellisville State School and East  
555 Mississippi State Hospital are hereby authorized for transfer to  
556 the regular operating budgets of the respective facilities. Each  
557 facility shall receive such funds as "Special" funds, and such  
558 funds shall be available for use in payment of any and all  
559 expenses of each facility, paid by the State Treasurer upon  
560 warrants issued by the State Fiscal Officer; and the State Fiscal  
561 Officer shall issue his warrants upon requisitions signed by the  
562 proper person, officer or officers in the manner provided by law.

563         **SECTION 15.** The Department of Mental Health and its  
564 facilities shall have the express legal authority, within funding  
565 and spending authority appropriated under the provisions of  
566 Section 1, authorized for expenditure under the provisions of  
567 Sections 2 and 3, and allocated under the provisions of Section 4  
568 of this act, to purchase land for use by residential facilities  
569 operated by the Department, either directly or by means of  
570 transferring funds to the Bureau of Building, Grounds and Real  
571 Property Management, and to transfer such funds to Bureau of  
572 Building, Grounds, and Real Property Management for the purposes  
573 of constructing and equipping group homes for persons with mental  
574 illness, mental retardation, and/or substance abuse; constructing  
575 and equipping such other buildings as may be required for  
576 treatment of persons with mental illness, mental retardation,  
577 and/or substance abuse; repair and renovate existing buildings;  
578 and to construct, repair and/or renovate employee housing. Any  
579 intermediate care facilities for the mentally retarded (ICF/MR)  
580 constructed with funds authorized in this section shall be  
581 authorized to participate in Medicaid funding available for such  
582 services.

583           **SECTION 16.** Of the General Funds appropriated to the  
584 "Service Budget" in the category of "Subsidies, Loans and Grants,"  
585 the sum required may be expended to fund the Home and Community  
586 Based Waiver Option for community mental retardation services as  
587 authorized under Section 43-13-117(29) of the Mississippi Code of  
588 1972 (Annotated).

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

597           **SECTION 18.** The following sum, or so much thereof as may be  
598 necessary, is hereby reappropriated out of any money in the  
599 special fund in the State Treasury to the credit of the Department  
600 of Mental Health Funds 3372, 3373, 3374, 3375, 3376, 3377, 3382,  
601 3384, 3385, 3386, 3387, 3388 and 3391 for the fiscal year  
602 beginning July 1, 2005, and ending June 30, 2006.....  
603 ..... \$ 10,000,000.00

604           Notwithstanding the amount reappropriated under the  
605 provisions of this section, in no event shall the amount expended  
606 exceed the unexpended balance as of June 30, 2005, or change the  
607 purpose for which the funds were originally authorized.

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

614           **SECTION 20.** Of the funds appropriated under the provisions  
615 of Section 1, authorized for expenditure in Sections 2 and 3, and

616 allocated in Section 4 to Mississippi State Hospital, funds not to  
617 exceed Two Hundred Fifty Thousand Dollars (\$250,000.00) may be  
618 expended for preplanning costs associated with a project or  
619 projects to renovate buildings on the campus of Mississippi State  
620 Hospital to meet standards of the Joint Commission on  
621 Accreditation of Healthcare Organizations.

622       **SECTION 21.** None of the funds appropriated for the support  
623 of community mental health, mental retardation, or substance abuse  
624 services shall be made available to any service provider which,  
625 upon determination of the Executive Director of the Department of  
626 Mental Health, has an outstanding monetary obligation owed to the  
627 Department of Mental Health or to the Division of Medicaid,  
628 pursuant to an audit or programmatic review performed by the  
629 Department of Mental Health, that has not been resolved, including  
630 those audits or programmatic reviews that occurred prior to  
631 July 1, 2005.

632       **SECTION 22.** From the funds provided herein, the Department  
633 shall have the authority to adjust salaries of academic teachers  
634 and speech pathologists to be commensurate to the teacher's salary  
635 scale as provided in the Mississippi Teacher Opportunity Program  
636 for the 2005-2006 school year, as outlined in Section 37-19-7,  
637 Mississippi Code of 1972, effective July 1, 2004.

638       **SECTION 23.** No program or entity certified by the Department  
639 of Mental Health which also receives state source, federal source,  
640 or Medicaid funding directly from the Department of Mental Health  
641 or by virtue of state source funds appropriated to the Department  
642 of Mental Health for Medicaid match for provision of mental  
643 health, mental retardation, or substance abuse services shall pay  
644 to any person employed by that program or entity a salary or  
645 compensation, directly or indirectly, in excess of the salary  
646 provided for a similar position under the classification system of  
647 the State Personnel Board for a person with similar credentials,  
648 educational level, and directly related years of experience in the

649 position. Any person whose current salary already exceeds the  
650 allowable amount as determined under this section shall be allowed  
651 to retain his or her current salary, but no increases shall be  
652 granted until such time as the allowable maximum salary under the  
653 classification system of the State Personnel Board exceeds the  
654 current salary paid to that person. Those programs and entities  
655 may adopt a system of compensation that includes additional  
656 compensation for Educational Benchmarks as allowed under the State  
657 Personnel Board system. Further, the Department of Mental Health  
658 and the State Personnel Board shall collaborate in determining  
659 similarity of positions in those programs or entities affected by  
660 this section to positions within the classification system of the  
661 State Personnel Board in any manner they deem appropriate to  
662 efficiently implement the provisions of this section. Staff  
663 of the State Personnel Board and the Department of Mental Health  
664 shall be the final authority in the determination of corresponding  
665 job titles and pay grades. Failure to comply with the provisions  
666 of this section shall be cause to reduce or terminate funding  
667 received from the Department of Mental Health.

668       **SECTION 24.** Special funds appropriated in the Service Budget  
669 of the Department of Mental Health shall include an allocation of  
670 Three Million Five Hundred Ninety-nine Thousand Three Hundred  
671 Sixty-seven Dollars (\$3,599,367.00) from Title XX Social Services  
672 Block Grant funding received by the State of Mississippi, unless  
673 the total Title XX Social Services Block Grant award received by  
674 the State of Mississippi is reduced or increased by the federal  
675 government from what was received in federal fiscal year ending  
676 September 30, 2005. In cases where the total grant received by  
677 the State of Mississippi is reduced or increased, the percentage  
678 of the grant allocated to the Department of Mental Health shall be  
679 the same as was allocated for the federal year ending  
680 September 30, 2005.

681           **SECTION 25.** The Executive Director of the Department of  
682 Mental Health is hereby authorized to transfer and receive into  
683 the Central Office accounts of the Department of Mental Health  
684 certain funds which originated from the various Department of  
685 Mental Health facilities as transfers to the Department of Finance  
686 and Administration - Bureau of Building and Real Property  
687 Management for building/renovation/repair for certain projects  
688 that have not been obligated by the Bureau of Building and Real  
689 Property Management for the purpose for which the funds were  
690 transferred. Said funds are currently held in a Department of  
691 Finance and Administration account and may be held in Fund 3391.  
692 The Executive Director is further provided authority to transfer  
693 those funds from the Central Office to any other Department of  
694 Mental Health facility in any amount at his discretion.

695           **SECTION 26.** The money herein appropriated shall be paid by  
696 the State Treasurer out of any money in the State Treasury to the  
697 credit of the proper fund or funds as set forth in this act, upon  
698 warrants issued by the State Fiscal Officer; and the State Fiscal  
699 Officer shall issue his warrants upon requisitions signed by the  
700 proper person, officer or officers in the manner provided by law.

701           **SECTION 27.** This act shall take effect and be in force from  
702 and after July 1, 2005.