

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

SENATE BILL NO. 2053

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 \$ 189,942,422.00.

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..... \$ 321,509,453.00.

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.....	\$	16,813,142.00

61 FUNDING:

62	General Funds.....	\$	2,694,803.00
63	Special Funds.....		<u>14,118,339.00</u>
64	Total.....	\$	16,813,142.00

65 AUTHORIZED POSITIONS:

66	Permanent:	Full Time.....	77
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..	\$	51,145,631.00
74	Travel and Subsistence.....		126,000.00
75	Contractual Services.....		4,653,109.00
76	Commodities.....		5,252,965.00
77	Capital Outlay:		
78	Other Than Equipment.....		400,000.00
79	Equipment.....		489,344.00
80	Subsidies, Loans and Grants.....		<u>15,232,898.00</u>
81	Total.....	\$	77,299,947.00

82 FUNDING:

83	General Funds.....	\$	15,617,922.00
84	Special Funds.....		<u>61,682,025.00</u>
85	Total.....	\$	77,299,947.00

86 AUTHORIZED POSITIONS:

87	Permanent:	Full Time.....	1,602
88		Part Time.....	31
89	Time-Limited:	Full Time.....	52
90		Part Time.....	0

91 **EAST MISSISSIPPI STATE HOSPITAL**

92	MAJOR OBJECTS OF EXPENDITURE:	
93	Personal Services:	
94	Salaries, Wages and Fringe Benefits.. \$	36,348,337.00
95	Travel and Subsistence.....	40,000.00
96	Contractual Services.....	2,905,285.00
97	Commodities.....	5,802,970.00
98	Capital Outlay:	
99	Other Than Equipment.....	25,000.00
100	Equipment.....	350,626.00
101	Subsidies, Loans and Grants.....	<u>2,900,000.00</u>
102	Total..... \$	48,372,218.00

103	FUNDING:	
104	General Funds..... \$	30,108,567.00
105	Special Funds.....	<u>18,263,651.00</u>
106	Total..... \$	48,372,218.00

107	AUTHORIZED POSITIONS:	
108	Permanent: Full Time.....	1,189
109	Part Time.....	4
110	Time-Limited: Full Time.....	102
111	Part Time.....	23

HUDSPETH REGIONAL CENTER

113	MAJOR OBJECTS OF EXPENDITURE:	
114	Personal Services:	
115	Salaries, Wages and Fringe Benefits.. \$	29,774,106.00
116	Travel and Subsistence.....	122,500.00
117	Contractual Services.....	4,109,425.00
118	Commodities.....	3,191,800.00
119	Capital Outlay:	
120	Other Than Equipment.....	150,000.00
121	Equipment.....	339,900.00
122	Subsidies, Loans and Grants.....	<u>8,689,896.00</u>
123	Total..... \$	46,377,627.00

124 FUNDING:

125	General Funds.....	\$	7,160,681.00
126	Special Funds.....		<u>39,216,946.00</u>
127	Total.....	\$	46,377,627.00

128 AUTHORIZED POSITIONS:

129	Permanent: Full Time.....	924
130	Part Time.....	28
131	Time-Limited: Full Time.....	42
132	Part Time.....	0

133 **MISSISSIPPI STATE HOSPITAL**

134 MAJOR OBJECTS OF EXPENDITURE:

135 Personal Services:

136	Salaries, Wages and Fringe Benefits..	\$	84,684,693.00
137	Travel and Subsistence.....		80,989.00
138	Contractual Services.....		12,439,946.00
139	Commodities.....		9,603,836.00
140	Capital Outlay:		
141	Other Than Equipment.....		106,859.00
142	Equipment.....		455,036.00
143	Subsidies, Loans and Grants.....		<u>6,084,975.00</u>
144	Total.....	\$	113,456,334.00

145 FUNDING:

146	General Funds.....	\$	71,801,289.00
147	Special Funds.....		<u>41,655,045.00</u>
148	Total.....	\$	113,456,334.00

149 AUTHORIZED POSITIONS:

150	Permanent: Full Time.....	2,636
151	Part Time.....	10
152	Time-Limited: Full Time.....	203
153	Part Time.....	0

154 **NORTH MISSISSIPPI REGIONAL CENTER**

155 MAJOR OBJECTS OF EXPENDITURE:

156 Personal Services:

157	Salaries, Wages and Fringe Benefits..	\$	34,661,980.00
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158	Travel and Subsistence.....		112,000.00
159	Contractual Services.....		4,563,119.00
160	Commodities.....		5,426,000.00
161	Capital Outlay:		
162	Other Than Equipment.....		65,000.00
163	Equipment.....		709,744.00
164	Subsidies, Loans and Grants.....		<u>11,090,247.00</u>
165	Total.....	\$	56,628,090.00
166	FUNDING:		
167	General Funds.....	\$	9,158,569.00
168	Special Funds.....		<u>47,469,521.00</u>
169	Total.....	\$	56,628,090.00
170	AUTHORIZED POSITIONS:		
171	Permanent: Full Time.....	953	
172	Part Time.....	11	
173	Time-Limited: Full Time.....	158	
174	Part Time.....	12	
175	SOUTH MISSISSIPPI REGIONAL CENTER		
176	MAJOR OBJECTS OF EXPENDITURE:		
177	Personal Services:		
178	Salaries, Wages and Fringe Benefits..	\$	22,028,175.00
179	Travel and Subsistence.....		77,000.00
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.....		358,670.00
185	Subsidies, Loans and Grants.....		<u>5,814,240.00</u>
186	Total.....	\$	34,051,011.00
187	FUNDING:		
188	General Funds.....	\$	6,750,059.00
189	Special Funds.....		<u>27,300,952.00</u>
190	Total.....	\$	34,051,011.00

191	AUTHORIZED POSITIONS:		
192	Permanent:	Full Time.....	582
193		Part Time.....	8
194	Time-Limited:	Full Time.....	97
195		Part Time.....	3

BOSWELL REGIONAL CENTER

MAJOR OBJECTS OF EXPENDITURE:

198	Personal Services:		
199	Salaries, Wages and Fringe Benefits..	\$	19,227,924.00
200	Travel and Subsistence.....		45,000.00
201	Contractual Services.....		3,021,807.00
202	Commodities.....		2,248,170.00
203	Capital Outlay:		
204	Other Than Equipment.....		250,000.00
205	Equipment.....		320,176.00
206	Subsidies, Loans and Grants.....		<u>4,241,478.00</u>
207	Total.....	\$	29,354,555.00

FUNDING:

209	General Funds.....	\$	8,438,259.00
210	Special Funds.....		<u>20,916,296.00</u>
211	Total.....	\$	29,354,555.00

AUTHORIZED POSITIONS:

213	Permanent:	Full Time.....	495
214		Part Time.....	3
215	Time-Limited:	Full Time.....	110
216		Part Time.....	2

NORTH MISSISSIPPI STATE HOSPITAL

MAJOR OBJECTS OF EXPENDITURE:

219	Personal Services:		
220	Salaries, Wages and Fringe Benefits..	\$	8,090,413.00
221	Travel and Subsistence.....		30,000.00
222	Contractual Services.....		1,151,840.00
223	Commodities.....		1,124,780.00

224	Capital Outlay:		
225	Other Than Equipment.....		30,000.00
226	Equipment.....		71,000.00
227	Subsidies, Loans and Grants.....		<u>0.00</u>
228	Total.....	\$	10,498,033.00

229 FUNDING:

230	General Funds.....	\$	7,937,930.00
231	Special Funds.....		<u>2,560,103.00</u>
232	Total.....	\$	10,498,033.00

233 AUTHORIZED POSITIONS:

234	Permanent:	Full Time.....	210
235		Part Time.....	0
236	Time-Limited:	Full Time.....	3
237		Part Time.....	0

238 **SOUTH MISSISSIPPI STATE HOSPITAL**

239 MAJOR OBJECTS OF EXPENDITURE:

240 Personal Services:

241	Salaries, Wages and Fringe Benefits..	\$	5,323,384.00
242	Travel and Subsistence.....		14,500.00
243	Contractual Services.....		1,003,569.00
244	Commodities.....		804,650.00

245 Capital Outlay:

246	Other Than Equipment.....		30,000.00
247	Equipment.....		136,263.00
248	Subsidies, Loans and Grants.....		<u>10,000.00</u>
249	Total.....	\$	7,322,366.00

250 FUNDING:

251	General Funds.....	\$	5,340,471.00
252	Special Funds.....		<u>1,981,895.00</u>
253	Total.....	\$	7,322,366.00

254 AUTHORIZED POSITIONS:

255	Permanent:	Full Time.....	166
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.. \$ 5,248,411.00
 263 Travel and Subsistence..... 15,000.00
 264 Contractual Services..... 1,083,924.00
 265 Commodities..... 908,741.00
 266 Capital Outlay:
 267 Other Than Equipment..... 100,000.00
 268 Equipment..... 223,510.00
 269 Subsidies, Loans and Grants..... 2,000.00
 270 Total..... \$ 7,581,586.00

271 FUNDING:

272 General Funds..... \$ 5,409,734.00
 273 Special Funds..... 2,171,852.00
 274 Total..... \$ 7,581,586.00

275 AUTHORIZED POSITIONS:

276 Permanent: Full Time..... 146
 277 Part Time..... 0
 278 Time-Limited: Full Time..... 13
 279 Part Time..... 0

BROOKHAVEN JUVENILE REHABILITATION FACILITY

281 MAJOR OBJECTS OF EXPENDITURE:

282 Personal Services:

283 Salaries, Wages and Fringe Benefits.. \$ 3,614,707.00
 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.....		<u>6,000.00</u>
291	Total.....	\$	4,441,741.00

292 FUNDING:

293	General Funds.....	\$	4,441,741.00
294	Special Funds.....		<u>0.00</u>
295	Total.....	\$	4,441,741.00

296 AUTHORIZED POSITIONS:

297	Permanent: Full Time.....	111
298	Part Time.....	0
299	Time-Limited: Full Time.....	9
300	Part Time.....	0

301 **SPECIALIZED TREATMENT FACILITY**

302 MAJOR OBJECTS OF EXPENDITURE:

303 Personal Services:

304	Salaries, Wages and Fringe Benefits..	\$	2,304,576.00
305	Travel and Subsistence.....		11,700.00
306	Contractual Services.....		293,380.00
307	Commodities.....		200,000.00
308	Capital Outlay:		
309	Other Than Equipment.....		30,000.00
310	Equipment.....		177,190.00
311	Subsidies, Loans and Grants.....		<u>5,500.00</u>
312	Total.....	\$	3,022,346.00

313 FUNDING:

314	General Funds.....	\$	1,925,631.00
315	Special Funds.....		<u>1,096,715.00</u>
316	Total.....	\$	3,022,346.00

317 AUTHORIZED POSITIONS:

318	Permanent: Full Time.....	72
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.....	\$	13,156,766.00
336	Special Funds.....		<u>38,600,347.00</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

DIVISION OF ALCOHOL AND DRUG ABUSE

344	MAJOR OBJECTS OF EXPENDITURE:		
345	Personal Services:		
346	Salaries, Wages and Fringe Benefits..	\$	320,024.00
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>4,060,042.00</u>
354	Total.....	\$	4,475,766.00

355 FUNDING:

356	General Funds.....	\$	0.00
357	Special Funds.....		<u>4,475,766.00</u>
358	Total.....	\$	4,475,766.00

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 The agency shall not take any action to promote or otherwise
400 award salary increases through reallocation, reclassification,
401 realignment, education benchmark, career ladder, or any other
402 means to increase salaries of employees or positions unless
403 specifically exempted by the following conditions: the award of
404 teacher pay increases, the advancement of a trainee/cadet to the
405 next level of a bona fide career ladder, the award of an
406 educational benchmark for the attainment of Certified Public
407 Accountant License or higher level professional certification as
408 determined by the State Personnel Board, the immediate replacement
409 of a departing employee with an individual from within state
410 service or a new hire at a salary level equivalent to that of the
411 departing employee, and the emergency appointment of nurses,
412 pharmacists or other health care professionals at a salary to be
413 determined by the State Personnel Board, unless otherwise
414 authorized in this act.

415 **SECTION 5.** In compliance with the "Mississippi Performance
416 Budget and Strategic Planning Act of 1994," it is the intent of
417 the Legislature that the funds provided herein shall be utilized
418 in the most efficient and effective manner possible to achieve the
419 intended mission of this agency. Based on the funding authorized,
420 this agency shall make every effort to attain the targeted
421 performance measures provided below:

422		FY06
423	<u>Performance Measures</u>	<u>Target</u>
424	Services Management	
425	State Institutions Operated (Number of)	12
426	Units Monitored, etc (Number of)	1,125
427	Grants Administered (Number of)	479
428	Mental Health Services	
429	Group Homes - Alternative Living (Beds)	258
430	Halfway Houses (Beds)	35
431	Psychotropic Drugs Purchased (Prescriptions)	20,000
432	Mental Retardation Services	
433	Community Living Clients (Clients)	2,200
434	Work Activity & Employment Related (Clients)	1,000
435	Children & Youth Services	
436	Group Homes (Beds)	72
437	Chemical Dependency (Beds)	20
438	3% Alcohol Tax-alcohol/drug Prg	
439	Residential Treatment Beds (Beds)	684
440	Out-Patient Admissions (Number of)	8,100
441	Mi - Institutional Care	
442	Patient & Resident Days (Number of)	672,500
443	Operating Cost per Patient & Resident Day (\$)	241
444	Mi - Pre/post Inst Care	
445	Clients Served (Number of)	12,037
446	Mi - Support Services	
447	Support as a Percent of Total Budget (%)	6
448	Mr - Institutional Care	
449	Patient & Resident Days (Number of)	518,573
450	Operating Cost per Patient & Resident Day (\$)	235
451	Independent Living Skills (Client Days)	5,016
452	Mr - Group Homes	
453	ICF/MR Patient & Resident Days (Number of)	227,422
454	Non ICF/MR Patient & Resident Days (Number of)	192,566

455	Mr - Community Programs	
456	Home&Com Based Waiver Clients (Number of)	2,000
457	Non Home&Com Based Waiver Clients (Number of)	500
458	Units of Service Delivered (Number of)	950,000
459	Mr - Support Services	
460	Support as a Percent of Total Budget (%)	5.50
461	Mi - Crisis Intervention Ctr	
462	Patient & Resident Days (Number of)	8,400
463	Mi - Residential Apartments	
464	Patient & Resident Days (Number of)	2,000
465	Mi - Residential Homes	
466	Patient & Resident Days (Number of)	2,000
467	Mi - Footprints Adult Day Svcs	
468	Clients Served (Number of)	20

469 A reporting of the degree to which the performance targets
470 set above have been or are being achieved shall be provided in the
471 agency's budget request submitted to the Joint Legislative Budget
472 Committee for Fiscal Year 2007.

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

477 **SECTION 7.** Of the funds appropriated under the provisions of
478 Section 1, authorized for expenditure under the provisions of
479 Sections 2 and 3, and allocated under the provisions of Section 4,
480 funds in the amount of Two Hundred Thousand Dollars (\$200,000.00)
481 may be expended for the support of a pilot project to provide
482 authority for East Mississippi State Hospital and Mississippi
483 State Hospital to contract with local hospitals located in
484 counties with a population of less than fifty thousand (50,000) to
485 provide emergency inpatient care to individuals committed by the
486 Chancery Court to East Mississippi State Hospital or Mississippi
487 State Hospital for treatment of mental illness if, at the time

488 that such commitment is made, a bed is not available for admission
489 to East Mississippi State Hospital or Mississippi State Hospital.
490 East Mississippi State Hospital and Mississippi State Hospital
491 shall have the authority to contract with local hospitals located
492 in counties with a population of less than fifty thousand (50,000)
493 for inpatient emergency care for a period not to exceed seven (7)
494 days at a rate not to exceed One Hundred and Fifty Dollars
495 (\$150.00) per day with East Mississippi State Hospital or
496 Mississippi State Hospital providing One Hundred Dollars (\$100.00)
497 and the local government providing Fifty Dollars (\$50.00) per day
498 for such care. Payment for such physician fees shall be made at
499 the Medicaid rate of reimbursement and paid by East Mississippi
500 State Hospital or Mississippi State Hospital. Funds provided for
501 the initiation of this pilot project shall not be expended for
502 inpatient hospital care unless there is participation in the
503 reimbursement for such care by the local government as required by
504 the provisions of this section.

505 **SECTION 8.** It is the intention of the Legislature that the
506 Executive Director of the Department of Mental Health shall have
507 authority to transfer cash from one special fund treasury fund to
508 another special fund treasury fund under the control of the
509 Department of Mental Health. The purpose of this authority is to
510 more efficiently use available cash reserves. It is further the
511 intention of the Legislature that the Executive Director of the
512 Department of Mental Health shall submit written justification for
513 the transfer to the Legislative Budget Office and the Department
514 of Finance and Administration on or before the fifteenth (15th) of
515 the month prior to the effective date of the transfer.

516 **SECTION 9.** The Executive Director of the Department of
517 Mental Health and the directors of each separate facility operated
518 by the Department of Mental Health are hereby authorized to
519 transfer spending authority from any major objects to any other
520 major objects, excluding the Salaries, Wages and Fringe Benefits

521 category, in any amounts deemed necessary for the efficient
522 management and operation of their budgets, provided that the total
523 spending authority remains unchanged after such transfers and the
524 total of such transfers into any major object do not exceed
525 twenty-five percent (25%) of the original appropriated amount for
526 that major object plus any escalations of spending authority that
527 have occurred during any given fiscal year.

528 **SECTION 10.** It is the intention of the Legislature that the
529 Department of Mental Health shall have the authority to receive,
530 budget, and expend funds from any source, including beginning cash
531 in excess of beginning cash when spending authority was initially
532 appropriated, that may become available to the department in
533 accordance with the rules and regulations of the Department of
534 Finance and Administration in a manner consistent with the
535 escalation of federal funds.

536 **SECTION 11.** The Department of Mental Health and its
537 facilities shall have the authority, within funding and spending
538 authority appropriated under the provisions of Section 1,
539 authorized for expenditure in Sections 2 and 3, and allocated
540 under the provisions of Section 4 of this act, to transfer funds
541 to the Division of Medicaid in payment of Medicaid match and
542 designate that the funds thus transferred shall be applied to
543 Medicaid match obligations arising in the subsequent fiscal year.

544 **SECTION 12.** Any person within the Department of Mental
545 Health who must work on a statutory holiday or any holiday
546 proclaimed by the Governor, may at the discretion of the Director
547 of the Institution and the Executive Director of the Department of
548 Mental Health and within available personnel funds, be paid "call
549 back pay" in lieu of "compensatory time credit."

550 **SECTION 13.** Of the funds appropriated to the "Service
551 Budget" in the category "Subsidies, Loans and Grants," funds are
552 included for the support of community mental health services for
553 Fiscal Year 2006.

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

570 **SECTION 14.** Funds presently included or any funds received
571 in the future for timber funds at Ellisville State School and East
572 Mississippi State Hospital are hereby authorized for transfer to
573 the regular operating budgets of the respective facilities. Each
574 facility shall receive such funds as "Special" funds, and such
575 funds shall be available for use in payment of any and all
576 expenses of each facility, paid by the State Treasurer upon
577 warrants issued by the State Fiscal Officer; and the State Fiscal
578 Officer shall issue his warrants upon requisitions signed by the
579 proper person, officer or officers in the manner provided by law.

580 **SECTION 15.** The Department of Mental Health and its
581 facilities shall have the express legal authority, within funding
582 and spending authority appropriated under the provisions of
583 Section 1, authorized for expenditure under the provisions of
584 Sections 2 and 3, and allocated under the provisions of Section 4
585 of this act, to purchase land for use by residential facilities
586 operated by the Department, either directly or by means of

587 transferring funds to the Bureau of Building, Grounds and Real
588 Property Management, and to transfer such funds to Bureau of
589 Building, Grounds, and Real Property Management for the purposes
590 of constructing and equipping group homes for persons with mental
591 illness, mental retardation, and/or substance abuse; constructing
592 and equipping such other buildings as may be required for
593 treatment of persons with mental illness, mental retardation,
594 and/or substance abuse; repair and renovate existing buildings;
595 and to construct, repair and/or renovate employee housing. Any
596 intermediate care facilities for the mentally retarded (ICF/MR)
597 constructed with funds authorized in this section shall be
598 authorized to participate in Medicaid funding available for such
599 services.

600 **SECTION 16.** Of the General Funds appropriated to the
601 "Service Budget" in the category of "Subsidies, Loans and Grants,"
602 the sum required may be expended to fund the Home and Community
603 Based Waiver Option for community mental retardation services as
604 authorized under Section 43-13-117(29) of the Mississippi Code of
605 1972 (Annotated).

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

614 **SECTION 18.** The following sum, or so much thereof as may be
615 necessary, is hereby reappropriated out of any money in the
616 special fund in the State Treasury to the credit of the Department
617 of Mental Health Funds 3372, 3373, 3374, 3375, 3376, 3377, 3382,
618 3384, 3385, 3386, 3387, 3388 and 3391 for the fiscal year
619 beginning July 1, 2005, and ending June 30, 2006.....

620 \$ 10,000,000.00

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

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

631 **SECTION 20.** Of the funds appropriated under the provisions
632 of Section 1, authorized for expenditure in Sections 2 and 3, and
633 allocated in Section 4 to Mississippi State Hospital, funds not to
634 exceed Two Hundred Fifty Thousand Dollars (\$250,000.00) may be
635 expended for preplanning costs associated with a project or
636 projects to renovate buildings on the campus of Mississippi State
637 Hospital to meet standards of the Joint Commission on
638 Accreditation of Healthcare Organizations.

639 **SECTION 21.** None of the funds appropriated for the support
640 of community mental health, mental retardation, or substance abuse
641 services shall be made available to any service provider which,
642 upon determination of the Executive Director of the Department of
643 Mental Health, has an outstanding monetary obligation owed to the
644 Department of Mental Health or to the Division of Medicaid,
645 pursuant to an audit or programmatic review performed by the
646 Department of Mental Health, that has not been resolved, including
647 those audits or programmatic reviews that occurred prior to
648 July 1, 2005.

649 **SECTION 22.** From the funds provided herein, the Department
650 shall have the authority to adjust salaries of academic teachers
651 and speech pathologists to be commensurate to the teacher's salary
652 scale as provided in the Mississippi Teacher Opportunity Program

653 for the 2005-2006 school year, as outlined in Section 37-19-7,
654 Mississippi Code of 1972, effective July 1, 2004.

655 **SECTION 23.** No program or entity certified by the Department
656 of Mental Health which also receives state source, federal source,
657 or Medicaid funding directly from the Department of Mental Health
658 or by virtue of state source funds appropriated to the Department
659 of Mental Health for Medicaid match for provision of mental
660 health, mental retardation, or substance abuse services shall pay
661 to any person employed by that program or entity a salary or
662 compensation, directly or indirectly, in excess of the salary
663 provided for a similar position under the classification system of
664 the State Personnel Board for a person with similar credentials,
665 educational level, and directly related years of experience in the
666 position. Any person whose current salary already exceeds the
667 allowable amount as determined under this section shall be allowed
668 to retain his or her current salary, but no increases shall be
669 granted until such time as the allowable maximum salary under the
670 classification system of the State Personnel Board exceeds the
671 current salary paid to that person. Those programs and entities
672 may adopt a system of compensation that includes additional
673 compensation for Educational Benchmarks as allowed under the State
674 Personnel Board system. Further, the Department of Mental Health
675 and the State Personnel Board shall collaborate in determining
676 similarity of positions in those programs or entities affected by
677 this section to positions within the classification system of the
678 State Personnel Board in any manner they deem appropriate to
679 efficiently implement the provisions of this section. Staff
680 of the State Personnel Board and the Department of Mental Health
681 shall be the final authority in the determination of corresponding
682 job titles and pay grades. Failure to comply with the provisions
683 of this section shall be cause to reduce or terminate funding
684 received from the Department of Mental Health.

685 **SECTION 24.** Special funds appropriated in the Service Budget
686 of the Department of Mental Health shall include an allocation of
687 Three Million Five Hundred Ninety-nine Thousand Three Hundred
688 Sixty-seven Dollars (\$3,599,367.00) from Title XX Social Services
689 Block Grant funding received by the State of Mississippi, unless
690 the total Title XX Social Services Block Grant award received by
691 the State of Mississippi is reduced or increased by the federal
692 government from what was received in federal fiscal year ending
693 September 30, 2005. In cases where the total grant received by
694 the State of Mississippi is reduced or increased, the percentage
695 of the grant allocated to the Department of Mental Health shall be
696 the same as was allocated for the federal year ending
697 September 30, 2005.

698 **SECTION 25.** The Executive Director of the Department of
699 Mental Health is hereby authorized to transfer and receive into
700 the Central Office accounts of the Department of Mental Health
701 certain funds which originated from the various Department of
702 Mental Health facilities as transfers to the Department of Finance
703 and Administration - Bureau of Building and Real Property
704 Management for building/renovation/repair for certain projects
705 that have not been obligated by the Bureau of Building and Real
706 Property Management for the purpose for which the funds were
707 transferred. Said funds are currently held in a Department of
708 Finance and Administration account and may be held in Fund 3391.
709 The Executive Director is further provided authority to transfer
710 those funds from the Central Office to any other Department of
711 Mental Health facility in any amount at his discretion.

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

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